



LAW SOCIETY
OF SOUTH AFRICA
PRESS RELEASE

19 August 2014: For immediate release

**ATTORNEYS TO DRAFT WILL FOR FREE
DURING NATIONAL WILLS WEEK: 15 TO 19 SEPTEMBER 2014**

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 15 to 19 September 2014. Attorneys' firms throughout the country are participating in the National Wills Week project.

'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,' say Law Society of South Africa (LSSA) Co-Chairpersons, Ettienne Barnard and Max Boqwana.

Persons who have been recently divorced or widowed, or those who are cohabitating with their partners for some time, should also consider having a will drafted. If you have been cohabitating with your partner, it is advisable to have a will to ensure that there are not competing claims on your estate. Similarly, unmarried persons – particularly those who may have a number of people that depend on them financially – should ensure they have a will in place, as several people could make a claim on their estates.

During Wills Week from 15 to 19 September 2014, 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 of all participating attorneys can be accessed on the LSSA website at www.LSSA.org.za or by contacting the relevant provincial law society.

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.

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, MAX BOQWANA AND ETTIENNE BARNARD

by Barbara Whittle and Nomfundo Manyathi-Jele

Law Society of South Africa

Tel: (012) 366 8800

Barbara: 083 380 1307 or Nomfundo: 072 402 6344

E-mail: barbara@lssa.org.za or ManyathiN@lssa.org.za

Website: www.lssa.org.za

Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 22 400 attorneys and 5 600 candidate attorneys.