



THE FIDUCIARY INSTITUTE OF SOUTHERN AFRICA



## 4<sup>th</sup> Annual Conference

Wanderers Club

Johannesburg

18 September 2014

# LAY PERSON AS CO-EXECUTOR

FISA

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- Not always a “Negative”
- Sometimes it can be a good idea, a “must have”, and be a “Positive”
- The trick is for the fiduciary specialist executor/administrator, is to take charge, to be clear, firm and manage the administration process while guiding, educating and in some instances, being a referee to the other Executor/s

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- POSITIVES- A “NICE TO HAVE” IN SOME CASES
  - If a family member is a co-executor, they can be your “link” with the family and the outside world.
  - They can keep you in the loop of “in-laws vs outlaws”, feuding families need careful management.
  - They can assist with the softer personal, non core administration issues, i.e. mourning and relationships.

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- **NEGATIVE – CAN STAND IN THE WAY OF PROGRESS**
- Does not understand the role to be played or the time frames and can be a delay in efficiency.
- Assumption that nomination in will is all that is required, and takes action before “L O E” issued, or estate even reported
  - Delay in appointment is a delay in action. Real issue – Executor appointed 8 months after death, share portfolio loss of over 50%.
- Assumption that there is free reign to contract, alienate and dispose.

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- NEGATIVE – CAN STAND IN THE WAY OF PROGRESS  
cont.
- New compliance requirements and red tape is a major delay where there are multiple Executors
  - SARS
  - BANKS
- Does not understand that statutory and legal rules and legislation must be complied with
  - Is that not your job? I did not know it meant me too?

