

## **SUPERVISION OF THE ADMINISTRATION OF DECEASED ESTATES**

This division of the Master's office supervises the administration of deceased estates. The aim is to ensure an orderly winding up of the financial affairs of the deceased, and the protection of the financial interests of the heirs.

### **The role of the Master in deceased estates**

The role of the Master in deceased estates is to regulate the whole administration process in terms of the Administration of Estates Act, to supervise the work of the executor and protect the interest of beneficiaries and creditors.

The person who administers a deceased estate is an Executor or a Master's Representative, depending on the value of the estate.

Only an executor or Master's Representative, whose appointment has been confirmed by the Master of the High Court, may deal with the assets and liabilities of a deceased's estate. Once an executor has completed the estate administration process, as described in the Administration of Estates Act, he or she finalizes the estate, which comprises the distribution of inheritances to the beneficiaries.

The administrative process briefly entails:

- the collection of all assets of the deceased estate;
- the investigation and settle all debts against the estate after their validity has been confirmed, and
- the distribution of the balance of the assets among the rightful heirs and beneficiaries.

### **The origin of a deceased estate**

A deceased estate comes into existence when a person dies leaving property or a document which is a will or purports to be a will. 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 81 of 1987

The procedure which must be followed to administer a deceased estate is prescribed by the Administration of Estates Act.

### **Which deaths must be reported?**

The following deaths must be reported:

- The death of a person who dies within the Republic leaving property or any document being, or purporting to be a will.
- The death of a person who dies outside of the Republic, but who leaves property and/or any document being or purporting to be a will, in the Republic.

### **To which Master must the estate be reported?**

One must distinguish between those instances where the deceased was resident within the Republic and those where he or she was not resident within the Republic.

**Deceased resident within the Republic:**

Where the deceased was resident in the Republic, the estate must be reported to the Master in whose area of jurisdiction the deceased was resident at the time of his or her death.

**Deceased not resident in the Republic:**

Where the deceased was not resident in the Republic at the time of his or her death, the estate may be reported to any Master, provided it is reported to only one Master. An affidavit to the effect that the Letters of Executorship have not already been granted by any other Master in the Republic must accompany the reporting documents.

The following estates will be transferred to the Master's Office:

- Estates with **wills**.
- Estates with a value of **more than R125 000**.
- Insolvent estates.
- Estates where one or more of the **beneficiaries are minors** and is not assisted by a legal guardian and the cash assets in the estate is worth more than R20 000.

**When and by whom must estates be reported?**

The estate of a deceased person must be reported to the Master within 14 days from date of death.

The death is to be reported by any person having control or possession of any property or document being or purporting to be a will, of the deceased. The estate is reported by lodging a completed Death Notice with the Master. The Death Notice and other reporting documents may be obtained from any Office of the Master of the High Court or Magistrate's Office.

**How to report an estate to the Master or to a Service Point of the Master**

The reporting documents will differ slightly depending on the value of the estate and the type of appointment required.

If the value of the estate **exceeds R250 000**, Letters of Executorship must be issued and the full process prescribed by the Administration of Estates Act must be followed.

However if the value of the estate is **less than R250 000**, the Master may dispense with Letters of Executorship, and issue Letters of Authority in terms of section 18(3) of Administration of Estates Act. These service points only have jurisdiction in the following instances:

- Where the deceased did not leave a valid will (died intestate) and;
- Where the value of the estate (or the best estimate value thereof) is **not more than R125 000**; and
- Where the estate is **not** insolvent; and
- Where all beneficiaries are majors or any one or more of the beneficiaries is a minor and is assisted by his or her legal guardian and the cash assets in the estate is worth R20 000 or less.