

# FISA welcomes changes to the Administration of Estates Act

**Angélique Visser, Chairperson of the Fiduciary Institute of Southern Africa (FISA),** says that FISA welcomes the confirmation in the Government Gazette by Michael Maseutha, Minister of Justice and Constitutional Services, that the following amounts increased to R250 000 with effect from 24 November 2014:



## **1) SECTION 18(3) OF THE ADMINISTRATION OF ESTATES ACT – APPOINTMENT OF AN EXECUTOR**

If the value of the estate of a deceased person is below R250 000 (previously R125 000), the Master of the High Court may dispense with the condition to appoint an executor. This means that it will not be necessary to follow the long and complex process which is required in terms of the Administration of Estates Act. Family members will be able to attend to the administration of these estates themselves and save administration costs.

## **2) SECTION 80(2)(A) OF THE ADMINISTRATION OF ESTATES ACT – ALIENATION OF IMMOVABLE PROPERTY**

The Master of the High Court may authorise the sale of immovable property belonging to a minor or to a person for the administration of whose property a tutor or curator has been appointed, if the value of the particular property does not exceed R250 000 (previously R100 000).

## **3) SECTION 80(2)(B) OF THE ADMINISTRATION OF ESTATES ACT – REGISTRATION OF A BOND**

If a bond has to be registered over an immovable property because it is necessary for the preservation or improvement of the property belonging to a minor or to a person

for the administration of whose property a tutor or curator has been appointed, the Master of the High Court may authorise it provided the amount does not exceed R250 000 (previously R100 000).

## **4) SECTION 90 (1) OF THE ADMINISTRATION OF ESTATES ACT – GUARDIAN'S FUND**

The Master of the High Court may, subject to certain conditions, pay to the natural guardian, tutor or curator an amount as may be immediately required for maintenance, education or other benefit provided that the amount does not exceed R250 000 (previously R100 000).

## **5) SECTION 1(1)(C )(I) OF THE INTESTATE SUCCESSION ACT – SPOUSE'S SHARE**

If a person dies intestate and is survived by a spouse and descendants, the spouse will inherit a child's share of the intestate estate or so much of the estate as does not exceed R250 000 (previously R125 000) whichever is the greater.

*Ms Visser said: "Some of these amounts were set in 1988 and no longer kept track with inflation. The increase, which represents a catch-up with inflation, will benefit the public and should reduce the administration burden in the Masters offices slightly."*