

# September is Wills Month

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At Capital Legacy, every day is Wills Day, every month is Wills Month, and every year is Wills Year, because Last Wills and Testaments are in our DNA.

That is why we have decided from the onset to throw our full weight behind the Law Society of South Africa's 'National Wills Week'. It is traditionally held every year in September where participating firms offer basic will drafting for free. This year it is from 12 to 16 September.

[Capital Legacy](#) has been drafting wills for free every day for the past 10 years, and to date we have helped over 500,000 South Africans get their wills in order, making us the largest provider of wills in the country.

The statistic of South Africans without a last will and testament is shockingly high at more than 70%. Because Capital Legacy's mission is to make the loss of a loved one easier, it was quite logical for us to take the next step and transform Wills Week into Wills Month.

Capital Legacy is so mission-driven that we even draft wills on public holidays and after hours to accommodate our clients. We also have a courier service that collects the signed wills free of charge to ensure that it is put into safe custody.

There is such a need in South Africa that we are currently helping an average of 10,000 clients, every month, with their wills.

Not only do we draft wills, but we have one of the largest [estate administration](#) teams in the country, handling more than 100 new estates per month. Through years of winding up deceased estates, we see all too often, the reality of families struggling to deal with the loss of a loved one almost daily. This struggle is infinitely more difficult when the loved one's affairs are not in order.

Most people know that they need a will, but statistics show that one of South Africans' major weaknesses is procrastination.

The Law Society has explained that it is important to have your will professionally drafted as "Often a will is not valid because the person who drafts it does not have the necessary legal knowledge to ensure that the requirements of the law are met. By drafting a will, you ensure that your assets are disposed of in accordance with your wishes after your death."

Whether you are a parent, a breadwinner, a homeowner or just generally want to ensure that your affairs are in order, it is important that you have a valid will drafted by a professional. A valid will allows you to state your last wishes, who should inherit your assets and property, who you would like to act as executor for your estate, and who you wish to nominate as guardian/s for your minor children (younger than 18 years old).

A valid will enables you to protect the interests of your loved ones and helps ensure that there are no unnecessary delays in settling your estate after your death.

### **Disadvantages of not having a will**

If you die without having a last will and testament, you die intestate, and the Master of the High Court will then appoint an executor to see to the administration of your estate.

Because minor children are not allowed to inherit assets, the assets due to your minor children will be put into the guardian's fund. The government created the guardian's fund to receive and manage money on behalf of persons legally incapable or who cannot manage their own affairs. This includes minor children and mentally disabled people. The court will also appoint a guardian for your minor children. The guardian may then claim against the guardian's fund for the children's expenses.

For most people, this is not the route they would want to go with their estate, plus it is a cumbersome process with all claims being scrutinised to eliminate false claims, which causes further delays. If there are any assets left by the time the minor children turn 18, they may apply to the guardian's fund for their assets to be released to them.

Even if you do not have children, without a will you forfeit the opportunity to decide who inherits what and your estate is distributed according to South African law. This means people whom you may not have wanted to benefit from your estate may inherit your assets and family heirlooms.



## Advantages of having a last will and testament

1. The parent nominates guardians for the minor children. Guardians are people the parents and the children know and trust. It is not guaranteed that the Children's Court will appoint your nominated guardians as permanent guardians, as a social worker will interview them and thoroughly investigate them and their circumstances. It does, however, serve as an excellent guide for the social worker on where to start, and in most cases the nominated guardians are appointed by the court.
2. Assets meant for the children may be left in a [testamentary trust](#) that is managed professionally through an attorney or a trusted trust company like Capital Legacy. This will safeguard the children's future and address difficult issues like a property being left to minor children, who is going to take care of and manage their funds, and what the appropriate age will be to remit all the monies to the children.
3. Having a last will and testament with a testamentary trust for minor children makes it significantly easier and faster to access funds for the children.
4. A last will and testament avoids confusion and fighting amongst relatives as far as assets are concerned, as you can clearly document who inherits what and appoint a trusted executor to manage the estate.

Over the last 10 years of helping South Africans get their wills in order, we have been constantly improving and refining our processes to make it easier, hassle free and accessible to all. 500,000 clients later, we are still working hard to make the loss of a loved one easier by ensuring that more South Africans can get their wills done.

This Wills Month, do not procrastinate, [act now](#), spread the word, and let us secure your legacy today.

#WillsMonth #SecureTheirNextSteps

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" **Don't leave chaos in your wake** 16 Apr 2024

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" **Legacy in motion: Carl Coetzee appointed as a managing director within the Capital Legacy group** 26 Jan 2024

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**CAPITAL LEGACY**  
Wills & Estates Specialists

Our mission is to ensure that more South Africans have valid Wills in place and to lower the legal fees at death for our clients.

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