

LAST WILL AND TESTAMENT

OF

FULL NAME AND SURNAME:

ID NUMBER:

ADDRESS:

AS WITNESSES

1.

2.

TESTATOR / TESTATRIX

1. **REVOCATION**

I hereby revoke, cancel and annul all previous Wills, Codicills, or other Testamentary dispositions hereto, made or passed by me either jointly or severally, and desire that same shall be null, void and of no force and effect whatsoever, and I declare this to be my Last Will and Testament.

2. **BURIAL**

It is my wish that the remains of my body be cremated and my ashes be given to _____.

OR

It is my wish to be buried at the _____ cemetery.

3. **DISTRIBUTION OF ESTATE**

I bequeath as follows:

3.1 To my husband/son/daughter _____ (Full name) with ID NO: _____, my entire estate with all my assets, movable and immovable property, to be found therein.

OR

3.2 To my husband/son/daughter _____ (Full name) with ID NO: _____, 50% of my entire estate including all my assets, movable and immovable property, to be found therein.

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3.3 To my husband/son/daughter _____ (Full name) with ID NO: _____, 50% of my entire estate including all my assets, movable and immovable property, to be found therein.

3.4 Should my husband/son/daughter predecease me or not survive me by more than thirty (30) days, the benefit that would have devolved upon such heir shall devolve upon such heir's descendants by representation or, failing descendants, upon my remaining named heirs, failing whom, their descendants by representation.

4. **BENEFICIARIES TO INHERIT FREE OF COMMUNITY AND ACCRUAL**

4.1 The rights to any amounts paid or incurring to any beneficiary under this will, shall not fall into nor form part of the joint estate of that beneficiary and his or her spouse, nor shall the husband of any female beneficiary, whether his marriage to her be in or out of community of property, have any control or power of an administration of any rights or amounts paid or incurring to her. These rights and amounts shall be excluded from any accrual in terms of the Matrimonial Property Act, number 88 of 1984.

4.2 I further direct that the said legacies or inheritances or benefits shall not be capable of attachment for the debts or obligations of any spouse of such beneficiary, and shall neither form part of any insolvent estate of such spouse, nor vest in the Trustees of such insolvent Estate.

5. **EXECUTORS AND ADMINISTRATORS:**

5.1 I nominate as executor of my will and administrator of my estate, **FULL NAME** _____ **AND ID NUMBER** _____, granting with the power of

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assumption and I direct that he be exempted from having find security for the due fulfillment of his duties as such.

OR

5.2 I nominate as executors of my will, administrators of my estate, **MR / MRS** _____ , associate / director of the firm _____ Attorneys, granting him / her power to nominate a person or persons to assist him/her in his duties as such: that is to say, he / she shall have the power of assumption.

5.3 Should any person be unable or unwilling to assume office as executor and administrator, or, having assumed such office, cease for any reason to act in such combined capacities, I direct that such partner/ associate / director of the firm _____ Attorneys , or the successors in practice of that firm, as is chosen by it, shall be nominated in his stead.

5.3 I direct the Master of the High Court to dispense with the finding of security by either by my executor and/or by any assumed or substituted executor, to the satisfaction of the Master for the proper performance of this functions as such; and I exempt every administrator, whether appointed under this will or assumed or substituted, from the furnishing of security to the satisfaction of the Master for the due and faithful performance of his duties as such.

5.4 My executor and administrator, nominated, assumed or substituted, shall have power to nominate any such person/s to assist him / her in winding-up my estate or in handling any trust, that is to say, he / she shall have power of assumption.

5.5 The fees of my executor and administrator, nominated, assumed or substituted shall be limited to 3.5 % of the gross value comprising my estate.

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5.5 My executor and administrator may in his / her discretion sell any asset of the estate by private treaty or otherwise without the need to obtain the approval of any heirs. My executor and administrator shall not be subject to the restrictions regarding the sale of property imposed by section 47 of the Administration of Estates Act No. 66 of 1965 or any amendment thereof or substitution therefore.

6. SIGNATURE

IN WITNESS WHEREOF, signed by me at _____ (Place) on this _____ day of _____ 20__ in the presence of the undersigned witnesses, all of us being present at the same time

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1. _____

TESTATOR / TESTATRIX

2. _____