



LEGAL NEWSLETTER

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TEN REASONS WHY YOU MUST EXECUTE A WILL

1. In having a valid Will drafted, is the only method a person can determine how his/her assets be distributed after his/her death.
2. Should a person dies without leaving a valid Will, distribution of the assets can only be done after all requirements in terms of the stipulations of the Intestate Succession Act have been complied with, which can take up unnecessary time.
3. Should a minor be an Intestate heir, it may be necessary to convert assets into cash as the inheritance of a minor needs to be deposited into the Guardians' Fund of the Master of the High Court and the Guardians' Fund only accepts cash. Furthermore the inheritance in the Guardians' Fund only earns interest at a fixed rate and the interest rate is not always amended in good time to keep up with prevailing interest rates.
4. Should assets be distributed in terms of the stipulations of the Intestate Succession Act it may well happen that people inherit whom you never would have intended to inherit.
5. Should the value of the assets in the Intestate estate exceeds R 125 000.00 , the parties concerned nominate a person or legal person to be appointed as executor and, after all requirements of the Master of the High Court have been complied with, the Master of the High Court appoints an executor. This process can be time consuming which may result in a delay in the period of the administration of an estate.
6. The Master of the High Court may require that the nominated executor supply security for an amount equal to the value of the assets in the estate and this is done by obtaining and supplying a guarantee policy to the Master of the High Court. This kind of policy is not readily available, expensive and the estate pays the premium of such a policy.
A Will normally exempts the nominated executor of the obligation to furnish security.

7. Should an heir be immature or handicapped and should a deceased not leave a Will in which a trust is created, the inheritance will be paid to the heir. If the testator left a Will and created a trust in the Will, the trustees, nominated in the Will and appointed by the Master of the High Court, will administer the assets for the benefit of the beneficiary until such date the testator stipulated in the Will for the assets to be transferred to the beneficiary.
8. If a testator leaves a valid Will the administration of an estate is much more uncomplicated.
9. When a person dies, leaving a valid Will the nominated executor can immediately assist the heirs with the reporting, administration of the estate, distribution and transfer of the inheritance.
10. A technically correctly planned and drafted Will may result in the saving of estate duty and provision can be made for protection against creditors, future marriages, for minor children etc.

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