

# Trusts & Succession

Tuesday 5 November 2025

12pm to 1.30pm

Candidates are required to answer TWO out of three questions.

## Question 1

James Keiller died intestate, domiciled in Scotland, on 10th September 2025. He was survived by his wife Clementine. James and Clementine had separated in 2021 but not divorced. James had a new partner, Una Baxter, who had been living with him in his house from April 2022 until his death.

James was also survived by three grown-up children, Anna, Bjorn and Benny. He had another daughter, Agnetha, who died ten years ago. Agnetha's children, Linda and Peter survived her and are both still alive.

James' estate includes a half share in the family home in Dundee. Clementine still owns the other half share, but she moved into her mother's house when the couple separated. There is no survivorship provision in the title to the house. The house is worth £900,000 in total. James' other assets consisted of his car worth £30,000 and investments worth £300,000.

Ignoring any tax implications, explain how James' estate would be distributed.

## Question 2

Diana comes to see you for advice following the death of her husband, Jackson, who died on 1st October 2025. Jackson and Diana had two children together, Roddy and Shirley.

The couple had separated two years ago, when Jackson had an affair with Emma, but the couple had not got round to getting a divorce. Jackson moved into Emma's house and had lived there ever since. Emma's son from a previous relationship, River, lives there too, and called Jackson "Dad".

Diana stayed in the family home in Aberdeen with the children, even though the title to the house was in Jackson's sole name, with no survivorship provision in the title. It is currently worth £400,000.

The furniture in the family home is worth £60,000, owned equally by Jackson and Diana. Jackson had further assets in a share portfolio, ISAs and bank accounts which total £900,000.

Jackson made a will last year, which leaves the family home in Aberdeen to Diana. The will directs that everything else passes to Emma.

Advise Diana on her potential claim to Jackson's estate, and the legal rights of her children. Make reference to appropriate authority in your answer. (Ignore any inheritance tax issues.).

### Question 3

New client, Scott Walter, seeks your advice regarding a trust he is involved with. He is a trustee of the Waverley Family Trust. The other trustees are the settlor, Muriel Shepherd, Lewis Hogg and an accountant, Anita Dhir. Muriel set up the trust in 2011 for the benefit of her children and grandchildren. The trust assets comprise a house in Fochabers worth £400,000 and an investment portfolio worth £170,000.

Advise the trustees on the following issues, citing relevant authority:

- a) The trustees have been considering selling the property in Fochabers. Scott says he would be interested in purchasing it for his retirement and is willing to pay market value.
- b) Anita prepares the accounts for the trust. Scott is concerned that her fees this year are excessive.
- c) Lewis is going to be living abroad for a year, because his civil partner has a temporary secondment in the Netherlands.
- d) Sadly, Muriel has confided in Scott that she has been diagnosed with mild cognitive decline. She has suggested that her son, Ian Rebus, might replace her as trustee. Andrew is aware that Ian was in trouble a few years ago and has convictions for joyriding and related driving offences. He is also a beneficiary of the trust.

**END OF PAPER**