

# *Last Will and Testament*

I, the undersigned,

(full names) .....

(Identity number) .....

of (residential address) .....

.....

I hereby declare this to be my Will. I hereby revoke all previous wills or testamentary writings made by me.

I nominate (full name) .....

(address) .....

.....

to be the Executor of my Estate. Should he/she be unwilling or unable to act

as executor, I nominate (full name) .....

(address) .....

.....

I direct that the executor of my estate shall/shall not be required by the Master of the High Court or other competent authority to give security for proper performance of his duties. (give details of security to be given or draw a line through if not applicable).

.....

.....

Page 1 Signed by TESTATOR: .....

WITNESS 1. .... WITNESS 2. ....

I direct that my estate shall devolve as follows:

Special Bequests: .....

.....  
.....  
.....  
.....  
.....  
.....  
.....

After my special bequests I bequeath the residue of my Estate to:

.....  
.....  
.....  
.....

In witness whereof I have signed this will in (place) .....

.....

on the ..... (day) of ..... (month)..... (year) in the presence of the undersigned witnesses who in my presence and in the presence of each other have signed this will as witnesses.

TESTATOR Signature: ..... Date: .....

WITNESS 1. Name:.....

WITNESS 1. Signature:..... ID Number: .....

WITNESS 2. Name: .....

WITNESS 2. Signature:..... ID Number: .....

## **In order for a will to be valid your Will must comply with the following:**

A will must be in writing, either typed or hand written. The will must be signed in the presence of at least two competent witnesses, present at the same time and in the presence of the testator. It must be signed on every page by the testator and witnesses. If any special bequests are made, the testator and the witnesses should sign in the margin next to those bequests. The date of the will is also important so that it can easily be established which will is the final will and testament. A line should be ruled through any remaining blank space, so nothing further can be fraudulently added to your will. Please note: Family members or any people who benefit from your will may not complete the blanks in this document, and may not sign as witnesses.

## **Choosing your executor:**

The person you nominate as your executor should be a trustworthy, solvent and responsible person who is likely to be alive at the time of your death, it could also be a legal firm or financial institution. You can choose a beneficiary as your executor provided they are competent, solvent and over 18 years of age. If your nominated executors are not experienced in estates, they can be assisted by an attorney. It is a good idea to ask the persons you propose to name as executors if they are willing to act as executors of your estate.

## **Exempting your executor from furnishing security:**

Children and spouses are automatically exempt from furnishing security. In all likelihood the Master of the High Court will demand security where a person has not been exempted. It is important that you exempt your executor from furnishing security as it is difficult and sometimes costly for an executor to obtain a security bond for winding up an estate. Owing to the difficulty with security it is important that you choose your executor with great care. The only time you would omit the exemption from furnishing security is in a case where you do not trust your executor, in which case you should not appoint that person.

## **Taking Legal Advice:**

It is always a good idea to get an attorney or legal advisor to check your will to ensure that your intentions are clearly communicated and that your will is legally compliant. Funeral Guide advises that one seeks legal advice in drafting a will if one has special circumstances, for example: dependants that require maintenance, handicapped dependants, overseas assets, if one is married or has a business. Claims for maintenance are regarded as a sort of

debt owing by the estate and therefore have preference over legacies and other bequests. An antenuptial contract may contain a variety of successory pacts and testamentary dispositions which may be enforceable and have preference over a will. If married in community of property, each owns one undivided half-share of the joint estate, it is advisable to have a joint will drawn up.

### **Updating your will:**

Your will should be reviewed every few years if circumstances have changed, for example, when you purchase a new property, have a child, or get divorced.

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