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PROCESS OF THE ADMINISTRATION OF A DECEASED ESTATE

With this guideline we will attempt to provide you with a general outline of the steps involved. However, it's important to note that the exact process may vary depending on each matter.

1. **Reporting the Estate**

   In order to report the Estate, the family will obtain the necessary documents to enable us to compile the documents to report the Estate which will include a rough inventory of the deceased's assets.

   These documents include :

   1.1 death certificate;
   1.2 Last Will / Testament
   1.3 ID of the deceased
   1.4 ID of the nominated executor
   1.5 documents related to the deceased which include:
   - Assets
   - Liabilities
   - Financial affairs
   - And personal items such as:
     - Identity cards
     - Bank statements
     - Investment records
     - Property deeds
     - Vehicle registration papers
     - Insurance policies
     - Tax returns
     - And other relevant documents.

   Note: The documentation needed will vary based on each estate.

2. **Obtain the Letters of Executorship:** Letters of Executorship are an important legal document issued by the Master of the High Court (Master), appointing the Executor and giving them the authority to act as a representative of the deceased's estate. It is only once this letter is in hand that the Estate's representative can proceed with administering the Estate as this document contains the Estate Number.

3. **Open an estate bank account:** Once the Letter of Executorship has been obtained and there are funds in excess of R1000 due to the Estate, a separate Executor's trust bank account is opened for the deceased estate. The purpose of this is to manage incoming funds, pay expenses, and distribute assets. This account is in the name of the deceased estate.

4. **Advertisement of the Estate and notification to relevant parties:**

   Once the Letter of Executorship has been issued, an advertisement must be place in the Gorvernmnet Gazette and in a local newspaper calling upon creditors of the Estate to lodge their claims within 30 days of the advert. These adverts must ideally be placed on the same day.

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The following parties must also be notified of the death:

- Banks
- Insurance companies
- Employers
- Government agencies, eg SARS

We also provide them with a certified copy of the Letters of Executorship. This ensures that accounts are properly closed or transferred and that any applicable benefits or insurance claims are processed.

5. **Preparation of the Liquidation and Distribution Acount** The Liquidation and Distribution account is prepared for approval by the Master. The purpose of this account is to show all estate transactions, including assets, income, expenses, distributions, and any other relevant financial activities and to show how the Estate is to be distributed. This account is submitted to the Master for their approval.

6. **Advertise that the Account is available for inspection**

   Once the Master has approved the Liquidation and Distribution Account, ad advert is again placed in the Government Gazette and a local newspaper confirming that the account is available for inspection at the Master's office and the local magistrates office where the deceased resided for a period of 21 days from the date of the advert.

7. **File tax returns:** Determines whether any tax returns are required for the deceased, both at the individual level and for the estate. This may include income tax, estate tax, or any other possible tax implications and obtains a clearance letter from SARS confirming that all the tax affairs of the deceased have been complied with and that the relevant Estate duty has been paid.

8. **Review and settle outstanding debts:** Once the Master and the Magistrate confirm that there have been no objections to the accounts that have lain open for inspection, the Estate can be distributed.

9. **Distribute assets to beneficiaries:** Once all debts, taxes, and administrative expenses have been paid, the remaining assets to the beneficiaries according to the terms of the Last Will / Testament or the applicable laws of interstate succession if there is no Last Will / Testament. The necessary releases or waivers are obtained from beneficiaries acknowledging receipt of their share of the estate.

10. **Finalize the estate:** Once all the payments and distribtuions have been done, proof thereof is submitted to the Master who will then provide the Executor with the confirmation that the estate has been finalized and a relase of the Executor from their duties.

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