ND ATTORNEYS

DECEASED ESTATE INFORMATION PACK

A Practical, Complete Guide to Estate Reporting and Administration in South Africa

Precision · Dignity · Peace of Mind

Private Client Advisory

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[1] INTRODUCTION

The death of a loved one is emotionally overwhelming. Unfortunately, the law does not pause for grief. A deceased estate must be reported, administered, and finalised in accordance with the Administration of Estates Act 66 of 1965 and related legislation. This information pack is designed to guide you calmly and confidently through the entire process, from the moment of death to the final distribution of the estate.

This pack also equips you, while alive and well, with practical guidance on how to prepare an estate file so that your loved ones are spared unnecessary confusion, delay, and cost.

[2] WHAT IS A DECEASED ESTATE?

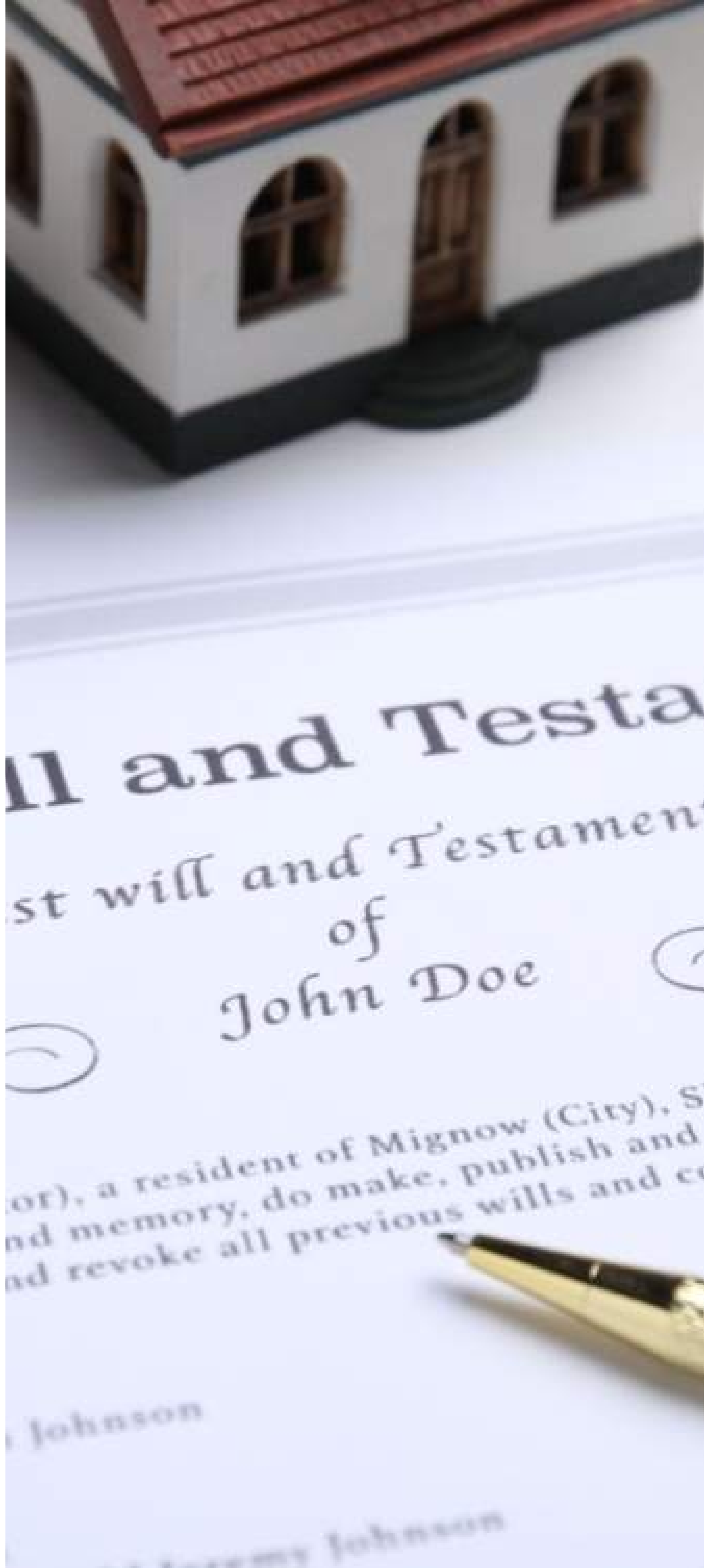
2.1 Definition

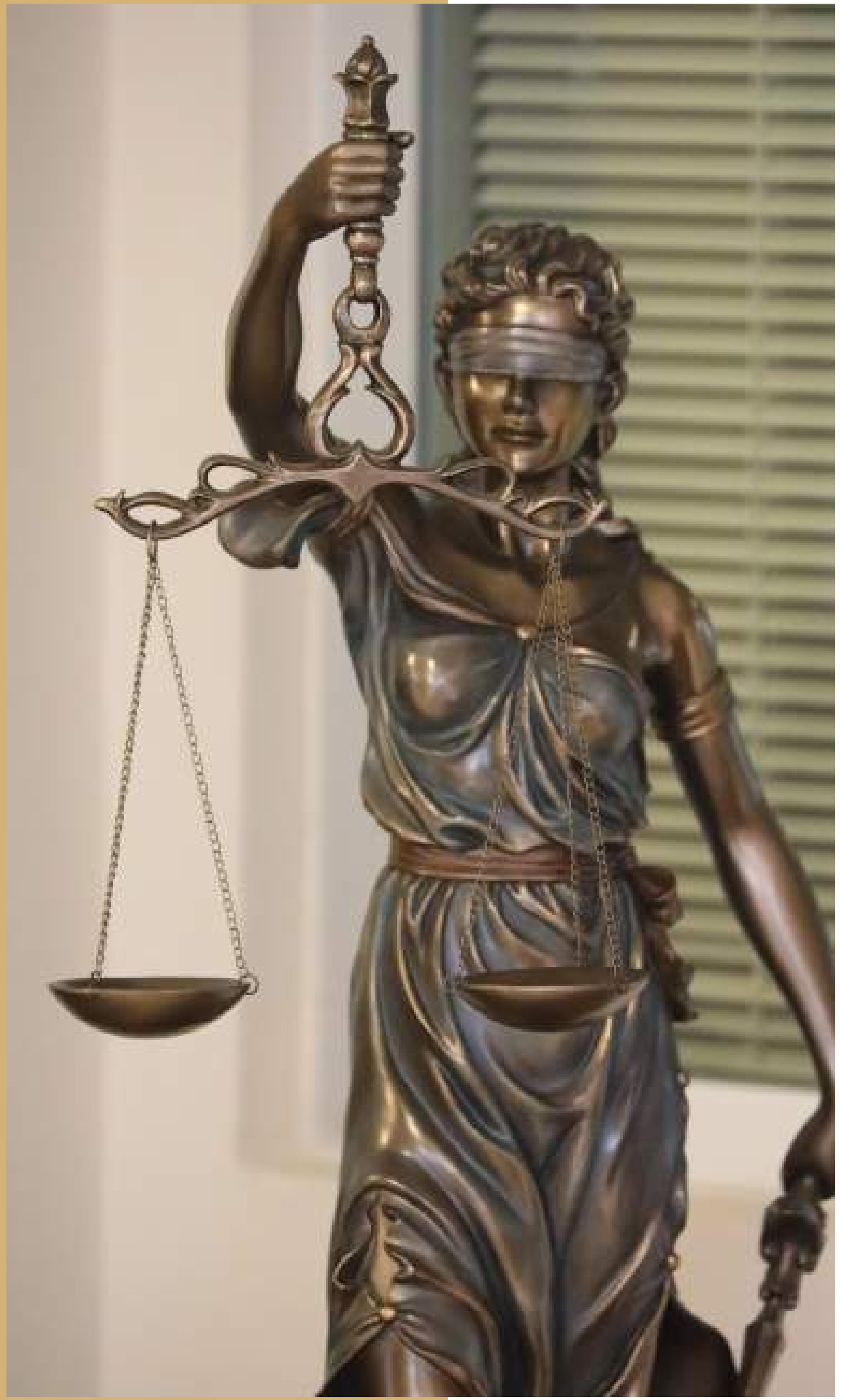
A deceased estate comes into existence immediately upon death. It consists of:
2.1.1 All assets owned by the deceased
2.1.2 All liabilities owed by the deceased
2.1.3 All rights and obligations capable of being transferred

No person may lawfully deal with estate assets until authority has been issued by the Master of the High Court.

[3] IMMEDIATE STEPS AFTER DEATH

3.1 Obtain a Death Notice The death must be registered with the Department of Home Affairs. A death notice (Form BI-1663) will be issued.
3.2 Secure Important Documents Collect and safeguard the following immediately:
3.2.1 Original identity document of the deceased
3.2.2 Death certificate





3.2.3 Marriage certificate or proof of customary marriage, if applicable
3.2.4 Original Will, if one exists
3.3 Secure Assets
Property, vehicles, bank accounts, firearms, and valuables must be secured. No assets may be sold or distributed at this stage.

4. REPORTING THE ESTATE TO THE MASTER

4.1 Where is the Estate Reported?
The estate is reported to the Master of the High Court in the area where the deceased was ordinarily resident at the time of death.
4.2 When Must It Be Reported?
Within 14 days of death.
4.3 Who May Report the Estate?
4.3.1 A surviving spouse
4.3.2 A next of kin
4.3.3 A nominated executor
4.3.4 A duly appointed attorney
4.4 Documents Required for Reporting
4.4.1 Death Notice (BI-1663)
4.4.2 Inventory (Form J243)
4.4.3 Original will and codicils, if applicable
4.4.4 Next of kin affidavit
4.4.5 Nomination Form
4.4.5 Acceptance of Trust as Executor or Representative
4.4.6 Certified copy of the deceased's ID
4.4.7 Certified copies of IDs of heirs
4.4.8 Marriage certificate or proof of marital regime
4.4.9 Proof of Estate

5. LETTERS OF AUTHORITY OR EXECUTORSHIP

5.1 Estates Valued at R250 000 or Less
Where the total gross value of the estate does not exceed R250 000, the Master may issue Letters of Authority in terms of section 18(3) of the Administration of Estates Act.
Key points:
5.1.1 Simplified administrative procedure
5.1.2 No requirement for a full liquidation and distribution account
5.1.3 Reduced Master's supervision
5.1.4 Person appointed is a Representative, not an Executor

Representative must:
5.1.5 Act honestly and in good faith
5.1.6 Collect and distribute assets lawfully
5.1.7 Pay creditors before distributing to heirs
5.1.8 Account to the Master if required

Executor responsibilities:

Fiduciary duties with personal liability for incorrect distributions, failure to pay creditors, or non-compliance

5.2 Estates Valued Over R250 000
Where the estate exceeds R250 000, the Master will issue Letters of Executorship in terms of section 18(1) of the Act.

Key points:

5.2.1 Appointment of a legally recognised Executor

5.2.2 Mandatory preparation of detailed liquidation and distribution account

5.2.3 Statutory advertising for creditors

5.2.4 Supervision by the Master

5.2.5 Formal inspection periods and compliance deadlines

6. ADMINISTRATION PROCESS STEP BY STEP

6.1 Appointment of Executor

Once appointed, the executor assumes legal control of the estate.

6.2 Open an Estate Late Bank Account

All estate monies must flow through this account.

6.3 Advertise for Creditors

Place statutory notices in the Government Gazette and local newspaper, allowing 30 days for claims.

6.4 Collect Assets

6.4.1 Bank funds
6.4.2 Insurance pay-outs
6.4.3 Property
6.4.4 Investments
6.4.5 Pension benefits

6.5 Pay Valid Debts

All lawful debts, funeral costs, and administration expenses must be settled.

6.6 Draft Liquidation and Distribution Account

Shows assets, liabilities, and distribution plan.

6.7 Master's Examination

The account is submitted to the Master for approval.

6.8 Public Inspection

Once approved, the account is available for 21-day inspection.

6.9 Distribution to Heirs
Assets distributed only after inspection period.
6.10 Finalisation and Discharge
Executor formally discharged.

7. WHAT HAPPENS IF THERE IS NO WILL?

Administered according to the Intestate Succession Act 81 of 1987.
Often leads to:
7.1 Delays
7.2 Family conflict
7.3Unintended heirs

A valid Will avoids these complications.

8. COMMON PITFALLS TO AVOID

8.1 Using estate funds without authority
8.2 Distributing assets too early
8. Ignoring customary marriage implications
8.4 Failing to advertise for creditors
8.5 Poor record keeping

9. WHAT TO PUT IN YOUR ESTATE FILE WHILE ALIVE

9.1 Essential Contents
9.1.1 Original Will
9.1.2 Certified copy of ID
9.1.3 Marriage certificate or proof of customary marriage
9.1.4 Divorce order if applicable

9.2 Financial Information
9.2.1 Bank accounts
9.2.2 Investments
9.2.3 Retirement annuities/pensions

9. WHAT TO PUT IN YOUR ESTATE FILE WHILE ALIVE- Continued

9.2.3 Retirement annuities/pensions
9.2.4 Insurance policies
9.3 Assets
9.3.1 Property title deeds
9.3.2 Vehicle registration documents
9.3.3 Business interests
9.4 Liabilities
9.4.1 Bonds
9.4.2 Loans
9.4.3 Credit agreements

9.5 Digital Estate
9.5.1 Email accounts
9.5.2 Online banking details
9.5.3 Password manager info
9.6 Key Contacts
9.6.1 Attorney
9.6.2 Executor
9.6.3 Financial advisor

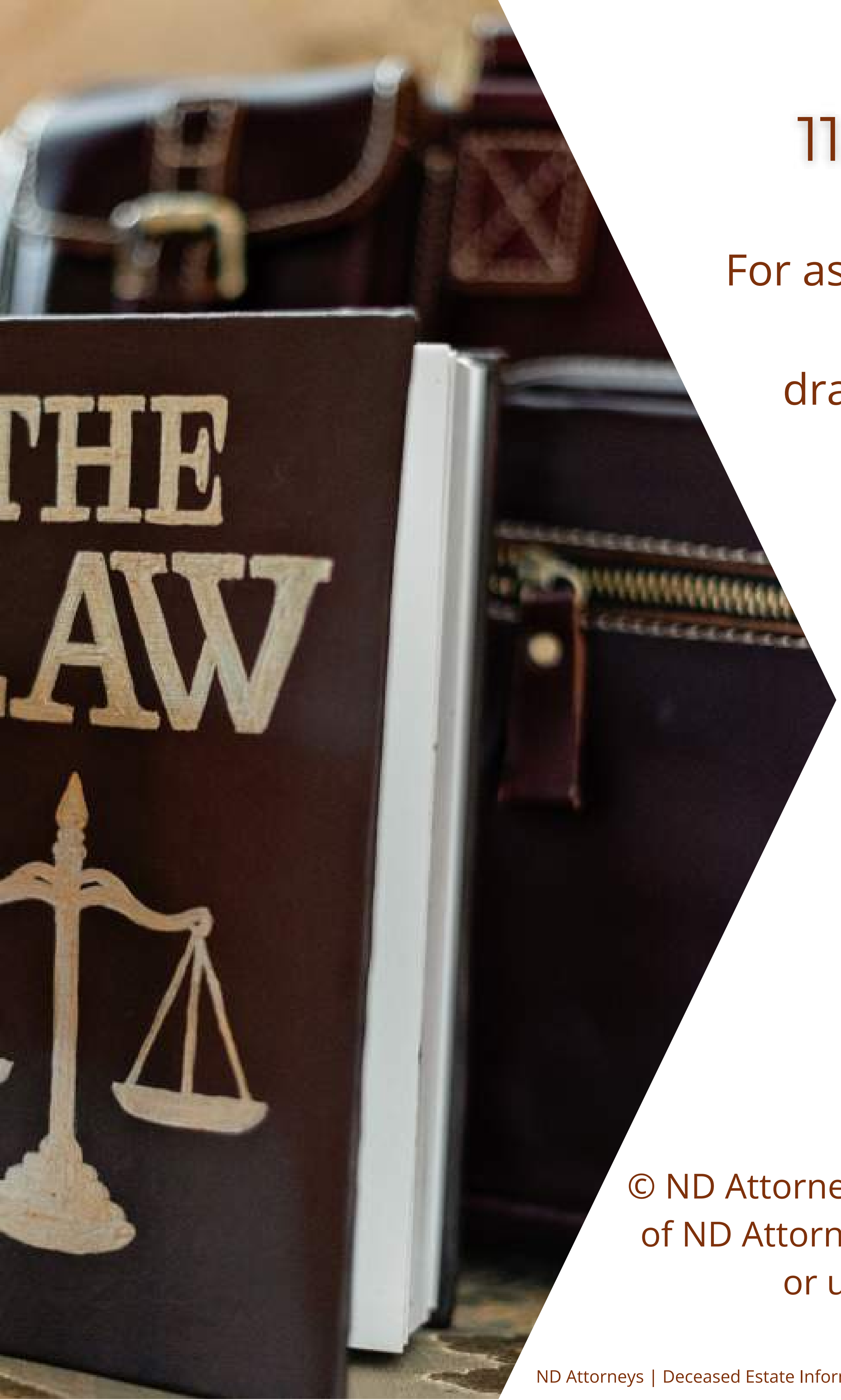
Review annually!!!

Law Firm

10. WHY PROFESSIONAL ASSISTANCE MATTERS

10.1 Prevents disputes
10.2 Protects heirs
10.3 Preserves asset value
10.4 Ensures compliance

ND Attorneys approaches estate administration with precision, empathy, and accountability



11. CONTACT ND- ATTORNEYS

For assistance with reporting a deceased estate, full administration,
drafting/reviewing a Will, or executor services:

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We handle estates so that families can focus on healing.