

COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

**LEGAL EDUCATION CERTIFICATE
SECOND YEAR SUPPLEMENTARY EXAMINATIONS, 2007**

LAW OF SUCCESSION

(MONDAY, AUGUST 6, 2007)

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

By his Will dated March 11, 2004, Nyron Sloane appointed Trevor Marsh as his sole executor. He left his entire estate valued at \$4,500,000 to Marsh and to his (Sloane's) good friend, Felix Gray in equal shares. On April 29, 2005, Sloane dies at the age of 63, a bachelor without any children or other next of kin surviving him.

On April 15, 2006, Marsh was convicted of fraud and is currently serving a five-year sentence. Gray, who wishes to administer Sloane's estate, consults you.

- (i) Advise Gray as to the type of grant for which he can apply in order to achieve this objective, and
 - (ii) Detail the contents of the Oath (or other document corresponding to an Oath) to lead the relevant grant of representation.
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QUESTION 2

On December 11, 2003, Winston Mennis died leaving a Will dated February 13, 1999. He appointed Rihanna Browne as the sole executor and left the entire estate valued at \$4,000,000 to his only child, Stuart, an adult.

Rihanna has refused to apply for probate stating that "the soul of the deceased must be allowed to rest for many, many years before dealing with material things". Stuart, who is anxious to have the estate wound up, comes to you for advice.

- (i) Advise him as to what steps may be taken to have Rihanna wind up the estate or be replaced.
 - (ii) Describe the documents to be used
 - (a) in support of the steps taken at (i) above; and
 - (b) to complete the winding up of the estate.
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QUESTION 3

Mary Crewe executed her Will on March 17, 1990. She died on June 11, 2002, leaving an estate valued at \$8,000,000. The sole executor under the Will is Titus Williams.

- (i) List the documents to be filed in support of the application for the grant of representation, and
 - (ii) Detail the contents of the Oath (or other appropriate document corresponding to an Oath).
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QUESTION 4

On June 15, 2003, Marcus Dear died leaving a Will dated July 18, 2002, in which he appointed his daughter Anne Dear sole executrix. He left his entire estate valued at \$6,600,000 to Anne and his wife Sarah in equal shares.

Anne is currently abroad on a job-related assignment and will not be returning home for another year. Sarah has indicated her willingness to administer her deceased husband's estate in the interim.

- (i) Advise as to the type of grant to be obtained in the circumstances; and
 - (ii) Detail the contents of the Oath (or other document corresponding to an Oath) to lead the grant.
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QUESTION 5

Chad Jackson, a widower, died suddenly in March 2004. He left an estate valued at \$5,000,000. Noah, his adult son, has applied for probate of a Will dated May 18, 2002, allegedly left by Chad in which Noah is the sole beneficiary and sole executor.

Wayne, Chad's only other child who is also an adult, has learnt of Noah's intention. He is surprised as he has in his possession a Will dated April 27, 2003, made by his father and which Chad had handed to him several weeks before his death. In the 2003 Will Chad's estate is left to Noah and Wayne in equal shares.

- (i) Advise Wayne as to the steps to be taken to prevent Noah from getting the grant he is seeking.
 - (ii) Assuming that Wayne is successful in (i) above, advise him as to the procedure to determine the true will of the deceased.
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QUESTION 6

Jessica Waite, a widow, died intestate on August 11, 2005. Her only child, Sharon, wishes to apply for a grant of letters of administration in her mother's estate.

- (i) Advise Sharon as to the practice and procedure to obtain the grant.
 - (ii) Detail the contents of the Oath (or other document corresponding to an Oath) to lead the grant.
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QUESTION 7

By his Will dated October 6, 2002, Miguel Wallace, a bachelor and father of two adult daughters, Jenna and Joanie, appointed Walter Carlsen as his sole executor. Wallace left his entire estate to his two daughters in equal shares.

On July 7, 2004, Wallace died and in December 2004, Carlsen, without obtaining the relevant grant of representation, advertised for creditors of the estate. In September 2005, Carlsen died without obtaining the relevant grant.

Jenna and Joanie, who are anxious to have their father's estate wound up, visit you at your chambers and wish to be advised as to the practice and procedure to achieve their objective.

Advise Jenna and Joanie.

QUESTION 8

On August 23, 2002, Marianne Evans, a widow, died leaving a Will made in 2000, in which her only child, Debra, born in 1990, was the sole beneficiary and sole executrix.

Debra's legal guardians, Peter and Carol Whyte, want to obtain a grant on Debra's behalf.

- (i) List the documents to lead the grant.
 - (ii) Detail the contents of the Oath (or other document corresponding to an Oath) to lead the grant.
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