

COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

**LEGAL EDUCATION CERTIFICATE
SECOOND YEAR SUPPLEMENTARY EXAMINATIONS, 2006**

LAW OF SUCCESSION

(WEDNESDAY, AUGUST 2, 2006)

Instructions to Students

- (a) Time: **3 ½ hours**
- (b) Answer **FIVE** questions.
- (c) In answering any question, a candidate may reply by reference to the law of any Commonwealth Caribbean territory, **but must state at the beginning of the answer the name of the relevant territory.**
- (d) It is unnecessary to transcribe the questions you attempt.
- (e) Answers should be written in ink.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

QUESTION 1

While perusing the newspaper aboard an aircraft on May 9, 2006, Margaret Jones observes an advertisement giving notice of an application for a grant of letters of administration in the estate of her aunt, Teresa Jones. The application was made by Teresa's brother, Phillip Jones.

Teresa, a spinster with no children, had died on January 31, 2006. At the time of her death Margaret was in hospital abroad and was unable to attend the funeral. Margaret has in her possession a duplicate of a Will dated June 12, 2000, made by Teresa. The original cannot be found.

Advise Margaret as to -

- (i) what is to be done to prevent Phillip from obtaining the grant of letters of administration, and
 - (ii) the procedural steps to be taken before she can apply for a grant of probate of Teresa's Will.
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QUESTION 2

Olive Freeman, a widow, executed her Will on April 15, 2003, in which she appointed her brother Richard Spoons as the sole executor. She leaves her entire estate to be divided among her three sons David, Michael and William Freeman, all of whom reside in Canada.

On December 1, 2004, Olive died leaving an estate worth \$4,000,000. On June 6, 2005, Richard obtained a grant of probate for Olive's estate but died in September 2005 intestate before he completed the administration.

David, Michael and William Freeman have returned to the jurisdiction on holiday and have come to you for advice as to the steps to be taken to complete the administration of their mother's estate.

Advise them and detail the contents of the Oath (or other document corresponding to an Oath) to lead the grant.

QUESTION 3

Jack Lantern, a bachelor, died on February 14, 2006. James, his brother and only surviving relative, consults you for legal advice stating that in the last five years of his life Jack had constantly maintained that he was an alien commander in disguise, gathering intelligence for an impending attack on earth.

For most of his life Jack had been confined to a psychiatric hospital during which time he made a Will by giving verbal instructions to his lawyer, Lex Goode, in the presence of the hospital administrator who was of the opinion that Jack was lucid at the time of giving such instructions. Under his Will Jack left \$1,000,000 each to Jerome and Tewana his best friends from an association called ***"Earth to Mars Project"***. The rest of his estate was left to various charitable scientific organizations. The Will was witnessed by Goode's legal clerk and a nurse at the hospital who have both said that at the time the Will was signed Jack was in a hurry, informing them that the attack on earth was imminent.

Advise Jerome and Tewana as to the validity of the Will and the likely distribution of Jack's estate.

QUESTION 4

Karen Cox died intestate on January 31, 2006, leaving an estate valued at \$9,000,000. She was married in 1970 to Curtis Cox, the union producing one child, Joseph, who was thirty years old when Karen died. Karen and Curtis separated in 1990 and in 1996, after Curtis had obtained a decree nisi, Karen began a relationship with Tommy Williams and they lived together until she died. Karen and Tommy's relationship produced one child, Katie, born on December 1, 1998.

Tommy was told by one of his friends that he is entitled to benefit from Karen's estate and comes to you for advice on the following:

- (i) the type of grant to be obtained in Karen's estate,
 - (ii) the persons entitled to share in Karen's estate and their respective shares.
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QUESTION 5

By his Will dated September 24, 2002, Kenneth Joseph, also called Kenny Joseph, appointed Bruce Smith, Ramesh Thomas and Basdeo Manning, his executors.

Unknown to Joseph, Bruce had died in November 2003 leaving Glenda Lucky as his sole executor.

Ramesh is studying in Germany and is unable to return to your jurisdiction due to financial constraints. He has no idea when his situation will improve.

Joseph died on January 31, 2004, leaving an estate valued at \$3,700,000.

Basdeo Manning comes to your Chambers in April 2006 and wishes to apply for the relevant grant of representation.

- (i) List the documents to be filed in support of the application for the grant, and
 - (ii) Detail the contents of the Oath (or other document corresponding to an Oath) to lead the grant.
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QUESTION 6

Thomas Gates died on September 24, 2005, leaving a Will dated July 30, 2004, in which he appointed Bill Wilder as his sole executor.

Gates leaves his car, home and cash in the bank to his friend Brad Stone and the residue of his estate, including tenanted lands, to Angela Bravo.

For some time after Gates' death Wilder collected rent from the tenants on the realty forming a part of the estate but decided not to take probate.

Brad and Angela seek your advice as to the steps to be taken in order to obtain a grant of representation in Gates' Estate.

Advise them and detail the contents of the Oath (or other document corresponding to an Oath) to lead the grant.

QUESTION 7

Dwight Edwards by his Will dated November 19, 2002, appointed his friends, Russel Hayles and Shaka Jenson, as his executors and trustees.

Edwards died in a motor vehicle accident in December 2005.

Hayles and Jenson have now approached you and wish to be advised as to the respective duties and responsibilities of the office of executor and that of trustee. They also want to know of the distinctions, if any, between the two offices and what rules are applicable if the executors wish to purchase any property forming a part of the estate.

Advise Hayles and Jenson.

QUESTION 8

Isaiah Jones died in July 2002, leaving a Will dated August 19, 2000, and an estate valued at \$8,000,000. Two executors were appointed under the Will, Mary

Higgins and Joseph Wilmot. In early June 2005 Wilmot obtained probate of the Will with power reserved to Higgins but died before settling all the expenses of the estate.

Deborah, Isaiah's niece and the sole beneficiary under the Will, spoke with Higgins who told her that she had too many "irons in the fire" and was going to renounce. Assuming that Higgins has renounced:

- (i) advise Deborah as to the type of grant to be obtained; and
 - (ii) detail the contents of the Oath (or other document corresponding to an Oath) to be sworn by Deborah to lead the grant.
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