



IS YOUR WILL VALID? FIVE THINGS TO CONSIDER WHEN DRAFTING YOUR WILL

According to South African Law, a person may make a Will that directs or control the way in which his/her assets should be distributed upon their death. The Wills Act 7 of 1953 is the statute that regulates the process of Wills and other related topics.

The making of a Will is a vitally important act, with far-reaching consequences. To some people, it might be difficult to tell whether or not a Will meets the legal requirements for validity as stated in the above-mentioned Act. Here are five things to look out for:



1. DATE AND PLACE OF THE SIGNATURE

In the space provided, you must indicate the date (i.e 21 January 2017) on which you signed the Will and the city or town where you signed it.

2. SIGNATURE

Ensure that you sign the Will in full in the space provided at the end of the document. If the Will consists of more than one page, every page must be signed by you.

3. WITNESSES

Two witnesses (who must be at least 14 years of age) must be present when you sign the Will. Any person you have included in your Will as a beneficiary or chosen executor, trustee or guardian, cannot act as a witness to your signature. The spouse of such a person also cannot act as a witness.

4. CHANGES TO THE WILL

If you make any handwritten changes to the Will (which we strongly discourage), you and the two witnesses must initial in the margin directly next to the handwritten change.

5. CONSEQUENCES OF INCORRECT SIGNING

Take note that failure to comply with the above will affect the validity of your Will and/or cause certain of the provisions contained in your Will to be unenforceable.

There is a risk that your beneficiaries will not be entitled to receive the benefits and protection which you intended to afford them in terms of your Will, and your estate may have to be administered as if you died without leaving a valid Will (i.e. intestate). There is also the risk of a delay in the administration of your estate and there could be possible legal costs to the estate if the validity of the Will is contested in court.

Make sure that your assets are distributed according to your last wishes. Working with your PPS accredited financial adviser, our fiduciary specialists can help you with the drafting of your valid Will.

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