

## PRESS RELEASE

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### **GET YOUR WILL DRAFTED FOR FREE BY AN ATTORNEY DURING NATIONAL WILLS WEEK: 17 TO 21 SEPTEMBER 2018**

As has become tradition over the past few years, members of the public will be able to have a basic will drafted by an attorney free of charge during National Wills Week from 17 to 21 September 2018. Attorneys' firms throughout the country are participating in the National Wills Week project.

'If you are a parent, a breadwinner, a homeowner and 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, to appoint an executor of your choice for your estate and also a guardian for your minor children', say Law Society of South Africa (LSSA) Co-Chairpersons, Mvuzo Notyesi and Ettienne Barnard.

If you were married, divorced or widowed recently, or you have started cohabitating with your partner or have bought new property you must have a will. Similarly, unmarried persons – particularly those who may have a number of people and extended family members who depend on them financially – should ensure they have a will in place, as several people could make a claim on their estates.

'By ensuring that you have a valid will, you as the testator, can protect the interests of your loved ones and ensure that there is no delay in settling your estate after your death. It also ensures that your executor will act according to your wishes as set out in your will. A valid will allows you to state who should inherit your assets and property, to appoint an executor of your choice for your estate and also a guardian for your minor children,' add Mr Barnard and Mr Notyesi.

During National Wills Week from 17 to 21 September 2018, attorneys participating in the National Wills Week initiative will display posters with their contact details so that members of the public can make appointments with attorneys in their area. In addition, **the contact details and addresses of all participating attorneys can be accessed on the LSSA website at [www.LSSA.org.za](http://www.LSSA.org.za)** or by contacting the relevant provincial law society.

#### **What you should take to the attorney for your will to be drafted**

- Your ID document
- A list of what you own (including specific personal items that you wish to bequeath to specific people)

Before you go to the attorney, think about

- Who must get what?
- Who should be the legal guardians of your minor children (those under 18)?
- Who should be the executor of your will? This could be your attorney or a close family member or friend. If you decide on a family member or friend, it is advisable also to nominate the attorney as co-executor as the attorney will deal with any legal issues.

#### **Why should an attorney draft your will?**

A practising attorney has the necessary knowledge and expertise to ensure that your will is valid by complying with all the legal requirements in the Wills Act and also that it complies with your wishes. An attorney can also advise you on any problem which may arise with your will and assist your executor. Often a will is not valid because the person who drafts it does not have the necessary legal knowledge to ensure that all the legal requirements of the Wills Act are met. These include the fact that the will must be in writing, it must be signed by the testator in the presence of at least two competent witnesses, and also signed by the witnesses.

### **What could happen to your estate if you die without a valid will?**

If you die without leaving a valid will, your assets will be distributed according to the provisions of the Intestate Succession Act. These provisions are generally fair and ensure that your possessions are transferred to your spouse and children, and where applicable, to siblings, parents, and if required, then to the extended family in terms of degrees of relationships.

But, the following problems may arise if you die without leaving a will:

- Your assets may not be left to the person of your choice.
- It can take a longer time to have an executor appointed. The executor who is appointed may be somebody you may not have chosen yourself.
- There could be extra and unnecessary costs.
- There could be unhappiness and conflict among members of your family because there are no clear instructions on how to distribute your assets.

### **Where to find an attorney to draft your will:**

**The contact details of attorneys participating in the National Wills Week project can be accessed on the LSSA website at [www.LSSA.org.za](http://www.LSSA.org.za).**

Alternatively, call the relevant provincial law society: For attorneys in –

- Gauteng, Mpumalanga, Limpopo, North West call the Law Society of the Northern Provinces at (012) 338 5800;
- the Western, Eastern and Northern Cape call the Cape Law Society at (021) 443 6700;
- Free State call the Law Society of the Free State at (051) 447 3237;
- KwaZulu-Natal call the KwaZulu-Natal Law Society at (033) 345 1304.
- Or call the Law Society of South Africa at (012) 366 8800.

### **ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, MVUZO NOTYESI AND ETTIENNE BARNARD**

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