

# ADMINISTRATION OF DECEASED ESTATES PROCESS

A deceased estate comes into existence when a person dies leaving assets and property to be distributed amongst their heirs. Such estate must then be administered and distributed in terms of the deceased's Will or failing a valid Will, in terms of the Intestate Succession Act, 81 of 1987. The entire administration process, from the appointment of the Executor to the finalization of the Estate, takes place under the supervision of the Master of the High Court.

## The administration of deceased estates briefly comprises of the following steps:

1

### Death of a family member

To enable our office to report the Estate to the Master of the High Court (Master), the family must attend to the following:

- Obtain the Death Certificate from the Department of Home Affairs.
- Establish whether the deceased left a Will and contact the Executor and our office.
- Provide us with full details of the assets and liabilities together with the supporting documents thereof.

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### Preparation to report the Estate

The nominated Executor, or our office on behalf of the Executor, will establish the following to enable us to prepare the reporting documents for signature:

- Is the deceased Will valid?
- Who are the beneficiaries in terms of the Will or in the case that the deceased did not leave a Will, the rules of the Intestate Succession Act?
- What are the assets and liabilities?

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### Reporting the Estate and appointment of the Executor

- All of the required reporting documents together with the supporting documents will be lodged with the Master to report the Estate and apply for the nominated Executor to be appointed.
- The Master will issue the Letter of Executorship appointing the Executor to enable him/her to commence with the administration process.

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### Placement of the Section 29 Advertisements for the debtors and creditors

Upon receipt of the Letters of Executorship an advertisement must be placed in the Government Gazette and local newspaper calling upon all the creditors to lodge any claim that they may have against the Estate within 30 days.

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### Interim Administration Process

We will attend to the following interim administration steps during the 30 day advertisement period:

- Contact all known debtors to request payment of the funds due to the Estate to the estate bank account.
- Contact all known creditors to obtain their final statements of account for any claim against the Estate.
- Obtain valuations for all the assets of the Estate.
- Establish if the Estate is solvent.
- Report the Estate to SARS and submit the deceased final tax return.
- Attend to payments of all proven claims against the Estate

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### Liquidation and Distribution Account (L&D Account)

- The L&D Account is drafted to reflect all the assets, liabilities, beneficiaries, and the income and expenses after death (if applicable).
- The L&D Account together with all supporting documents is submitted to the Master for approval thereof.

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### Placement of the Section 35 Advertisements for the L&D Account to lie for inspection

- Upon approval of the L&D Account by the Master an advertisement must be placed in the Government Gazette and local newspaper giving notice that the L&D Account will lie for inspection with the Master of the High Court and local Magistrate Court for 21 days.
- The L&D Account can be reviewed and any objections to the L&D Account can be lodged with the Master.

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### Permission to Distribute

- If no objections against the L&D Account is received within the 21 day period we will submit a request to distribute the assets of the Estate to the Master.

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### Distribution of the Estate

- Upon receipt of the permission to distribute, we will reconcile the Estate bank account and attend to the transfer of the assets and payment of the respective portions of inheritance to the heirs together with administration costs.
- We will obtain a Tax Clearance Certificate for the Estate from SARS.
- We will provide the heirs with a reconciliation statement for the Estate.

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### Finalisation of the Estate

- We provide the Master of the High Court with the final statement of account, bank statements, proof of payments and proof of transfer for all assets.
- Upon receipt of the letter from the Master discharging the Executor of his/her duties, we will close our file.