

Deceased Estates

The origin of a deceased estate

Winding up of an estate comes into effect when a person dies leaving property, assets or a document which is 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 Act, 81 of 1987.

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.

- 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/her death. At present there are Master's Offices in Pretoria, Cape Town, Pietermaritzburg, Grahamstown, Bisho, Umtata, Bloemfontein, Kimberley, Mmabatho/Mafikeng, Johannesburg, Polokwane, Durban, Port Elizabeth, Thohoyandou and Nelspruit.
- Where the deceased was not resident in the Republic at the time of his/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, namely:

- Estates with wills.
- Estates with a value of **more than R250 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 death is to be reported by any person having control or possession of any property or document being a will, of the deceased. The estate is reported by lodging a completed Death Notice and other related documents with 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. If the value of the estate is under R250 000,00 then the representative of the estate will make an application to the Master for a letter of authority.

Why you need an appraiser?

When property has to be valued in a deceased estate, it is normally done by an appraiser.

[Appraisers](#) are appointed for specific areas by the Minister of Justice and Constitutional Development in terms of section 6 of the Administration of Estates Act no. 66 of 1965. Appraisers are entitled to a reasonable remuneration which is determined by a prescribed tariff of fees. When there is a dispute regarding the correctness of the remuneration charged, the appraisers account must be submitted to the Master for taxation.

Wills

A will is a specialized document, which should preferably be drawn up by an expert like an attorney, trust company etc.

Intestate succession

Any person of 16 years and over is free to make a will in order to determine how his/her estate should devolve upon his/her death. If you die without a will, your estate will devolve in terms of the rules of [intestate succession](#), that is in accordance with your successors.

Once the Master has issued the Letters of Executorship the following steps will be taken to finalise the winding up process:-

1. Advertisement of debtors and creditors in the local newspaper and government gazette. The advert shall be open for a period of 30 days during which time all the debtors and creditors can lodge a claim against the estate with the executor;
2. After 30 days a document called liquidation and distribution account is drafted, signed by the executor and thereafter submitted to the Master for approval.
3. Once you have obtained the Master's consent to proceed, the liquidation and distribution account is advertised in the local newspaper and government gazette and is laid open for inspection at the Magistrate's Court for 21 days.
4. The public can view the liquidation and distribution account and lodge an objection if they do not agree to any amounts stipulated on the documents.
5. Upon expiry of the 21 days and should there be no objections raised, the Master will forward a certificate to the executor confirming that the estate is free from any objection.
6. Thereafter the executor can proceed to the next step which could either be paying out inheritances to the heirs or transferring of a property to an heir.
7. Once a property has been transferred and funds paid out, the executor signs an affidavit to confirm the above and the estate has been finalised and request the Master to release him /her from the appointment of executor.