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# Where there's a will, there's a way

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THE Law Society of South Africa's National Wills Week runs until 15 September.

Making a will ensures your assets are disposed of following your wishes after your death, known as 'freedom of testation'.

## **Why should an attorney draft your will?**

- Attorneys are professionals qualified in law.
- An attorney can advise you on any problem which may arise concerning your will.
- An attorney has the necessary knowledge and expertise to ensure that your will is valid and complies with your wishes.
- 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.

## **What happens 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.

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 and parents.

If required, they go to extended family in terms of degrees of relationships and those that were dependent on you for financial support.

## **What are the problems of not leaving**

- Your assets may not be left to the person of your choice.
- It can take a long time to have an executor appointed.
- The executor who is appointed may be somebody you may not have chosen yourself.
- There can be extra and unnecessary costs.
- There can be unhappiness and conflict among members of your family because there are no clear instructions on how to distribute your assets.

For assistance call the Law Society of South Africa on 012 366 8800 or email at [lssa@lssa.org.za](mailto:lssa@lssa.org.za).