

Help them to get what you want them to get...

NATIONAL WILLS WEEK: [CLICK HERE TO FIND OUT HOW TO GET YOUR FREE WILL](#)

Dying without a valid will (known as dying intestate) can lead to emotional and financial complications for your loved ones. Without a will, your estate is handled according to intestate succession laws, which may not reflect your personal wishes and can delay the process.



GUARDIANSHIP OF CHILDREN

If a parent dies without a will and there's no surviving parent, the state appoints a guardian for minor children. A will allows you to choose a guardian (and backup) to care for your children.



CHOICE OF EXECUTOR

A will lets you name a trusted person to manage your estate (the executor). Without one, the state appoints someone — possibly a stranger — and family members may disagree on who should do it, causing delays.



HOW ASSETS ARE DISTRIBUTED

Intestate laws divide assets as follows:

- Spouse, no children: Entire estate goes to the spouse (this includes same-sex partners, religious, and customary marriages).
- Children, no spouse: Children inherit equal shares.
- Spouse and children: The estate is divided using a "child's share" calculation. Each child and the spouse get an equal share, or the spouse gets R250,000 — whichever is greater.
- Parents only: They inherit equally.
- Siblings only: They inherit equally.
- If a child of the deceased has already died, their share goes to their children.



NO HEIRS?

If no heirs are found, the estate goes to the Guardian's Fund for 30 years. If unclaimed, it becomes state property.



PROPERTY ISSUES

- For example, in a marriage in community of property, the deceased's share goes to the spouse and children. If minors are involved, the Master of the High Court must approve any sale of property, causing complications.
- If multiple heirs inherit a house, they may struggle to agree on what to do with it.



ASSETS EXCLUDED FROM INTESTATE RULES

- Retirement fund benefits are distributed by the fund trustees to financial dependents.
- Living annuities and life insurance proceeds go directly to nominated beneficiaries.

Not having a valid will can create major legal, financial, and emotional burdens for your family. To ensure your wishes are respected and your loved ones are protected, it's essential to draft a proper will.