



THE FIDUCIARY INSTITUTE OF SOUTHERN AFRICA



**WESTERN CAPE REGIONAL MEETING 3/2014**  
**MINUTES of the meeting held on 26 August 2014**  
**at the offices of Sanlam Trust, Bellville**

<b>1. OPENING</b>																																																																			
2. The Chairman welcomed all members present.  <u>Attendees:</u> <table border="1"><tr><td>Chris Murphy (chairman)</td><td>Nicole Christians</td><td>Louis van Vuren</td></tr><tr><td>Tanya Lochner</td><td>Debbie Hobbs</td><td>Marguerite Marais</td></tr><tr><td>Paula Bongers</td><td>Erica Grootboom</td><td>Almarie Kotze</td></tr><tr><td>Ulrich Hoffmann</td><td>Raylene Prezens</td><td>Elsa van der Westhuysen</td></tr><tr><td>Ryno Venter</td><td>Mohamed Jeewa</td><td>Christel Sadler</td></tr><tr><td>Brenton Ellis</td><td>Bok Pretorius</td><td>Karin Vorster</td></tr><tr><td>Alfie Bester</td><td>Ian McGugan</td><td>Keith Cullis</td></tr><tr><td>Ronel Williams</td><td>Muhammad Fakier</td><td>Mark Butler</td></tr><tr><td>Marina Clift</td><td>Mugiedien Sedick</td><td>Desiree Raidoo</td></tr><tr><td>Cathie Johnstone</td><td>Grant Louw</td><td>Suzette Malherbe</td></tr><tr><td>Elmarene Erasmus</td><td>Michel Ungerer</td><td>Zainap Behardien</td></tr><tr><td>Ceris Field</td><td>Jana Kritzinger</td><td>Johann Jacobs</td></tr><tr><td>Mark McKie</td><td>Morag Naylor</td><td>Leslie van Rooijen</td></tr><tr><td>Almo Lubowski</td><td>Pieter Troost</td><td>Janine Titus – SARS</td></tr><tr><td>Annaliese Lubowski</td><td>Erik Troost</td><td>Wasfie Williams – SARS</td></tr><tr><td>Solomon Daniels</td><td>Cobus Slabber</td><td>Claudina Montshiwa – SARS</td></tr><tr><td>Andrea de Jager</td><td>Rob Picard</td><td>Trevor Blows – SARS</td></tr><tr><td>Carien Steenkamp</td><td>Carien Strauss</td><td>Mark Cloete – SARS</td></tr><tr><td>Janine Steenekamp</td><td>Marius Potgieter</td><td>Michelle Wolfe – SARS</td></tr><tr><td>Yazeed Davids</td><td>Michelle Williams</td><td>Jolynn April - SARS</td></tr><tr><td>Sarah Love</td><td>David Knott</td><td></td></tr></table> <u>Apologies:</u> <table border="1"><tr><td>Charles Evison</td><td>Zureena Agulhas MOHC</td></tr><tr><td>Gerrie Vosser</td><td>Rowena Jooste MOHC</td></tr></table>	Chris Murphy (chairman)	Nicole Christians	Louis van Vuren	Tanya Lochner	Debbie Hobbs	Marguerite Marais	Paula Bongers	Erica Grootboom	Almarie Kotze	Ulrich Hoffmann	Raylene Prezens	Elsa van der Westhuysen	Ryno Venter	Mohamed Jeewa	Christel Sadler	Brenton Ellis	Bok Pretorius	Karin Vorster	Alfie Bester	Ian McGugan	Keith Cullis	Ronel Williams	Muhammad Fakier	Mark Butler	Marina Clift	Mugiedien Sedick	Desiree Raidoo	Cathie Johnstone	Grant Louw	Suzette Malherbe	Elmarene Erasmus	Michel Ungerer	Zainap Behardien	Ceris Field	Jana Kritzinger	Johann Jacobs	Mark McKie	Morag Naylor	Leslie van Rooijen	Almo Lubowski	Pieter Troost	Janine Titus – SARS	Annaliese Lubowski	Erik Troost	Wasfie Williams – SARS	Solomon Daniels	Cobus Slabber	Claudina Montshiwa – SARS	Andrea de Jager	Rob Picard	Trevor Blows – SARS	Carien Steenkamp	Carien Strauss	Mark Cloete – SARS	Janine Steenekamp	Marius Potgieter	Michelle Wolfe – SARS	Yazeed Davids	Michelle Williams	Jolynn April - SARS	Sarah Love	David Knott		Charles Evison	Zureena Agulhas MOHC	Gerrie Vosser	Rowena Jooste MOHC
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3. The minutes of the meeting held on 14 May 2014 was confirmed – proposer Ryno Venter, seconder Brenton Ellis.																																																																			
4. The chairman noted that there were no matters arising from the previous minutes. He spoke briefly about the new process introduced by Standard Bank, whereby the executor must personally appear at a local branch in order to lodge the required documents for closing the deceased's bank accounts. It appears that the local branches are not aware of this arrangement and are therefore not willing to assist. The chairman will try to secure an appointment with senior officials at the bank to discuss the ramifications of the new process and attempt to reach a workable solution. It was noted that FNB and Discovery has also introduced similar processes.																																																																			

## 5. MASTER'S OFFICE

### General

The chairman advised that both Ms Zureena Agulhas and Rowena Jooste tendered apologies for the meeting. He read out the e-mails sent by both.

Ms Agulhas indicated that they are making good progress with the transfer of the trust files from the vaults in the old building to the new building. She also mentioned that the trust team had been increased with additional staff and that they are currently being trained.

Ms Jooste referred to a list of problems experienced in the Fast track system.

The chairman undertook to circulate the 2 e-mails to all attendees.

### Trusts

A presentation was done by Justice Rebe on the new trust registration system.

He discussed the forms that must be used – J401 (registration), J450 (beneficiaries), J417 (acceptance) and J405 (auditor, if applicable) - and stressed that the ID documents of the trustees and beneficiaries and the person who completes the J401 must be provided. A checklist is available to assist practitioners – this was handed to the chairman for transmission to all members.

Mr Rebe reiterated that these forms are only applicable to new IV trusts.

The turnaround time for the registration of a new trust is 14 days, provided all information and documentation is provided.

The issue of practitioners providing the Master's office with pre-prepared Letters of Authority was discussed. Mr Rebe indicated that the Master will not accept such documents and will prepare their own version. It was noted that this is not in line with the process followed by Master's offices elsewhere in the country.

### PEAS

Ms Masuku of the Nelspruit office gave a presentation on the PEAS system. She and her team have been seconded to the Cape Town office to assist them in getting the PEAS system operational.

She explained how the process works and advised that it will inter alia ensure that missing files will no longer be a problem and that copies can be made more easily as all documents will be scanned. The system will also speed up turnaround times in the issuing of Letters of Executorship – in Nelspruit the turnaround time is 5 to 7 working days. She also stressed that members must not send pre-prepared Letters of Executorship.

## 6. SARS

The SARS delegation consisted of:

Trevor Blows - senior manager Compliance

Mark Cloete – senior manager Processing

Janine Titus - business area manager (new registrations etc.)

Jolynn April – branch manager Bellville walk-in centre

Washfi Williams – operations manager (assessment and audit) Cape Town

Claudina Montshiwa – debt management specialist Cape Town

Michelle Wolfe – agent in branch office

Mr Blows explained that he and his team was available to assist, but that they were not the first port of call – the internal processes must first be exhausted before matters are referred to them.

Ms Titus presented on the process from the initial estates documentation to the case being defuncted. She advised as follows:

- a. The Master sends a copy of the Acceptance of trust to SARS, who generates an engagement pack for transmission to the executor.
- b. The executor must also report the estate to [contact.south@sars.gov.za](mailto:contact.south@sars.gov.za). A case number will be issued. If no response is received, the matter must be escalated.
- c. The turnaround time for the audit of an L&D account is 21 weekdays from receipt of all required documents.
- d. All estate duty valuations and valuations of businesses are still done centrally in

	<p>Pretoria.</p> <p>e. Any problems with E-filing must be logged via the call centre so that they are aware of the issue. This will speed up the fixing of the problem.</p> <p>f. The executor must personally go to a SARS branch to change the estate bank details. Certified copies of the Letters of Executorship, ID of the executor and a bank statement must be provided to SARS. Where the executor is a corporate, a Power of Attorney (GPA) can be given to a third party to do the necessary at a SARS branch. Where the executor is an individual, a GPA may only be used if the executor is ill or incapacitated, in prison or lives more than 200km from a SARS branch. A discussion ensued about this as some members indicated that they (as individuals) have successfully used GPA's with some branches, but it appears that not all branches accept it. Mr Blows confirm that the standard operating policy must be updated and that the issue has been escalated and will be addressed.</p>
<b>7.</b>	<b>GENERAL</b>
a.	<p><u>CPD points</u> Louis van Vuren advised that a demo of the CPD system on the FISA website will be done at the conference in September. He advised members that attendance at the 2013 and 2012 conferences were pre-loaded and they should start capturing their other training.</p>
b.	<p><u>FISA conference</u> Louis van Vuren advised that e-mails regarding the conference have been sent out to members, but some companies' IT blocked the mails. A link to the registration page has therefore been added to the website to enable members who have not received the mail, to register directly.</p>
c.	<p><u>LexisNexis</u> Louis van Vuren advised that the LexisNexis link on the FISA website is available. Members have to log in and then select LexisNexis from the dropdown box on "Governance".</p>
	<p><b>The meeting was followed by a CPD session on trusts. Alfie Bester presented on the initial donation as one of the essential elements for the formation of a valid trust.</b></p>