

# THE SOUTH AFRICAN LEGAL PROCEDURE UPON DEATH

## A DECEASED ESTATE & HOW TO REPORT IT

A deceased estate comes into existence when a person dies leaving assets or a document which is a will or purports to be a will. Within 14 days of a testator's death, all estates, where there are assets or a will must be reported to the Master of the High Court in the area where the testator resided.

**All wills, whether valid or not, must be lodged as well.**

## DOCUMENTS WHICH ARE REQUIRED

- Original or certified copy of the death certificate
- Original will
- Completed next-of-kin affidavit
- Nominations by all beneficiaries for the appointment of an executor & a certified copy of the executor's ID
- List of creditors / debtors
- Original or certified copy of the marriage certificate / decree of divorce (if any).
- Completed death notice
- A complete inventory showing all the assets of the deceased
- Declaration of existing marriage
- Acceptance of trust as executor / Master's Representative (in duplicate) together with a certified copy of the ID of such applicant.

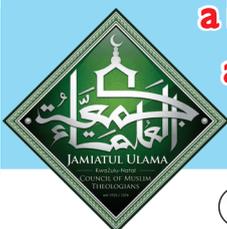
## WHAT HAPPENS NEXT?

Once the deceased estate has been reported, it takes approx. 2 to 3 weeks for the Master to issue the Letter of Appointment to the Executor (*in estates that has a value of R250 000 or more*) or Master's Representative (*in estates less than R250 000*) in value.

**N.B. If a person dies without a will, or has an invalid will, only then will the next of kin inherit from the estate. If the heirs are majors, they can all agree to redistribute the estate.**

**The Will cannot be witnessed by someone who is inheriting from the estate.**

**N.B. It is advisable to seek counsel from a lawyer / attorney when reporting an estate due to the intricate nature of this matter.**



Master's Offices can be found at all high courts and magistrates courts. However, at magistrates courts, the jurisdiction of the Master's Office is limited to deceased estates worth R150 000 or less.