

## YOUR MONEY SORTED



# WHEN WILLS TURN INTO A HEADACHE

By LETITIA WATSON

Send suggestions for topics and requests for info to [yourmoney@you.co.za](mailto:yourmoney@you.co.za). We may answer your questions in this column but won't reply personally.

A reader wrote to us about her dad's will. She's concerned because her stepmother and stepsister refuse to disclose its contents

### CONFIDENTIALITY

When someone dies their will is no longer confidential, says Erik Troost of African Mutual Trust in Paarl. Generally heirs and the guardians of minor heirs are informed about the contents of the will. This can happen in one of several ways: personally, telephonically or by letter or email.

Executors are not obliged to provide heirs with a copy of a will but this is common practice.

### ACCESS TO A WILL

Anyone can go the office of the Master of the High Court in the region where the person died to confirm if the estate's been reported and a valid will lodged. You can read the will on file and/or order a copy.

The Master's website has details of the application form to complete if you want a copy, which currently costs R4,50.

Anyone can also see the estate inventory and liquidation and distribution account on file, and order a copy.

### EXECUTOR INFORMATION

You can also find out at the Master's office who's been appointed executor of an estate and get their contact details. If the gross value of an estate is less than R250 000 the Master appoints a representative whose information is also available. If the executor or representative doesn't respond to your enquiries, provides no information or delays the winding up of the estate without any acceptable reasons you can lodge a complaint in writing with the Master. You can ask an attorney to help you but will have to pay for their services.

### FRAUDULENT ACTS

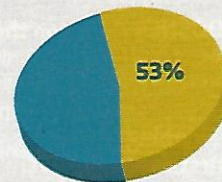
If there's sufficient proof of fraud or any irregularities you can report it to the SA Police Service. This is a serious allegation and you have to be sure of your facts.

You can also apply to the high court to have a will declared null and void if there's sufficient proof of fraud. This can be a drawn-out, costly process and if you're unsuccessful you usually have to pay all the legal costs. So it's best to get legal advice first.

## 5 QUESTIONS ABOUT WILLS

- 1** Is it compulsory to read a will? No, it's simply a convention, Erik Troost of African Mutual Trust says.
- 2** What does the liquidation and distribution account entail? It sets out information about the estate's assets and liabilities and distribution of the assets to heirs.
- 3** What happens if you were dependent on the deceased? You must be able to prove this and lodge a claim against the estate, asking for it to be acknowledged. You can lodge a complaint with the Master if you don't get an acknowledgement or receipt or if your claim is refused or not paid without reasons being provided.
- 4** What's an intestate estate? If someone dies without leaving a valid will the Intestate Succession Act determines how the estate's assets will be divided among the spouse and their descendants. This also applies where the deceased has left a valid will but has no beneficiaries.
- 5** What's your responsibility? Ensure your spouse or partner and/or some of your other heirs know where your latest original will is and do your estate planning with the help of an expert.

## 53% SAVE



More than half of South Africans (53 percent) aim to save for their own funerals. This figure has doubled since 2012, when it stood at 26 percent, and is also higher than last year's figure of 37 percent.

SOURCE: OLD MUTUAL SAVINGS & INVESTMENTS MONITOR 2015

*There's no reason to be the richest man in the cemetery. You can't do any business from there*

- KFC FOUNDER COLONEL HARLAND SANDERS



When corresponding with the Master make sure you provide the deceased's full name and the estate reference number or date of death.

### GET MORE HELP HERE

- justice.gov.za
- The Fiduciary Institute of Southern Africa, [fidsa.org.za](http://fidsa.org.za)