



LEGAL NEWSLETTER

NEWSLETTER
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BEQUESTS TO A THIRD PARTY UPON THE DEATH OF THE FIRST DYING IN MARRIAGES IN COMMUNITY OF PROPERTY

Ownership of assets: Spouse married in community of property own assets equally in half undivided shares.

EXAMPLE:

CHOICE:

Man, as first dying, bequeaths his motor vehicle registered in his name to his son and the wife as first dying bequeaths her engagement ring to her daughter.

Wording in the Will:

1. We dispose as follows:

1.1 Should I, the testator, be the first dying of us:

1.1.1 I bequeath as a special bequest (legacy) to our son, (full names, surname and date of birth or identity number), both my and my spouses' interest in terms of the marriage in community of property in the motor vehicle registered in my name.

1.1.2 I bequeath the residue of my estate to the testatrix subject to the condition that she accepts the bequest of her half share in the motor vehicle bequeathed in terms of sub-clause 1.1.1 above.

1.1.3 Should the testatrix not accept the bequest of her half share in terms of the marriage in community of property in the motor vehicle in terms of sub-clause 1.1.1 above, I revoke the bequest of the residue of my estate to the testatrix in terms of sub-clause 1.1.2 above and bequeath the residue of my estate to my children (full names, surname, date of birth or identity numbers).

1.2 Should I, the testatrix be the first dying of us:

1.2.1 I bequeath as a special bequest (legacy) to our daughter, (full names, surname and date of birth or identity number), both my and my spouses' interest in terms of the marriage in community of property in my engagement ring.

1.2.2 I bequeath the residue of my estate to the testator subject to the condition that he accepts the bequest of his half share in the engagement ring bequeathed in terms of sub-clause 1.2.1 above.

1.1.3 Should the testator not accept the bequest of his half share in terms of the marriage in community of property in the engagement ring in terms of sub-clause 1.2.1 above, I revoke the bequest of the residue of my estate to the testator in terms of sub-clause 1.2.2 above and bequeath the residue of my estate to my children (full names, surname, date of birth or identity numbers).

EXAMPLE:

PARTIAL MASSING:

The first dying, married in community of property, bequeaths the fixed property and furniture and household effects to his/her son subject to a limited interest:

Wording in the Will:

1. We dispose upon the death of the first dying of us as follows:

1.1 We bequeath as a special bequest (legacy) out of our joint estate, which will for purposes of this bequest be considered as massed, to our son, (full names, surname, date of birth or identity number) our fixed property and furniture and household effects subject to the life usufruct of the survivor of us, with exemption of the survivor of us from any obligation to furnish security.

1.2 We bequeath the residue of the estate of the first dying of us to the survivor of us.

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