Please find below the question to be answered by you. There is only a MINIMUM word count (2500 words) and note that your answer should be in the prescribed format for assignments with proper authority citations, footnotes and Bibliography.

ANSWER BOTH PARTS:

1. Tess, Sam and Jet are the trustees of Flo’s Will. Flo died last year, leaving the entirety of her estate, valued at over £1 million, to her daughter Mary for life and thereafter to Mary’s children. Flo left instructions for her jewellery collection, paintings and silverware to be preserved for her grandchildren. Tess is an accountant whilst the other trustees are employees of the Anti-Vivisection League. Sam and Jet are personal friends of Mary and at her request, provisionally agree to sell Flo’s house for £450,000. They discover that the prospective buyer is involved in animal research experimentation and accept an alternative offer of £400,000. Sam and Jet use the sale proceeds to acquire an old manor house, ‘The Woodlands,’ as a holiday home for Mary in the Lake District. It transpires that this property is in the immediate vicinity of a proposed highway scheme, which has generated considerable adverse publicity amongst the local community. The new road has now been approved and will substantially devalue ‘The Woodlands.’ The purchase transaction was handled by Jet’s cousin, Ewan, a trainee solicitor in London. Tess, Sam and Jet engage a newly established high street firm of stockbrokers, Goldstar & Co, to handle the monies deposited in Flo’s savings accounts. They initially pay £150,000 to Goldstar, which is used to buy shares in a Middle Eastern tourist company. The shares become virtually worthless due to the troubled political situation there. In desperation, Goldstar persuade the trustees to hand over a further sum of £200,000 which the firm places in an investment portfolio. Some of the equities within the portfolio do well whilst others are less successful. The trustees ultimately receive £370,000 from Goldstar. In an effort to recover the overall position, Tess sells the jewellery, paintings and silverware at auction, at a very good price. She did casually mention her intended course of action to Sam and Jet. Mary has died within the last month. **Advise Mary’s children whether they have any cause for complaint. If so, against whom, and on what basis, do their remedies lie?**

1. “*It would astonish a layman to be told that there was a difficulty in giving a legacy to an unincorporated non-charitable society which he had, or could have had, supported without trouble during his lifetime*.” (Brightman J in Re Recher’s WT [1972] Ch 526 at 536). Examine what these difficulties are and critically consider whether the solutions to them adopted by the courts are satisfactory or whether a new approach to the problem of gifts to unincorporated associations is needed.