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Draft your will for free during SA's National Wills Week

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THE Law Society of South Africa National Wills Week, on from September 11 to 15, means the public can have their wills drafted free of charge.

Wills Week presents the ideal opportunity to get a basic will drafted by an attorney, free, as attorneys' firms throughout the country take part in the National Wills Week campaign.

The Law Society has urged people to ensure that they register for a free will with an attorney or a law firm.

The society said by making a will, you ensure that your assets are disposed of in accordance with your wishes after your death.

This privilege is called "freedom of testation". Many South Africans do not have wills and people are urged to ensure that they have a legally sound will. This ensures that there are no competing claims on their estate when they die and that their intentions for their dependants are followed.

The society said it is best that an attorney draft a will, as they are professionals qualified in law.

"An attorney can advise you on any problem which may arise with regard to your will. An attorney has the necessary knowledge and expertise to ensure your will is valid and complies with your wishes," the law society said.

It added that, often, a will is not valid because the person who drafts it does not have the necessary legal knowledge to ensure that the requirements of the law are met.

It warned that if a person dies without leaving a valid will, their assets will be distributed according to the provisions of the Intestate Succession Act.

"The provisions of this act are generally fair and ensure that your possessions are transferred to your spouse and children, and where applicable, to siblings, parents and, if required, to the extended family in terms of degrees of relationships and those that were dependant on you for financial support," the society said.

It warned that there may be problems if there is no will, which can include that a person's assets may not be left to the person of their choice.

It can also take a long time to have an executor appointed. The appointed executor may be somebody the deceased may not have chosen.

Another problem which may arise in dying without a will is that there can be extra and unnecessary costs. There can also be unhappiness and conflict among members of the family because there are no clear instructions on how to distribute the assets.

The Law Society of SA initiated Wills Week, with the support of key stakeholders, to ensure that the public have their wills drafted by practising attorneys.

The society, meanwhile, said it has noted many people who are not legal practitioners use the society's Wills Week for advertising their services.

"Please note that they are not part of the LSSA Wills Week," it warned.

During National Wills Week, attorneys participating in the initiative will display posters with their contact details so that the public can make appointments with attorneys in their area. In addition, the contact details and addresses of all participating attorneys can be accessed on the LSSA website.

People who want their will drafted must take their ID document along, as well as a list of what they own (including specific personal items that they wish to bequeath to specific people). They must also provide a list of beneficiaries and their ID numbers.

Before consulting an attorney, they must decide who must get what, who should be the legal guardians of their minor children (those under 18) and how should be the executor of their will. This could be their attorney or a close family member or friend.

"If you decide on a family member or friend, it is advisable also to nominate the attorney as co-executor as the attorney will deal with any legal issues. The executor must be approved by the Master of the High Court," the society said.

The contact details of attorneys participating in the National Wills Week project can be accessed on the society's website at www.lssa.org.za.