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Let your WILL be DONE

National Wills Week: 14-18 September 2026
Click here to find a participating attorney who will draft a basic **Will FREE OF CHARGE**

DID YOU KNOW?

More than **60%** of South Africans do not have a Last Will and Testament. If you do not leave behind a valid Will, how your assets are distributed after your death will be left in the hands of the government. There is also the risk that your loved ones will not be aware of the policies that you have left for them.

Your Last Will and Testament – or just Will, for short - is a document that states how you want your estate to be handled when you die. In this document, you also appoint an executor to distribute your assets in line with your wishes. Your Will needs to be dated and signed by two independent witnesses, and by you, in order for it to be valid.

Estate:

Everything that belongs to you – all your assets. However, your retirement fund benefits are excluded, as these are distributed according to the Pension Funds Act, and your Nomination of Beneficiary/Expression of Wish form is used to guide your Fund's Trustees in this regard.

Executor:

The person appointed to see to the administration of your estate once you have passed away.

Why should you not draft your Will yourself?

Your Will is a very official, very important legal document that needs to be 100% correct and complete and valid. If you don't have legal assistance, your will might not comply with the law, and could be contested or overturned. A qualified attorney will help to ensure that all your assets are listed and will stand as the executor of your estate. He or she will also make sure that you have covered other important aspects, for example, appointing a guardian for your children.

Important!
Make sure your family knows who your executor is, and how to contact them, and where to find your Will, if the worst should happen to you. *(Read on for which documents should be included in your Life File.)*

What is excluded from your Will?

Your retirement fund benefit is distributed according to Section 37C of the Pension Funds Act, and not according to your Will. You therefore need to nominate your beneficiaries separately for this benefit.

When last did you check who your nominated beneficiaries are? Be sure to review both your Will and your **NOMINATED FUND BENEFICIARIES** whenever your circumstances change.

What happens if you die without a Will?

The Intestate Succession Act sets out the legal process used to distribute the assets of South Africans who die without a valid Will in place. The provisions of this Act are generally fair and, cater for:

1. Your spouse and children
2. Where applicable, your siblings/parents
3. If required, other relatives

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But this might not be in line with your wishes. Furthermore, it will likely lead to delays as well as extra costs.

Ensure your own peace of mind, and ensure your family is looked after when you are no longer there to do so, by making sure you have a valid and up-to-date Will. For more information or for assistance, call or email the Law Society of South Africa: **012 366 8800** lssa@lssa.org.za

Essential guidelines for creating a comprehensive Life File

Key documents for a secure location – share with your executor and trusted family members

- **Identification Records:** Include smart cards, ID books, passports, birth certificates, and driving licenses.
- **Marital Documents:** Store marriage certificates, ante-nuptial contracts, and divorce decrees. For widows or widowers, include the deceased spouse's marriage certificate, death certificate, estate duty return, and estate finalization documents.
- **Asset Documentation:** Keep details of investments, bank accounts, property titles, vehicle ownership papers, and similar documents.
- **Insurance Policies:** Documents related to life insurance and funeral plans should be readily available to prevent them from being overlooked or unclaimed.
- **Cryptocurrency Information:** Treat cryptocurrency like any asset, subject to taxes and fees. Store access to your digital wallets securely, ensuring a trusted person can retrieve them upon your passing, as lost private keys mean lost assets permanently.
- **Digital Legacy:** Maintain a list of passwords and access codes for your electronic devices, email, and social media to prevent digital lockout for your loved ones. For security, avoid storing this information directly on your computer.
- **Living Will:** Though not officially recognized in South African law, a living will is respected regarding medical treatment preferences, including organ donation and end-of-life care.

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Contact Us

021 650 2934
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