



By Letitia Watson

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Amending a will

Don't let your will gather dust – keep it current by updating it as your circumstances change

WHEN last did you update your will? It's not the most enjoyable task but there are several reasons why you should check if your will needs to be amended to bring it in line with your circumstances.

Children and grandchildren

Your children or grandchildren may be mentioned separately and by name as beneficiaries in your will.

But what about children or grandchildren born since your will was first drafted?

To ensure everyone is included you can amend your will to read: "... will be left to my surviving children at the time of my death," advises Nokuzola Cossie of Sanlam's Glacier Fiduciary Services.

If you want to make children from a specific marriage beneficiaries you could change your will to read: "... is bequeathed to my children born from my marriage to Janet Smith."

Make sure your will complies with the Children's Act No 38 of 2005 in terms of which the age of majority has been changed from 21 to 18.

For instance if you intended for a child to benefit from a testamentary trust at the age of 21 this must be indicated specifically in your will or else he or she will receive the benefit when they turn 18.



If you're divorced

If you divorce and don't change your will within three months from the date of the divorce it will be assumed you still want your ex to be one of your beneficiaries.

It's a good idea to go through all your beneficiaries – if your relationship with any of them has changed you may want to let someone else benefit from the bequest instead.

Your will must always be amended to bring it in line with changes in your life such as marriages, births and deaths.

Your assets

Check the wording describing the assets you want to bequeath.

If your will reads: "I bequeath my house at 115 Main Road, Blikkiesfontein, to my nephew John", and you have in the interim sold the house John won't inherit the house because your new house will become part of the remainder of your

estate. Rather amend this clause to read: "I bequeath my primary residence at the time of my death to my nephew John."

If you have assets and property that are to be bequeathed to specific people you should update your will every time assets are bought or sold.

Beneficiaries abroad

If a beneficiary has moved to another country an application is made via a local bank to the South African Reserve Bank (SARB) to have the inheritance transferred to the foreign bank that dealt with the beneficiary's emigration.

The beneficiary living abroad will have to complete an SARB form specifying their emigration status and their foreign banking details, says John Gibson of the Fiduciary Institute of South Africa (FISA).

Ensure your attorney and ex-

ecutor have the personal details of beneficiaries living abroad.

Is your will valid?

Your will must be in writing and signed by you on each page in the presence of two competent, impartial witnesses. Competent witnesses are people aged 14 and older who have the legal capacity to give evidence in court.

The witnesses must also sign the last page. It's advisable to date your will in case more than one valid will is found after your death which must then be read together if they are undated. This is why it's advisable to state in your will that all previous wills and codicils are revoked.

If you make changes such as corrections or additions to your will, you and two competent and impartial witnesses must sign the changes in each other's presence. They needn't be the original witnesses.

A will is not invalid if the testator [person whose will it is] can't write his or her name and makes only a cross, mark or fingerprint. But the witnesses must be able to write their names.

If the testator makes a cross, mark or fingerprint it must be done before a commissioner of oaths who must sign each page. He or she may not be a witness.

The commissioner must certify the identity of the testator as part of the will and that he or she is indeed the testator. ■

'Never say you know a man until you have divided an inheritance with him'

JOHANN KASPAR LAVATER, GERMAN THEOLOGIAN