

Execution of Wills

Unblocking those estate bottlenecks

DESPITE believing that the affairs of a deceased relative were in good order, a number of people who have been waiting years for an estate to be wound up feel aggrieved by the slow pace at the relevant Master's Office.

While it is difficult to generalise, the Fiduciary Institute of South Africa (FISA) — the non-profit professional body that aims to raise fiduciary standards in South Africa — has said it is seeing some improvements.

There are two options for people who may be waiting desperately for funds to finally be released.

The first is an online portal set up by the Master's Office last September that allows members of the public to query the status of the administration of a particular estate.

The chief master, Advocate Lester Basson, has said the online portal, for use by both the general public and fiduciary practitioners (in this case, the professionals involved in the administration of an estate), is intended to speed up queries on the contents of files through an integrated case management system that is updated daily.

The online portal will provide information about exactly which Master's Office is administering the estate, details of the appointed executor and accounts lodged and examined by the master. It will also give a reference number for further

Master's Office and Fiduciary Institute of SA offer assistance to parties waiting for funds to be released, writes BRENDAN PEACOCK

interaction in tracking the progress of estate matters. The portal can be found at <https://icmsweb.justice.gov.za/mastersinformation>.

Although the online portal is expected to accelerate the turnaround times involved in estate administration, there may be instances where a fiduciary practitioner involved in the administration of an estate — such as a nominated execu-

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tor — has failed to carry out their duties properly.

The FISA can assist the public with legitimate grievances by looking into specific matters. Grounds for legitimate complaints include possible theft of monies due to the estate or a breach of the FISA code of ethics, which can be viewed at www.fidsa.org.za. The FISA can take up the matter directly with the practitioner concerned if they are a FISA member or refer

you to the appropriate authority if the practitioner is not a registered FISA member, but they cannot get involved if you have already begun litigation against a FISA member.

Complaints need to be lodged, in writing, with the FISA secretariat at secretariat@fidsa.org.za. However, the FISA requires that any complainant following this route must provide proof that he or she has tried to resolve the issue directly with the fiduciary practitioner or the company they represent before approaching the FISA secretariat.

If you have proof of such interaction, the secretariat will need your contact details, a brief overview of your complaint and contact details of the person/s to whom you have already tried to address the complaint.

The FISA secretariat will then contact you to discuss the matter in greater detail and, if they consider the complaint valid, take it up with the practitioner on your behalf as a mediator.

According to the FISA, most complaints of this type result in a mutually acceptable outcome for both parties, although you still have the right to pursue further action if you are unsatisfied with the outcome.