

National Wills Week

26-30 October 2020



A Will is the final legal contract of your life – but that doesn't mean you should leave it to the last minute!

Your Will states your final wishes as to what should happen to all that you have worked so hard for during your life. It is one of the most important legal contracts you can create, to ensure your loved ones are cared for and your money is distributed fairly.

Important note: Your pension benefit is distributed according to Section 37C of the Pension Funds Act, and not according to your Will.

What documents do you need when drawing up a Will?

- Name and identification details of the executor of your estate
- Name and ID number of your spouse and details of your marriage (eg. whether you have community of property)
- Copy of marriage certificate (or decree of divorce and settlement agreement)
- Names and ID numbers of all children/dependants you wish to benefit from your will (including adopted and stepchildren, you wish to benefit from your Will)
- Names and ID numbers of any grandchildren to be included
- The name and contact details of a guardian/guardians if you have young children
- Details of any parties or institutions you wish to benefit such as a church, hospice, orphanage, etc.
- Copies of title deeds for immovable properties in South Africa (or mortgage bonds thereof)
- Copies of all insurance policies
- An inventory of liabilities

Who can draw up your Will?

Although it is possible to draw up your own will, it is often recommended to ask someone who has the necessary knowledge and expertise to do this. A law firm, your bank, or a trust company can help you in drawing up a Will. It is also possible to draw up a joint Will with your spouse.

Important points to remember:

- The Wills Act South Africa regulates the formalities for drawing up a will. Once the Will is fully completed:
- The will must be signed by you, at the foot of each page, in the presence of witnesses for it to be valid.
- There must be 2 or more competent witnesses, aged 16 or older, who also sign the Will.
- A beneficiary in a Will CANNOT be involved in the drawing up or witnessing of the Will.



DID YOU KNOW? DURING NATIONAL WILLS WEEK, YOU CAN HAVE YOUR WILL DRAFTED FREE OF CHARGE!

Participating attorneys who belong to the Law Society of South Africa (LSSA) will draft your basic Will, free of charge. You can access this service in October, during the National Wills Week – [click here](#) for more details. You can also register your Will on an online searchable database on the South African Registry of Wills and Testament's ([SARWT](#)) website. Most people do not know whether their loved ones have executed a will, where the original might be kept or who has been nominated to wind up the financial affairs of the deceased. This is the issue that SARWT endeavours to address.

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