

**COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL**

**LEGAL EDUCATION CERTIFICATE
SECOND YEAR EXAMINATIONS 2026**

PROBATE PRACTICE AND PROCEDURE

(MONDAY, MAY 4, 2026)

Instructions to Students

- (a) Time: **3½ hours**
- (b) Answer **ALL** questions.
- (c) In answering any question, a candidate may reply in accordance with the law of a Commonwealth Caribbean territory zoned for this school, **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 black or dark blue ink. Erasable pens are not allowed.
- (f) Calculators may be used and are provided.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

QUESTION 1

In September 2024, elderly Avis Lodge decided to make her Will, gifting her entire estate to her three children, Paul Lodge, Simon Lodge and Mary Lodge Templar. Although Avis was blind, she was at all material times in full possession of her mental faculties. Avis's mind was sharp and she was a respected historian and international affairs commentator.

Avis contacted her attorney, Jordane Astute, to have her Will drafted. Jordane attended Avis's home and Avis dictated to Jordane the contents of her Will.

Jordane returned to Avis with the typed version of her Will the following day. Jordane then read over the Will to Avis, who thereafter nodded her head in approval, and in her strikingly candid manner stated, "Jordane you can take accurate instructions, that is why I keep you as my attorney."

Avis asked Daisy Johnson, an employee of the household, and Richard Drakes, her neighbour and a lecturer, to be the attesting witnesses to her Will.

With Avis, Daisy and Richard all present in the same room, upon Avis's request, Jordane guided Avis to the place at the end of the Will where her signature was to be made. Avis signed the Will accordingly. Daisy and Richard then added their signatures immediately below Avis's signature.

Avis died on February 5, 2026, and both Daisy and Richard have survived her.

One of the executors named under Avis's Will, Mitch Gale, died on April 2, 2026, leaving the other named executor, Sebastian Richie.

Sebastian has retained the law firm in which you are an associate, Butterworths and Grace, to make the relevant application for the grant of representation.

Esrick Butterworths, a partner in the firm, has passed the file to you for action.

On examination of the Will, you make the following observations:

- (i) Avis's signature, although apparently complete, is very shakily made, and is not written in a straight line, but in a 'V' shape.
- (ii) The usual attestation clause is present.
- (iii) There is a complete obliteration of clause ten, and what was written there before is no longer apparent and cannot be deciphered.

Required:

- (a) Prepare an opinion addressing the legal issues that arise from the observations made. Cite relevant legal authorities.
 - (b) Citing relevant rules/legislation, advise the executors of any Affidavit(s) that is/are required to be filed in the Supreme/High Court to address the issues identified under (a).
 - (c) Draft the Oath (or, in the case of Belize, the Petition and Oath) to lead the grant of representation.
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QUESTION 2

Branson Swagger, a realtor, died intestate on February 14, 2026, in your jurisdiction. He is survived by his wife, Antoinette Swagger, and one of his two adult children, Sage Swagger Barnaby. James Swagger, Branson's son, predeceased him on May 6, 2025, from an aggressive lymphoma. James, a bachelor, is survived by his daughter, Melody Swagger, aged 19 years old.

It is alleged that Branson also had a child, Kendra, who is six years old, having been born on June 3, 2019, arising from a brief sexual encounter he had with Camille Wilde, a loans officer. The encounter allegedly occurred while he was attending a Realtors' Conference at the five-star hotel, Princess, in the jurisdiction sometime in September 2018.

Branson had made it clear to Camille that he had no desire to further jeopardise his marriage and he would not wish for his name to be entered on Kendra's birth registration or continue his sexual indiscretions.

Sometime in 2024, Camille reached out to Branson for financial assistance towards maintaining Kendra. Following Branson's frequent enquiries regarding whether he was the father of Kendra, both Camille and Branson agreed to a DNA test to determine whether Branson was Kendra's father.

On or around December 16, 2024, a DNA test was conducted at Cortigen DNA Diagnostic Services, testing DNA samples taken from Kendra and Branson. The DNA test results confirmed that Branson was Kendra's father.

No late entry of Branson as the father of Kendra had been entered on her birth registration record based on the DNA test result, as Branson was reluctant to do so, in order to safeguard his marriage.

Thereafter, however, sometime in January 2025, Branson started contributing financially towards Kendra's maintenance, particularly her education and medical expenses. Branson made financial contributions, via monthly e-banking transfers, from his Assurance Bank Limited account to Camille's Trusted Financial Bank Limited account. At all material times, Branson had maintained that these financial contributions towards Kendra's welfare must be kept confidential. Branson's financial support of Kendra, continued up to January 2026, immediately before his death.

At the time of his death, Branson held the following assets:

- Personalty valued at \$20,000,000, including personal chattels valued at \$8,000,000.
- Realty valued at \$200,000,000, including a studio apartment valued at \$30,000,000 which he held as a joint tenant with his wife, Antoinette.

Branson's liabilities total \$5,000,000.

Required:

You are an associate in the law firm, Melbourne Legal and Notary Services, which Camille has consulted to determine her rights (if any) under Branson's estate. Ms. Meredith Melbourne, senior partner, has instructed you to prepare an opinion outlining the following:

- (i) The person entitled to take the grant of representation in Branson's estate and the type of grant of representation.
- (ii) The distribution of Branson's estate.
- (iii) The necessity for any preliminary application (prior to an application to lead the grant of representation) and the evidence on which you would rely.

QUESTION 3

Winnifred Rose, a retired registered nurse, formerly employed to the National Health Service, had been living permanently in the United Kingdom for well over 70 years. Winnifred migrated

during the Windrush era, along with her husband, Jackson Rose. Amidst harsh conditions, they created a comfortable life for their family. Jackson predeceased Winnifred in 2021.

Most of the assets owned by Winnifred were in the United Kingdom and she also invested heavily in your jurisdiction. The assets owned in your jurisdiction comprise real estate, and personalty, including a 90 percent shareholding in a registered company, Healing Streams Assisted Living Limited.

Healing Streams Assisted Living Limited owns and operates nursing homes and provides hospice care for the elderly and the terminally ill in the jurisdiction. A thriving business established over 25 years ago earning sizeable profits annually.

On January 29, 2025, Winnifred, at the age of 102, transitioned peacefully in her sleep at home in the United Kingdom, leaving her two adult children, Allison Rose Blair and Nathan Rose. Allison and Nathan are the only beneficiaries of Winnifred's entire estate.

The executors appointed under Winnifred's Last Will and Testament dated August 22, 2022, Jason Blue and Francis Charles, died in 2023 and 2024, respectively. No other executors were appointed. Winnifred's Last Will and Testament remained unchanged.

The relevant court in the United Kingdom approved Allison and Nathan's application for a Grant of Letters of Administration (with the Will Annexed).

Allison and Nathan now wish to take steps to obtain legal authorisation to administer the real and personal estate Winnifred left in your jurisdiction.

Winnifred's assets in the jurisdiction comprise the following:

- Real Estate, valued at \$120,000,000.
- Personalty comprising shares, monies in bank accounts, equipment and furnishings totalling \$150,000,000.

Winnifred's liabilities in your jurisdiction amount to \$20,000,000.

Required:

- (i) Advise Allison and Nathan as to the steps to be taken to administer the assets in your jurisdiction and transfer them pursuant to the Last Will and Testament of Winnifred.

- (ii) List the documents to be prepared and filed in the Supreme/High Court.
- (iii) Draft the Oath (or Petition and Oath in the case of Belize) to lead the grant of representation.

END OF PAPER