

ESTATE PLANNING: PUTTING YOUR AFFAIRS IN ORDER

A STEP-BY-STEP GUIDE and CHECKLIST of ACTIONS YOU SHOULD TAKE NOW...

Compiled by Arthur Clarke.
Updated October 2020



IMPORTANT! This extremely informative and helpful booklet has received too many accolades to mention and is now freely downloadable. It is requested that should you find the information useful, you donate a minimum of R30 to either The Salvation Army (whose details are here below) or to your favourite charity.

First National Bank.

Branch: Braamfontein

Branch code: 251905

Account name: Salvation Army Red Shield Appeal

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Please send details of your monetary contribution to the Public Relations Secretary by email: safpr@saf.salvationarmy.org or telephone 011- 718 6745 so that they may acknowledge your gift.

A NOTE FROM THE AUTHOR ...

I have streamlined this easy-to-read booklet (first produced as a 'hard copy' booklet in 2012) because the original document -- some 63+ pages -- is far too long to print out. What I have retained is (a) essential information that it is vital that you should review on screen *and* (b) **ESTATE PLANNING INFORMATION AND RECORDS TO KEEP** (starting on page 11-16) that, when completed, will save your family members hours and hours trying to figure out where things are... and much more.

There are six pages in **ESTATE PLANNING INFORMATION AND RECORDS TO KEEP**. The **really important parts are those marked with a red arrow**. The rest is useful but a lot can be ignored. For example most people don't have a second home or keep a gun on their premise or have a stockbroker. It is a real labour of love to get your records up-to-date but your family will be very grateful if you do this.

I suggest you copy and paste these six pages into a new word document. You can then either print out or Save as a file name of your choice. Fill in your information by hand, or retain the original document and type in your details using a fairly small typeface.

Let some a trusted friend, relative, executor, or partner know where this document is filed, or you can email an electronic version as an attachment to this person(s), if you prefer.

PLEASE NOTE: I have written a further document I have called '**Financial planning for seniors**.' This includes:

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- 8.0. Your investment strategy & the bucket approach pg12
- 9.0 Preparing for long-term health care costs pg. 13 - 14
- 10. Forty ways to save money pg. 15-16

'**Financial planning for seniors**' will **NOT** be available on the u3a website but I will be happy to send you a copy free of charge and without obligation if you send an email to me below.

Thank you.

Arthur G Clarke
Email: arthurgclarke@gmail.com

ESTATE PLANNING: PUTTING YOUR AFFAIRS IN ORDER

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Copyright violation will deprive a charitable organization of much needed funding.
Any information in this booklet does **NOT** constitute financial or legal advice.
Business assets have been ignored.

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ALSO Available directly from Arthur G Clarke [email arthurgclarke@gmail.com] – NO CHARGE

FINANCIAL PLANNING FOR SENIORS

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- 2.0 Making sure you don't run out of money pg 7
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INTRODUCTION

This booklet provides

- ... practical and vital financial and estate planning information
- ... checklists and programme of actions you should take now
- ... an alphabetical checklist of **ESTATE PLANNING INFORMATION AND RECORDS**

Like most people you are probably reasonably well-organized, if not perfect. The trouble is that, when you are no longer around, what may be obvious to you – like ‘you always keep the back door key in the red tin on the kitchen shelf’ – will not be very easy for others to guess. It needs to be recorded where it can easily be found by those left behind when you go.

WHY COMPLETE THE RECORD OF ESTATE PLANNING INFORMATION

1. To organize affairs so that if you go first, your spouse and executors have a complete and full record of assets, their whereabouts and value.
2. To ensure there is enough liquidity (cash) in the estate to pay off estate duty in the event of death without a forced sale of assets.
3. To relieve surviving spouse of hassles with the winding up of estate.
4. To develop an action plan and take appropriate steps re: future accommodation.
5. To ensure your will and living will remain current, particularly if a change in a family situation.
6. To create clear simple investment guidelines, so that the surviving partner knows how best to manage daily expenses without stress.
7. To ensure the appropriate people are cared for (children/aged parents, etc.) in the event of both partners dying simultaneously.
8. To ensure that if I have a terminal illness, I do not have treatment that will unnecessarily prolong my life.
9. To ensure heirlooms go to the right people.
10. To have a strategy in place in case of dementia.
11. To minimize estate duty and taxes (which may include disposing of assets during my lifetime) as well as establishing ways to avoid delays in winding up an estate.
12. To provide for charitable bequest to favorite charities or organizations.
13. To determine guidelines for both financial and medical decisions if I am not able to.
14. To establish who is the best and most reliable advisor(s) to suit my requirements.

THE QUIZ: HOW PREPARED ARE YOU?

You should be able to answer a confident 'Yes' to virtually all the questions. Note: if you are still married, both you and your spouse need to answer these questions.

DOCUMENTATION

1. Do you have an updated, properly signed and witnessed, legal Will? Are you sure any assets you leave to a daughter will be protected against her husband squandering this money?

Yes No Not sure

2. If **both** you and your spouse had died simultaneously yesterday in a car accident, would a trusted person know where both of your Wills (and other important papers) are kept, or who your executor is?

Yes No Not sure

3. If you have bequeathed your house or car (the car does not fall under the heading 'household effects') does your Will state whether the beneficiary or the estate is responsible for paying off the debt?

Yes No Not sure

4. Does your Will allow for substitute heirs in case the person nominated to receive an inheritance has died?

Yes No Not sure

5. When drawing up your Will, take into account what would happen if (i) your spouse predeceases you, (ii) one or more children predecease you, or (iii) you have an obligation towards aging parents who are not well off?

Yes No Not sure

6. Have you made a list of the whereabouts of computer user names and passwords, combination lock numbers, spare keys, etc.? Does a trusted family member or your executor know where you keep this list?

Yes No Not sure

7. If there was a fire, or your documents were stolen, from information you have recorded somewhere else (perhaps a document left with a relative) could you easily be able to obtain a copy because you have a record of the details on the original?

Yes No Not sure

8. If you decide to leave a bodily organ to medical research, should you put this in your Will? (The answer is "no". Inform your family in writing. Carry an organ-donor card. It could take a week or more to get round to reading your Will.)

Yes No Not sure

INSURANCE

1. Have you given your life insurance companies proof of your age? (If not, before the insurance company pays out it may need to get hold of a certified copy of your birth certificate.)

Yes No Not sure

2. Your life assurance policy and retirement annuity may have your spouse as beneficiary. Do you know who will receive the benefits if you should *both* die in an accident? Are you sure?
 Yes No Not sure
3. Do you know that if you nominate 'my estate' as the beneficiary on a life assurance policy, rather than naming a specific individual, you may be delaying any payout of that insurance policy by up to a year until the estate is wound up? (A life assurance policy to a named person pays out relatively quickly.)
 Yes No Not sure
4. If you are a divorcee, are you sure that the benefits of a life insurance policy won't go to a previous marriage partner?
 Yes No Not sure

BENEFICIARIES

1. If you are a widow or widower and your child/children are overseas, will your executor know where to find them?
 Yes No Not sure
2. Have you considered getting a certified copy of the identity documents of beneficiaries (perhaps living overseas) in order to obviate delays in winding up your estate?
 Yes No Not sure
3. Are you absolutely certain that the beneficiary nomination on your policy/policies is the person you want to receive the benefits? (When did you last review?)
 Yes No Not sure
4. If you are living with an unmarried partner, are you sure your partner will be a beneficiary in the event of your death? (If you do not have a Will, and you have children, your partner may well receive nothing or face potential litigation over ownership of assets.)
 Yes No Not sure

GENERAL

1. If you have given someone general power of attorney, will he or she be able to sign bank documents on your behalf if you are incapacitated? (Check! Some banks insist you sign their own forms.)
 Yes No Not sure
2. If you have overseas assets, do you need a separate Will?
 Yes No Not sure
3. Have you considered that you could have a stroke or suffer from dementia? Do you know how your financial affairs will then be managed?
 Yes No Not sure
4. Have you left clear instructions as to the type of funeral or memorial service you would like so your family can respect your wishes?
 Yes No Not sure

5. Have you considered making a list of 'family' items [photographs/personal possession/family heirlooms and determined how best to fairly distribute among family and relatives?
 Yes No Not sure
6. If you are a widow or widower and have a pet, have you made any arrangements for the pet's care in the event of your death?
 Yes No Not sure
7. Have you made an inventory of 'who owns what?' within your household which could be particularly important if you married out of community of property?
 Yes No Not sure
8. Your estate might take nine months or more to wind up. If your spouse depends on your income, do you know where the money will come from in the interim? (A life assurance policy pays out relatively quickly.)
 Yes No Not sure
9. If you have an overseas trust, do directives in any South African will over-rule any directives in this trust account should there be a conflict of interests? (Get expert advice.)
 Yes No Not sure
10. Have you (perhaps) written a 'love letter' to your family saying how much you valued them or (perhaps) an ethical Will in which you related some of life's lessons you hope to pass on?
 Yes No Not sure
11. If married, have you carefully discussed with your married partner how he or she will be financially affected after your death.... and suggested possible courses of action?
 Yes No Not sure
13. Does your Will include the statement 'I direct that my heirs shall not be required to collate any donations made by me to them during my lifetime.' Know what this means?
 Yes No Not sure
14. Do you have emails or digital photos that no one else should see? After your death, will your name remain on Facebook and other social networks? Do you have on-line accounts? Have you thought about these issues and what you should do?
 Yes No Not sure

Be prepared for eventualities

Women often outlast men. For example if a survivor lost her car ignition key, have you (male) hidden another one somewhere on the car which can be retrieved?

A reminder to pay the TV licence (concessionary rates available for those over 70.). And so on.

Have you added the word ICE (an acronym which stands for In Case of Emergency) into your cellphone, giving the name of a contact person? Paramedics know about this, and if you lose your phone, someone may phone ICE and return your phone to this contact person. (Or you could add 'ICOD' [in case of death] and 'home' as well.

SOME USEFUL TIPS!

1. All your bank accounts and credit cards will be frozen the moment the bank is notified of your death, so you must make sure that the survivor has at least 6-9 months' funds in a bank account that he or she can access.
2. Have at least one shopping account in your spouse's name. This may make it easier for the surviving spouse to open new accounts if necessary after your death.
3. If you do not have a Will, the Master of the High Court will make allocations in accordance with the laws governing interstate succession. To find out, go to www.justice.co.za . If there are children from more than one partner, second marriages and cohabitation, it is vital that you understand who will and will not inherit your estate.
4. Don't store an original Will in the bank. On your death, your account (and all other 'stuff') is frozen and the bank may refuse to release it without the executor's permission, but nobody knows who this is because these details are in the Will. Catch-22!
5. A Will is invalid if the two witnesses to your Will are family members or beneficiaries. (Each page should be initialled by yourself and two adult witnesses. Last page signed in full and dated.) Witnesses do not need to read through the document.
6. Even if the surviving spouse has been excluded from the Will, he/she has the right to claim maintenance from the estate to the level he/she is accustomed to, and taking into account his/her personal assets. The amount is usually decided by a professional arbiter.
7. If a Will leaves anything to the divorced spouse of the deceased, that Will is invalid for a period of three months after the divorce. If the testator wishes to leave anything to his/her ex-spouse, he/she should make a new will immediately after the divorce, or make sure he/she lives for three months after the divorce when the Will becomes valid again!
8. In the event of an adult child pre-deceasing the parent(s) and the parents were or would be dependent on such deceased child, the Court/Master could adjudge that sufficient funds for the parent(s) living expenses be set aside before any of the bequests specified in such Will be paid from the estate.
9. Preferably, each partner should have a separate Will drawn up by a professional. The way in which your Will is structured may possibly even save you tax.
10. If you are married in community of property and the house is in the name of the spouse who dies, the house may not be able to be sold until the estate is wound up

A scary thought!

According to research, 10% of those surveyed say they do not have a Will because "they do not want to think about dying or becoming incapacitated." Without a professionally drawn-up will, mistakes may happen. For example, if you bequeath a house or car (a car does not form part of 'household effects') you need to state whether the beneficiary or the estate is responsible for paying off any debts that may be owing. Again, instead of bequeathing heirs specific amounts of money, a more flexible approach (since the value of your estate may grow or decrease) is to give a specific percentage.

WHAT NEEDS TO BE DONE

1. When in doubt, discuss

Your bank manager, executor, financial adviser, and spouse (if married) can all help you to make sure your affairs are in order.

2. Review and update your Will/Trust deed

Do you still want to leave the same amount to the same people or organizations? How about leaving a percentage of the residue of your estate after bequests have been made to a charity or your old school/university to give others a head start? Organ donation?

3. Give someone power of attorney (POA) to handle your affairs, if necessary. This person may need to obtain bank signing powers as well.

It appears that if you become mentally incapacitated, because South Africa does not have an **enduring** power of attorney, this POA will no longer work.

Option 1: Add an extra clause to your POA stating that you wish this POA to have effect even if you are incapacitated, but that should this clause not be legally valid, the other clauses of the POA are to still stand. Who knows? An **enduring** POA may become legal in time.

Option 2: Appoint a *Curator ad Personam* who deals with personal matters such as medical matters.

Option 3: Appoint a *Curator Bonis*. Curatorship can be very costly over the long run. Get professional advice.

Option 4: Open a section A-type trust which is taxed at favourable rates. Contact a legal expert. Note: *Also contact your bank to ascertain requirements in terms of bank signing powers.*

4. Make a living Will (Dignity South Africa)

This document outlines the medical procedures you do not want if you become too ill to state your wishes yourself. Discuss with your spouse or partner. SAVES no longer exists

<https://static1.squarespace.com/static/5a61cc66b0786954b7ac7d17/t/5ab8b51c88251b9a40008a81/1522054432521/a+Advance+Directive+Form+-+2017.pdf>

The above link is not easy to find. I suggest you copy and paste in your browser

<https://dignitysouthafrica.org/sage-advice>

5. Put in writing your funeral instructions and wishes.

Note: If you plan to be cremated, rent a funeral coffin rather than buying an expensive one!

6. Check whether **life assurance policies** are up to date.

7. Make certified copies of key documents

You are strongly advised to let the executor of your estate retain your original Will and other certified copies of important documents.

8. Think what else you may need to do!

We hope that we've covered just about everything. But you alone know your circumstances. Here is a list of some other things that you can do:

- If married, your spouse will be under stress after your death. Consider (a) writing a form letter for your spouse to use in getting the word out. (b) Make a file that contains the email addresses of those who should be contacted. Then all your surviving spouse has to do is to copy and paste into the TO line of an email.
- Are there any charitable organizations to which you would like to give items of clothing, tools, spectacle frames or hearing aids, computer equipment, etc. when you are not around? (Sorry, you can't give away your pacemaker!) Make a list
- Do you have photographs on your computer that your spouse may have forgotten about? Why not pleasantly surprise your surviving spouse by putting these on to a CD and adding captions? Or make a printed album?
- Find out from a computer nerd how to get your name removed from internet sites such as Facebook and provide your spouse with guidelines.
- Don't forget to review beneficiary nominations.
- Go back to the quiz at the beginning of this book to see what else you may need to do.
- Don't forget to date when you last did a review. See bottom of contents page.

VERY IMPORTANT!

INFORM TWO TRUSTED PERSONS WHERE INFORMATION IS FILED.

PROTECTING AGAINST FINANCIAL ABUSE OF THE ELDERLY.

Financial abuse may come from a friend, relative, care worker or even that charming attorney or financial adviser. There seem to be no end to fraud. The horrifying truth is that most perpetrators of these criminal activities are often the sons or daughters of the victim. Their view is that assets from the estate will be coming to them sometime – so why not take an advance now?

Those living alone or who have care provided for them in their homes are at most risk. They are likely to be frail and dependent. Sadly, coercion and bullying and the threat of withholding optimal care can put the victim in the caregiver's power.

Planning while you are not vulnerable is crucial. You need to sit down with your spouse, if still alive, and talk about potential problems now.

ESTATE PLANNING INFORMATION AND RECORDS TO KEEP

Note: Simply recording where items of kept may be fine, but if a fire destroyed originals, having a certified copy of key documents is probably wise thing to have. ▶▶ Documents needed by executor

ITEM/DOCUMENT	RECORD THE LOCATION/PROVIDE INFORMATION	
<p>PERSONAL INFORMATION FULL NAME AND ID. ▶▶</p> <p>Cellphone/Telephone/ Email/Residential address P.0.Box number</p> <p>PASSPORT ▶▶ Number. Date of issue. Expiry date. <i>Retain expired passport to satisfy application requirements for a new one, then discard</i></p> <p>NATURALIZATION ▶▶</p> <p>PERMANENT RESIDENCE ▶▶</p>	<p>Eg. See files bottom shelf of bookcase in study [or wherever you keep stuff</p> <p>Husband</p>	<p>Eg. See grey hanging file in her study earmarked Investment & Wills</p> <p>Spouse</p>
<p>DATE AND PLACE OF BIRTH ▶▶ [dd/mm/yyyy] and registration certificate <i>Make 10-15 certified copies.</i></p>		
<p>PARENTS' DETAILS Date of death. Mother's maiden name.</p>		
<p>MARRIAGE STATUS – CURRENT ▶▶ Date and place. Certificate and ante-nuptial (post-nuptial) contracts. <i>Widows/widowers are advised to send a registered letter to Home Affairs/SARS confirming status.</i></p> <p>ANTE NUPTIAL CONTRACT ▶▶</p>		
<p>MARRIAGES – PREVIOUS Name and address of previous spouse if relevant. Contact details. Alimony, etc. Name and date of death of any pre-deceased spouse, if applicable</p>	<i>See Divorce papers below</i>	
<p>HIS FAMILY RELATIVES/OFFSPRING</p>		
<p>HER FAMILY RELATIVES/OFFSPRING State relationship and contact details. Add appropriate details. i.e. ID, passport, etc.</p>		
<p>ACCOUNTANT ▶▶ Name & address, Cellphone, Tel/Email <i>Plus Income tax number</i> See also Income tax records below ▶▶</p>		
<p>ATTORNEY/LAWYER Name Tel, Email Power of attorney? ▶▶ <input type="checkbox"/> Given to?</p>		

BANKS USED Name & address, Cellphone, Tel, Email		
CAR & HOUSEHOLD INSURANCE AGENT Name & address, Cellphone, Tel, Email. See <i>vehicle</i>		
CONTACTS IN CASE OF DEATH		
CHILDREN FROM PREVIOUS MARRIAGE		
CHILDREN FROM CURRENT MARRIAGE		
CHILDREN'S GUARDIAN In case of simultaneous parents' death		
DENTIST Name Cellphone, Tel/Email		
DOCTOR AND/OR MEDICAL SPECIALIST Name Cellphone, Tel/Email		
DOMESTIC & GARDENER		
EXECUTOR & TRUSTEES ▶▶ Executor and/or trustees: Name & address, Cellphone, Tel, Email Will: <input type="checkbox"/> Living will <input type="checkbox"/>	Will: <input type="checkbox"/> Yes Living will <input type="checkbox"/> Yes	Will: <input type="checkbox"/> Yes Living will <input type="checkbox"/> Yes
FAMILY MEMBER TO ASSISTING EXECUTOR ▶▶ Name & address, Cellphone, Tel, Email		
GRANDCHILDREN		
LIFE ASSURANCE AGENT Name Cell phone, Tel, Email		
MEDICAL INSURANCE AGENT Name, Cell phone, Tel, Email		
PRIEST/RABBI/IMAM		
STOCKBROKER Name, Cellphone, Tel/Email		
SUPERINTENDENT at flat/retirement home		
TRUSTED FRIEND Name and contact details of person who know where you keep all your important papers and financial planning information.		
VETERINARIAN Name, Cellphone, Tel/Email		
ACCOUNTS (SHOPPING) & MONTHLY CONTRACTS/PAYMENTS <i>All online accounts and passwords should be kept in a safe place.</i> Details of stop orders, debit orders, where unpaid accounts kept.		
ADDRESS BOOK – PERSONAL		
ADOPTION OR LEGAL GUARDIANSHIP PAPERS		
APPLIANCE AND OTHER MANUALS For reference on use and care		
ASSETS – FINANCIAL AND INVESTMENT RECORDS		

<p>Unit trusts. Savings. Shares. Bonds. Money market/other. Local/offshore. Account name. Acc. Number. Description. Financial institution. Owned by/institution/product name/what's it worth? Certificate no. [Are certificates electronically held somewhere in custody?]. Contact details of portfolio manager, if applicable. Pension and Retirement annuity Amount paid into which bank? Name of beneficiary/ies on pension holder's death.</p>		
<p>ASSETS – PENSION AND RETIREMENT ANNUITIES ▶▶</p>		
<p>ASSETS – PROPERTIES OWNED (1) Holiday cottage (2) Time share (3) Rented property (4) Farm . Type and address – <i>for details see Property ownership below.</i></p>	<p>See 'own house' deeds below</p>	
<p>ASSETS – VALUABLES Valuation certificates/Heirlooms/ Who should receive? Historical information</p>		
<p>BANKING PARTICULARS—CHEQUE BOOKS, STATEMENTS, ▶▶ Name & address, Branch code, Cellphone, Tel number, Email of any banks used. <i>If you use Internet banking, make sure a trusted person has the ID and password</i> Where are cheque books and credit card statements filed where? Who else has bank signing powers? Joint account?</p>		
<p>BAPTISMAL AND CONFIRMATION RECORDS May be acceptable evidence of birth date when obtaining a delayed birth certificate; proof of church membership</p>		
<p>BLOOD DONOR RECORD If medical aid won't pay for costs, blood donor organization may</p>		
<p>BOREHOLE/WELLPOINT Registration number, etc.</p>		
<p>CAMERA AND/OR GARMIN DETAILS</p>		
<p>CARDS – WHEREABOUTS AND NUMBERS Botanical society card... cinema card number...Clicks card... details of stop orders/debit orders...Edgar's card... Fanatics card... Garage card...library card...Woolworths card... etc.</p>		
<p>CHARITIES SUPPORTED Priority list. <i>Instead of flowers at funeral, suggestions of where money can be sent.</i></p>		
<p>COMPUTERS AND CELL PHONE Computer & Internet, modem number, service providers details i.e. google verification password, whereabouts of memory sticks, log on usernames & passwords (or where list kept), E-filing, Facebook/ Linked in. Personal website. Email addresses</p>		
<p>CREDIT CARDS, STATEMENTS ▶▶ Company. Last four digits; login and passwords</p>		
<p>CURRICULUM VITAE keep beyond retirement in case you decide to re-enter the workforce</p>		
<p>DEATH CERTIFICATE ▶▶</p>		

DEBTS I OWE ON VARIOUS ACCOUNTS. SCHEDULE OF REPAYMENTS ▶▶ Credit card. Mortgage. Automobile. Clothing or store debts. Regular stop or debit orders payments. To whom and from which bank? Name/amount/institution money owed to. Contact details. Paid from which account?		
DISABILITY RECORDS AND INSURANCE		
DIVORCE PAPERS ▶▶		
DRIVER'S LICENCE Valid until?		
EMPLOYMENT PAPERS Employer name and address. Contributions made i.e. pension, medical aid.		
ETHICAL WILL An optional document setting out your values and hopes for future generations		
FAMILY HISTORY AND PHOTOS Family photographs – albums or digital [to go to whom?] /memorabilia/genealogical records. <i>Record who involved, where and when</i>		
FAMILY LEGACIES/BEQUESTS Information about legacies received or anticipated. Inheritance information.		
FILES TO RETAIN		
FUNERAL ARRANGEMENTS Funeral policy and cemetery plot. Obituary information. Burial/cremation/pallbearers/hymns/readings/arrangements/ who to notify		
GUN REGISTRATION /LICENCE <i>Also combination number of safe where gun is kept.</i>		
GYM CARD		
HEIRLOOMS Details of item's history – who should go to? Etc.		
HOUSE DEEDS ▶▶ Deeds and titles (home, other) architect's plan, wellpoint <i>Maintain financial records of improvements which can be deducted from selling price if Capital Gains tax likely.</i> See also PROPERTY OWNERSHIP if more than one property		
INCOME TAX RECORDS ▶▶ Tax return information for last five years. Income tax number and office where registered.		
INFORMATION FOR NEW HOMEOWNER Mains water turn off valve/ sprinkler system/electricity meter/		
INSURANCE – DISABILITY POLICY		
INSURANCE – HOUSE, VEHICLES, ALL RISKS ▶▶ Company – contact details, policy numbers and contact details. Photos of items filed where? Other property?		
INSURANCE – LIFE & DISABILITY▶▶ Institution/what's it worth? Date acquired/ Type of policy/policy number/ premium/beneficiaries/ expiry date		

<i>It may be preferable to inform beneficiaries of a life insurance policy and appropriate details. i.e. policy number and company. Some policy benefits go unclaimed because the life office does not receive claims for a variety of reasons.</i>		
INSURANCE – LEGAL LIABILITY/OTHER		
INVENTORY OF HOUSEHOLD EFFECTS ▶▶ Personal effects, jewelry/ antiques and collectibles/ coin or stamp collection, household goods. Location of receipts. Where photos of items? Values? When last appraised? Who owns what? Items in storage? Can take photos including musical instruments etc. Update annually		
INVESTMENT RECORDS		
KEYS – SAFE DEPOSIT BOX		
KEYS HOME AND SPARES Keys (labelled) for cars/doors/storage, etc./ numbers of combination locks, Car key number		
KEYS – OTHER PROPERTIES		
LEASE OR HP AGREEMENTS		
LOANS Promissory notes in respect of loans owed to the estate.		
MEDICAL AID: INFORMATION ▶▶ Medical aid records, organ donation and medic alert. Type of medical aid insurance: plan, scheme name, medical aid number, contact details, blood type, other particulars. Allergies? Vaccination records. Medications taken regularly? Medical insurance gap cover?		
MILITARY SERVICE?		
MORTGAGE BOND & INSURANCE		
MISCELLANEOUS house paint names/ storage bin number/ frequent flyer card no/ student loans or reservations		
MEMBERSHIPS list of club memberships		
OPTICIAN Name Cellphone, Tel/Email		
PENSIONER INFORMATION Last employer details. Pension information: Details. What's it worth? Type/ Certificate number/		
PENSION PAYMENTS ▶▶		
PETS – VACCINATION, ETC. Names. Vaccination history. Action to be taken if you are not around. Sterilized.		
POST OFFICE BOX AND KEYS Location and/or combination		
POWER OF ATTORNEY DOCUMENT Date signed. Who has signing power? (Banks and other institutions may have their own forms)		
PROPERTY OWNERSHIP Address/erf no/purchase price/mortgage debt/where are title deeds? /municipal valuation/municipal account number/ whereabouts of receipts		

<i>Also file and detail improvements made since purchase to minimize Capital Gains Tax. Record day, month, and year you acquire or sell property; gross sale price; depreciation; legal fees & expense of sale</i>		
PROPERTY RENTAL ARRANGEMENTS		
RETIREMENT ACCOMMODATION BOOKINGS Names of places for which name put down. Other details		
SAFETY DEPOSIT BOX Safe location and whereabouts of keys (who has access?)		
SECRET STUFF PIN numbers, user names, passwords or where list is kept, house alarm code, safe deposit box and location of key, safe combinations, secret hiding places. Who should have access?		
SERVICE PROVIDERS Plumber/electrician/garage		
STUFF IN GARAGE/ WORKSHOP/OUTBUILDINGS Tools/ machinery, etc.		
SUBSCRIPTIONS		
TAX RETURNS (LAST FIVE YEARS) ▶▶		
TELEPHONES & CELL PHONES Cell puk/ serial no. Skype details		
TELEVISION TV stuff: DSTV account number / Decoder number. Multichoice, PVR number, TV licence number		
TRUST FUNDS Beneficiaries? Attorney?		
UTILITIES: ELECTRICITY/GAS/WATER ▶▶ rates & taxes, municipal account no.		
VEHICLE RECORDS ▶▶ MOTOR VEHICLES, MOTOR CYCLES, CARAVANS, BOATS, TRAILERS Licence and registration/ make model and year \Vin number /licence plate number/Spare keys whereabouts /Ownership papers/ service records. Registration plate numbers. When purchased and cost. Loans owed to? Servicing agent?		
VAT REGISTRATION NUMBER If applicable		
WARRANTY/ GUARANTEES AND VALUATION CERTIFICATES For proof of date of purchase		
WHEREABOUTS? Fire extinguisher? Mains water tap? Crime watch radio, etc.		
WILLS ▶▶ When signed [where originals and duplicates kept?]. <i>Never include login and passwords in a Will as it becomes a public record.</i>		
WILLS – LIVING WILL ▶▶ Also known as advanced care directive		

1a PREPARE A FUNERAL PLANNER

Funeral costs

Most people would agree that the last thing they want to do on earth is to leave a debt. For some people, having a grandiose funeral ceremony, with musicians, a power point visual eulogy, full colour printed service program with a photograph of the deceased, masses of flowers and so on, is important. Every extra item costs.

MY FUNERAL PLANNER

In the event of my death, please use the following information to assist you in performing what is required in the manner that I have chosen to have done. I declare that I am of sound mind and without the influence of any mood altering drugs, prescribed or otherwise.

SURNAME _____

FIRST NAME/S _____

ID NUMBER _____

RELIGIOUS DENOMINATION _____

MY CHURCH MINISTER and CONTACT NUMBER _____

Will lodged with _____

Next of kin _____

- I ask that my family be allowed to stay close to me in my last moments.
- If I am in a hospital at the time of death, I do not want my friends and family sent from the room.
- If there is no reasonable expectation of my recovery, I request that I be allowed to die, and not be kept alive by artificial means or heroic efforts.
- I request a burial in a simple wooden coffin, covered with a pall.
- I request a funeral service in my church / memorial service.
- I prefer not to be embalmed, if physical conditions permit.
- If my family concurs, my body may be given for scientific research. My preference would be (check only one):
 - Anatomical study
 - Autopsy to determine cause & study of disease
 - Organ transplant, should there be recipients available.
- My preference of disposition is:
 - Burial (name of cemetery and plot number if known)
 - Cremation - ashes to survivors. Ashes scattered where?
 - Other
- My preference regarding memorial flowers or funds, recognizing the emotional needs of the giver would be _____
- Special requests for the burial service (music, readings, etc.)

- Other special requests (flowers, wake, etc.)

The Funeral company I have chosen to execute my wishes:

- Not chosen Name _____
- Please invite: Names and telephone numbers on a separate page of people who could be invited to attend.
- Pall Bearers: (max 6) _____

Photograph for funeral leaflet required: Yes Not necessary
Gravestone required? Yes No

I have made provision to pay for funeral costs by the following means:

Signature _____ Date _____

NB Criminals increasingly read obituary columns. Find out at what time the funeral is being arranged, and the address of the deceased. Arrange for a house-sitter during the time of the funeral or take appropriate steps.

1b MY LIVING WILL

Here is an example:

(See also:

<https://static1.squarespace.com/static/5a61cc66b0786954b7ae7d17/t/5ab8b51c88251b9a40008a81/1522054432521/a+Advance+Directive+Form+-+2017.pdf>

DIRECTIVE TO PHYSICIANS

Directive made this _____ day of _____ 20 _____

I, _____, being of sound mind, willfully and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances set forth below and do hereby declare that:

- a) If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining procedures would serve only to prolong the moment of my death, and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.
- b) In the absence of the ability to give directions regarding the use of such life sustaining procedures, it is my intention that this directive be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment, and I accept the consequences from such refusal.
- c) I understand the full impact of this directive, and I am emotionally and mentally competent to make this directive.

Signed _____

Dated _____

2.0 OPTIONAL ACTIONS

PRIVATE FAREWELL LETTER TO LOVED ONE

The death of one partner can be a traumatic experience. This letter, which the surviving spouse will discover among your papers, needs to be written with care. You might want to thank your partner for certain activities, or remind him or her of certain treasured moments, or return some small memento that you received long ago. Much will depend on the individual. You might decide to include a crushed rose petal... or the words of a song or poem.

OBITUARY INFORMATION

Someone may want to say some nice things about you. You could provide some factual information of which he or she may not be sure. Some examples are:

- date of birth - where education was received - brief career profile - hobbies - contribution to society/ groups belonged to? - awards if any - sporting achievements - proudest moment - amusing anecdotes - best attribute - a value you tried to live by - acknowledgement of someone who has been an inspiration for you - a family member to whom you owe a great debt of obligation - perhaps there is someone longing to know that they made a meaningful contribution in helping you through life.

FAMILY TREE

Try to include fascinating bits of information rather than simply names. For example, qualifications, war time experiences, adventures, scandalous affairs!, the work this person did, sporting accomplishments, contributions to society, eccentricities, old letters, well-known acquaintances, moral attributes, graphic details, etc.

ESTATE PLANNING LETTER

The Estate Planning Letter is designed to supplement your Will and make it more personal. This letter could give your views as to how the proceeds of your estate should best be re-invested or managed. What you write here has no legal force or effect but it may be helpful.

The topics your letter could include:

- What the surviving spouse could do to ensure a lifetime income.
- Recommendations concerning the spouse's new Will which must be drawn up.
- What you would advise should happen on your spouse's death i.e. possibly start university fund for the grandchildren.
- Hints on how to manage money.
- Accommodation suggestions for the surviving spouse, after one partner dies.
- A list of useful telephone numbers e.g. South African Revenue Service.
- Recommendations on who to contact re financial advice.
- Special advice to your spouse and children.

This letter that you write to your family could also include some points which could be helpful to the executors of your estate or to the survivor's financial adviser.

LIVING LEGACY or ETHICAL WILL

The 'Living Legacy' is simply a record of your life and what you want to pass on to your children and grandchildren. Some people may choose to concentrate on one or two meaningful events in their lives - perhaps in which their children were involved. Others may choose "Words of wisdom" or "Lessons I have learned about life" which may be helpful to those left behind. Or a list of "My favourite books" or "Favourite poems/music" etc. Others may want to write a biography of their lives and the people they have known. What memories would you like to leave behind?

SEE: <http://www.alegacytoremember.com/> OR <http://www.ethicalwill.com/resources.html>

3.0 SURVIVOR'S CHECKLIST AND GUIDE

IMMEDIATE ACTIONS TO TAKE: Death at home, hospice or hospital

1.1 If *at home*, and person is lying on back, that's fine. If on side, turn deceased onto back, make sure limbs are straightened. Gently close eyes. [Note: if you should arrive home and find person dead, double-check house for anything suspicious, like robbery. If so, don't touch anything and call police].

1.2. *If death caused by negligent driver, ascertain position re: financial damages that may be payable. Contact police.*

1.3. *If death occurs in hospital, hospital staff will know what to do.* If death occurs in hospital collect belongings and valuables. Send out 'thank you' letters to hospital staff, etc. in due course.

2. Suggest -- phone a friend since you will be in some shock.

3. *Doctors rarely come out at night.* Contact Paramedics ER 24. [Tel 084124] Or Netcare.

They will come and pronounce the person dead and fill in a report.

4. Phone local police and notify them. Ask for a copy of any report [Form BI-1680?] they may make which is stamped and dated.

5. In morning, contact a funeral director such as Human and Pitt who will remove body. Ask them whether you need to call a doctor.

5.1. The funeral director will take a copy of the paramedics report with him and give to a doctor who will fill out the death certificate stating the cause of death. In due course you will need to give the funeral director certified copies of the I.D of the deceased *and possibly the medical aid number and a copy of the birth certificate.*

5.2 Inform the funeral director that the deceased is to be cremated since you will be asked to fill in Schedule A form for the funeral director to apply for permission to cremate. (You can decide whether to attend or no.)

6.0 Whether death of natural causes occurs in hospital or at home, the doctor will issue a Death Notice / Notification of Death (cause of death) also known as the BI-1663 Medical Certificate (currently being replaced by form DHA-1663). A second doctor must examine the body if the deceased wished to be cremated. Even though the deceased may already have been removed from the scene to a suitable mortuary, *it is absolutely acceptable to select another funeral director to continue with the arrangements from this point onwards if you should so choose.*

The Death Notice referred to here is **not** the '[Death Certificate](#)' obtained from Home Affairs. The Department of Home Affairs will issue a [Death Certificate](#) (DHA-5) on receipt of the notification of death (Form BI-1663) and the Death Report (Form BI-1680) which can be provided by the police or authorized undertakers. The funeral director/Dept of Home Affairs will require this [Death Certificate](#) [stating cause of death] *plus* a certified copy of the deceased's ID certificate, and proof of the ID of the person attending to these issues *plus* your ID marriage certificate. Your funeral home should help with this as the Home Affairs department is usually crowded with long queues.

7.0. Report death to the master of the high court within 14 days. Not to do so is a criminal offence.

8.0 Review wishes of deceased in funeral planner in this file.

8.1 Inform family/relatives

8.2 Place obituary notice in paper. Make dated copies.

CHECKLIST OF FOLLOW-UP ACTIONS TO TAKE.

1.0. As soon as the Death Certificate from the Dept of Home Affairs has been issued, make about 15-20 certified copies of the death certificate which will be needed for insurance companies and others *as well as about 15- 20 certified copies of your own I.D.* Photostat the originals, take to the police station to get stamped, and then make 15-20 copies of these stamped copies.

2.0 Keep records of all payments for funeral and other expenses which may be required by executors of estate. Buy an indexed file with plastic sleeves and label them alphabetically into which to put funeral costs, accounts, to do lists, correspondence etc. following death. Etc.

3.0 **Contact** Executor. Since all banks accounts are frozen on death, discuss how you should pay for things like municipal accounts (i.e. rates/electricity/water. And particularly how to pay for monthly debit orders since bank accounts are frozen. *Do not distribute personal belongings until you know the legal procedures.*

3.1 Make a 'file estimate' inventory of all property, assets, furniture, etc. that belonged to dead person. There is probably an official form for this which must be sent to the Master within 14 days of death.) Clothing and personal effects are usually ignored.

3.2 Collect and assemble the following documents. Give to Executor. Obtain receipt if anything taken away.

Last will and testament Obtain death certificate from funeral director Birth certificate
 ID document of deceased [Make 10-15 certified copies of these last three items] Life insurance policies Bank account numbers, recent statement for all banks Marriage license Ante-nuptial contract if married out of community of property Divorce papers [and deed of settlement , if applicable] Tax returns for the last five years Credit cards and recent statements Unused cheque accounts Share certificates /eftsa /unit trust Deeds of transfer of fixed property Registration certificates of vehicles and finance agreement if applicable Municipal valuations of property Municipal accounts Monthly repayments (see bank statement] Details of deceased's debts/HP agreements/monthly payments/loan accounts Mortgage bond/timeshare certificates Any contracts into which the deceased had entered such as short-term insurance. Review contents of safe deposit boxes. Obtain receipt from executor if anything is handed over.

3.3 **Discuss with executor**

- what other information he/she requires
- Details of investments and other income sources
- name of financial adviser who has portfolio details
- name of deceased's accountant, etc.
- How to pay for funeral, memorial stone, etc. (Funeral policy?)
- Medical aid organization and membership number of deceased?
- How outstanding bills to be paid? Rentals?
- Residential status may have a bearing
- if deceased was renting out property, how to notify tenants and make suitable arrangements
- ensuring all assets are properly insured during the wind-up period.
- Car repayments?
- Firearm licences?
- Transferring home into spouse's name and paying conveyancing costs
- who will contact relevant organizations in order to redirect interest/dividend payments into estate account while estate is being wound up
- who will contact SA Revenue Services notifying of death.

3.4 Obtain claim forms from life insurance offices. If motor car accident, check whether there is a claim against the other driver's insurance company (double indemnity?) Provide all insurance companies and pension fund with completed claim forms and death certificate. Cancel existing debit orders for these policies.

When notifying people of the death such as banks/pension/municipality/other, notify them over the telephone, and then follow it up with a written notice (email or registered letter. Ask for acknowledgement of receipt and file this.). If, for example, you take a claim form to Old Mutual in person, it is very important to get his/her details and to ask them to sign for it. Keep a copy of this receipt. Again, cancelling something like a debit order, make sure they have signed a document stating they received notification from you.

4. Contact organization that has the deceased's pension and get them to pay into spouse's bank account. Make arrangements for future beneficiaries in case of your death. Other non-pensionable assets with organizations such as Allan Gray and also ETFSA should be advised to re-direct interest/dividends into the estate account while the estate is being wound up
5. Contact medical aid and ask for a continuation of benefits. Depending on medical aid, this must be done within one month of death of deceased.
6. Open bank account in the name of the deceased estate in order to claim appropriate expenses. Get approval from executor first. Give the executor a list of things that must be paid: municipal accounts (rates/electricity/water). *Any cheques drawn must show (a) the name of the payee (b) reason for the payment (c) cheques must be drawn in order (d) signed by the executor). Determine whether any positive balances in bank accounts need to be transferred to the estate*
7. Rewrite your will

8. Notify:

-- family and friends... charities... library (return card)... Retirement homes to cancel booking or reserve place in your name... Traffic department re licensing of vehicles... Notify SARS. You (or executor) will need a Tax Clearance Certificate.

1. Inform

- banks to cancel/stop debit orders... Telkom to change account/house phone into name of spouse... ADT re burglar alarm... British and South African passport authorities who may require documents to be returned... Contact Mweb and Multichoice to change monthly payments from my account to yours for ADSL and DSTV so you don't get cut off.
- *Ensure insurance on house/vehicles is maintained.*

10. Change

-- rates and taxes payments into your own name... the house *and vehicles* into your name... locks of your home if concerned someone may remove items without your consent... telephone account into your name... beneficiary nominations on your own life policies, if needed

2. Cancel

- Deceased's Fanatics, Woolworths cards etc... driver's licence of deceased; in due course cut in half... cellphone contract... debit orders to any life insurance policies that will pay out... Credit cards -- in due course cut them in half after asking bank whether they include insurance benefits or cancellation of debts, etc.... Loyalty cards... Gym/club memberships of deceased... Garage cards... season tickets or pre-booked holidays and request a refund... subscriptions to magazines... newspaper deliveries if the house remains empty... Chronic medication

12. Advise

-- post office in due course... Check emails coming in on deceased's computer and automate a reply notifying sender of death. direct mail companies that mail is no longer needed

Jot down things to do

- Review time share arrangements
- Take back unused medicine to doctor to dispose of these
- Get I.Ds and marriage certificates of heirs.

A superbly informative site is: <http://funeralguide.co.za/site-map.html>

To view the website:

CTRL + click to follow the link OR **copy and paste** the link into your browser.

Some of the topics discussed (and more) follow.

4. WINDING UP YOUR ESTATE

Your Will states who your executor or executrix (female) is. This person, employed by a trust company, a bank or an independent attorney, will oversee and administer the winding up of the estate. Often, one or more 'co-executors' are also appointed. This person could be a trusted friend or, more often, a family member (who is allowed to benefit from any bequests left to him or her in the will), and could be the spouse, although this may be a less than happy solution if both partners die in an accident. For interest, in the case of simultaneous death, the person with the smaller estate will have been presumed to have died first.

The executor's immediate task

The nominated executor applies to the Master of the High Court to be formally appointed and to be granted the necessary powers to administer the estate. This is known as 'an acceptance of trust', completed and signed in duplicate. One copy will be forwarded by the Master to the South African Revenue Service in view of tax implications when a person dies. Until letters of executorship are obtained, the executor has no formal authority and all the assets of the deceased are blocked. And if the deceased was married in community of property, the assets of the spouse will also be blocked. With the letters of executorship in hand, the executor can take control of the estate, allowing assets to move if a spouse needs living expenses. This process can take up to six weeks. The Master will open a file and allocate an estate number to the deceased. This must be used on all subsequent correspondence.

The administration process (A summary)

1. A first interview with the relatives to obtain essential information and have documents signed
2. Reporting the estate by handing in the death notice, inventory, original Will and the acceptance of executor to the Master of the Supreme Court
3. The opening of a main file and sub-files for correspondence, documents, assets, liabilities, cheque account and the liquidation and distribution account
4. Letters to creditors and debtors in order to determine claims for and against the estate
5. Obtaining valuations of movable and immovable estate assets
6. The completion and submission of an income tax return
7. Receipt of the letters of executorships
8. Placement of the notice to creditors in the Government Gazette and in a newspaper
9. Opening an estate bank account
10. Determining a suitable method of administration in consultation with the beneficiaries
11. The collection of sufficient cash to settle outstanding debts
12. The preparation and submission of the liquidation and distribution account (sometimes also referred to as the executor's account or the estate account)
13. The placement of a notice in the Government Gazette and in a newspaper to the effect that the liquidation and distribution account is open for inspection
14. The payment of any outstanding debt and the payment and/or transfer of legacies and inheritances to beneficiaries
15. The payment of Master's fees
16. The payment of estate duty, if the estate is dutiable
17. Fulfilment of the Master's final requirements
18. Receipt of filing slip from the Master

What will all this cost?

Executor's fees: The standard fee is 3.5% plus VAT = 3.99%, as well as 6% plus VAT (6.9%) of the income earned by the assets from the date of the person's death. On an estate of (say) R3 million this could amount to R135 000 +. To help negotiate down executor's fees – by perhaps 20% - 50% or more, you should explain to him or her how your co-executor is willing

to help

There are other costs payable. For example:

- * Bank charges if a bank account is opened in the name of the estate which is most likely.
- * Master's fees. Up to a maximum of R600.
- * Advertising. The cost of advertising in the Government Gazette and a local newspaper. Advertisements are run twice.
- * Calling for debtors and creditors to come forward; and
- * Giving notice that the liquidation and distribution account is open for inspection.
- * Postage and petty expenses probably in the region of R150.
- * Transfer costs. Fixed property that is transferred to the heirs of a deceased estate does not attract transfer duty. But conveyancing costs which could be R70 000 or more must be paid.
- * Mortgage bond cancellation fees in the order of R2500. Three months' notice of cancellation of a mortgage bond has to be given to avoid further costs.
- * An appraiser's fees if the estate has to pay estate duty.
- * Three months municipal rates in advance in order to get a clearance certificate in order that the property can be transferred into someone else's name.
- * Funeral expenses -- the actual funeral costs and the cost of a gravestone (or a niche in the case of cremation). But also the cost of a wake if the will specifies this.
- * A bond of security. If your executor is a bank or trust company, this security bond may be waived.
- * Capital gains tax.
- * Estate duty.

A good question to ask is: where will the money come from to pay these expenses. A life assurance policy is often the answer.

Specific bequests in your will (such as leaving an antique to a friend and jewellery to your daughter), may not be deemed part of your estate (but do get expert advice.)

The postal addresses of the main Masters' offices in South Africa are:

Gauteng: Private Bag X60, Pretoria 0001.

Free State: Private Bag X20584, Bloemfontein 9300.

KwaZulu-Natal: Private Bag X9010, Pietermaritzburg 3200.

Eastern Cape: Private Bag X1010, Grahamstown 6140.

Northern Cape: Private Bag X5015, Kimberley 8300.

Western Cape: Private Bag X9018, Cape Town 8000.

See also: <http://www.justice.gov.za>

* You can find the text of the Administration of Estates Act and the regulations in an easy-to-use format at the www.acts.co.za website.

FREQUENTLY ASKED QUESTIONS

When will cash be made available for living expenses? If married in community of property to the deceased person, your account will have to be frozen by the executor until he is sure that the estate is solvent. Cash from the estate itself may be advanced to you once the executor is confident that he can do so.

What expenses are paid by the estate? Funeral expenses, all debts due, executor's fees, Master fees, administration costs and bond and conveyancing costs.

Will the executor sell everything? Only if the Will directs this, the beneficiaries agree, or there is not enough cash in the estate to generate sufficient cash to meet debts, but this can be avoided if the beneficiaries pay cash into the estate.

Will the state get any assets? Beneficiaries named in a Will receive the assets. If there is no Will, the law determines who the closest relatives are and they will inherit.

What taxes will be payable? Outstanding income tax plus income tax on anything earned since the last assessment was made. If a spouse inherits the estate, no estate duty will be payable. Capital Gains Tax may also be payable.

What happens to my pension and life assurance? A pension is governed by the trustees of the pension fund of which you are a member. *The amount and the benefits payable and to whom they are payable are directed by the pension fund trustees and do not form part of the estate.*

Where a beneficiary has been appointed on a life assurance policy, the benefit under that policy will be paid directly to the beneficiary. The benefit will, however, be added to the value of your estate for the calculation of estate duty. If you have not named a beneficiary on your policy, the proceeds will be paid to your estate.

When do I receive my inheritance? After the Liquidation and Distribution account has been sent to the Master of the High Court for approval, and if no objections are raised during the inspection period.

What happens if the house is broken into and assets stolen, my car damaged? It is crucial that you authorize the executor to insure property in the estate. Then the monetary value of the stolen items can be recovered under the insurance policy.

How can I be sure that the assets I should receive won't disappear? The Master of the High Court oversees the executor's work. His job is to protect the rights of beneficiaries and ensure that all assets are secured for the correct beneficiaries.

How long does all this take? It can take up to nine months: three to four weeks for the Master of the High Court to appoint an executor; six to 24 weeks to compile the Liquidation and Distribution Account; two to four weeks for the Master to examine the account; four weeks for the account to lie open for inspection; and two to six weeks to pay out creditors, hand over to heirs and finalise the estate. If part of the estate is a house, or other property, the transfer of ownership from your name to that of your heirs may delay the finalisation of your estate even further.

How does my marriage affect my Will? If you are married in community of property, all assets acquired before the marriage and during the marriage belong to both of you equally. In this case, when you draw up a Will, you can generally only deal with half the assets of the marriage. If you are married out of community of property, any assets you acquired before your marriage remain your own, but assets acquired during the marriage belong to you unless you specifically state that assets acquired during the marriage belong to the spouse who acquired them. If you leave assets to your children, the law includes:

- children born of your marriage or any previous marriage;
- children born out of marriage; and
- legally adopted children.

Is my estate liable for tax? The first R3.5 million in your estate after deduction of debts, admin charges, funeral and deathbed expenses, bequests to any public benefit organization

which is exempt from tax, and any bequests and property to your surviving spouse is tax free. Any assets in excess of this primary abatement of R3.5 million are subject to estate duty of 20%.

Estate duty is not payable on assets bequeathed to a surviving spouse. If the estate of a spouse does not utilize the whole of the abatement of R3 500 000, the estate of the last dying of the spouses may have the benefit of the unused portion of the abatement. Spouses therefore can enjoy a combined abatement of R7 000 000.

Capital Gains Capital gains does not apply to the first R2 million of gain in respect of a primary property. A person who dies is deemed to have disposed of his or her assets for an amount equal to the market value of those assets at the date of death. The capital gain is taxed to the extent that it exceeds R300 000, subject to the proviso that assets transferred to a surviving spouse are treated as having been disposed of for an amount equal to the base cost of the assets. Accordingly the assessment of the capital gain and payment of tax on the capital gain is deferred until the death of the surviving spouse. The current maximum CGT tax rate is 18%.

Donations Donations of up to R100 000 a year are free of donations tax. Donations between spouses don't attract tax.

6. More things to consider . With your spouse no longer around, do you really need as much life insurance cover?

OTHER SITES

Contact numbers of the Master of the High Court	http://www.justice.gov.za/master/contacts.htm
Registering a death with the Department of Home Affairs	http://www.home-affairs.gov.za/
Documents needed when estate exceeds R125 000	http://www.justice.gov.za/master/m_deseased/deceased_how.html
Frequently asked questions	http://www.info.gov.za/faq/services.htm#death
Documents when estate is less than R125 000	http://www.justice.gov.za/master/m_deseased/deceased_how.html
Application for a death certificate (Form BI 132)	http://www.dha.gov.za/PDF/civic/bi-132.pdf
Advice to South African Citizens in the Event a South African Dies Abroad	http://www.dfa.gov.za/consular/death_abroad.htm
Which estates must be reported within 14 days from date of death?	http://www.justice.gov.za/master/deceased.html
Advice on what to do if a British National dies in South Africa	http://ukinsouthafrica.fco.gov.uk/en/help-for-british-nationals/living-in-south-africa/how-register-death
Why do you need an appraiser? When property has to be valued in a deceased estate, it is normally done by an appraiser. <i>Here is the official inventory form.</i>	http://www.justice.gov.za/master/m_forms/I243.pdf
Deceased estates	http://www.justice.gov.za/master/deceased.html