



THE FIDUCIARY INSTITUTE OF SOUTH AFRICA



FREE STATE REGION

MINUTES OF MEETING

held on

11/02/2016

PRESENT

Colin Hickling	The Public Trustee & Trust Co.	(CH)
Barbara Hickling	The Public Trustee & Trust Co.	(BH)
Marié Janse van Vuuren	MFI Trust (Pty) Ltd	(MJvV)
Alene Boonzaier	PSG	(AB)
Barry Cloete	Matsepes	(BC)
Lizette du Plessis	Globalgrowth Trustdienste (Pty) Ltd	(LduP)
Jannie du Plessis	Master's Office - Bloemfontein	(JdP)
Henda Steyn	Centre of Financial Planning & Law - UFS	(HS)
Nici Macdonald	PSG	(NM)
Anida Marnewick	Nedgroup Trust	(AM)
Dewald Pretorius	Nedgroup Trust	(DP)
Rynoe Smith	PSG	(RS)
Malene Niemand	Nedgroup Trust	(MN)
Mariaan Meyer	Citadel	(MM)
Annelize van der Bank	Citadel	(AvdB)
John Anderson	Claude Reid	(JA)
Faan du Toit	Absa Trust	(Fdut)
Willem Lategan	RiG Adviesdienste	(WL)
Cedric Peterson	Newton	(CP)
Schalk Gouws	Newton	(SG)
Josephine Tlhogoe	Master's Office - Bloemfontein	(JT)
Goitse Khumalo	SARS	(GK)
Violet Steinmann	SARS	(VS)

APOLOGIES

Piet Swanepoel	Allegiance Consulting	(PS)
Jannie Fourie	MFI Trust (Pty) Ltd	(JF)
Cilliers Krause	MFI Trust (Pty) Ltd	(CK)
Johan Jordaan	JL Jordaan Attorneys	(JJ)
Joey du Plessis	Standard Executors & Trustees	(JduP)
Mmutle Modibela	Master of the High Court Mahikeng	(MM)
Craig Davids	Master of the High Court Kimberley	(CD)
Gudrun Boshoff	Standard Executors & Trustees	(GB)

NO.	ITEM	ACTION
1	OPENING	
1.1	<p>Opening: The chairperson opened the meeting at 09h02.</p> <p>Welcome and attendance: The chairperson welcomed all attendees, with a special word of welcome to the Master of Bloemfontein, Jannie du Plessis, his colleague, Ms Josephine Tlhogoe, the SARS representatives, Violet Steinmann and Goitse Khumalo, Aline Boonzaaier from PSG in Kimberley, Mariaan Meyer and Annelize van der Bank from Citadel, Rian Malan and Libo van Aswegen who will address attendees on conveyancing matters and Henda Steyn from The Centre of Financial Planning & Law at the UFS.</p>	CH CH
2	Confirmation of minutes:	CH
2.1	The minutes of the meeting held on 22 October 2015 were proposed, seconded and adopted.	CH
2.2	Matters arising from previous meeting: None.	CH
3	UPDATES FROM THE OFFICES OF THE MASTER & SARS	
3.1	<p>MASTER'S OFFICE: Mr Jannie du Plessis introduced his colleague, Assistant Master, Josephine Tlhogoe, to all attendees. He informed attendees that the Master's Office met with SARS regarding the take over of estate duty matters in the future and added that a notice will be forwarded to role-players by the Chief Master, as soon as an agreement is reached. Mr Du Plessis had nothing else to report, since matters are relatively under control, except for country-wide system problems. He added that they handle all matters manually in the interim.</p> <p>Mr Hickling thanked the Master of Bloemfontein for his contribution.</p>	JdP CH
4	SARS:	
	<p>Ms Steinmann apologised on behalf of Tafia Knoetze, Hannetjie Grobler and Amanda Potgieter for not attending the meeting, due to year end. She answered a question regarding the change of banking details at SARS where a power of attorney seemed to be insufficient and indicated that the matter will be discussed with her colleagues and that they will revert back to members.</p> <p>Pages were handed out and a short discussion took place on the dealing with Life Rights in Retirement Complexes in the estates of the first dying in terms of a 2013 SARS directive indicating that the right should be dealt with as a usufruct. In a case where such a right had been dealt with on this basis, the Masters Office had referred the matter to the executor and insisted on SARS approving the calculations. It appears that the majority purely ignored it as an asset in the estate duty calculations.</p> <p>The chairperson thanked Ms Steinmann for her feedback and input.</p>	VS All CH

- ## 5 PRESENTATION: CHANGES IN LEGISLATION AND A CLOSER LOOK AT EXCHANGE CONTROL FOR FIDUCIARY PRACTITIONERS - NICI MACDONALD (PSG CONSULT)

Ms Macdonald started her presentation by stating recent changes in legislation, specifically referring to The Estate Duty Act, the recommendation of the Davis Tax Committee (July) 2015 and the added definition of property for persons deceased after 01/01/2016 and in respect of contributions made after 01/03/2016 in terms of Section (3)(2)(bA). She explained the reasons for the change and gave practical examples.

Ms Macdonald explained Exchange Control and what happens to benefits from estates and trust that have to be remitted to persons living abroad by referring to Section M of the Exchange control Manual which determines how the proceeds of a deceased estates will be distributed to non-residents and emigrants and in estates of permanent residents.

She also explained exchange control when the proceeds are from trusts and stated that Section N of the Exchange Control Manual determines how payments from trusts will be distributed to non-residents and emigrants, with reference to Inter Vivos Trusts and Third Party Funded trusts. NM

Ms Macdonald wrapped up by briefly discussing the changed retirement reform and the fact that the Government wants people to save. She added that provident funds fall away and would be treated the same as retirement funds. A short general discussion took place and she invited attendees to contact her, should they have questions pertaining to the contents of the presentation.

The chairperson thanked Ms Macdonald for her interesting presentation. CH

- 6 PRESENTATION: 2015 EXAM PAPERS - HENDA LE ROUX (CENTRE FOR FINANCIAL PLANNING AND LAW, UFS)

Ms Steyn started her presentation by informing attendees that the format for the examination papers changed to mostly multiple choice questions. She added that a good mix of longer questions were used in the examination papers and suggested that one should prepare thoroughly.

Ms Steyn worked through the examination papers emphasized the importance to "read", since some questions were marked as "choose the correct answer" apposed to other which where one had to "choose the incorrect answer" and also some questions where one had to give a motivation for one's answer. She also emphasized the importance to always be aware of new regulations, especially if one works in the environment, for instance, in intestate succession and the change of a child's portion from R125 000 to R250 000.

The chairperson thanked Ms Steyn for her willingness and commitment. CH

- 7 PRESENTATION: CONVEYANCING MATTERS - LIBO VAN ASWEGEN

Mr van Aswegen was welcomed by the chairperson and started his presentation by stating that one easily underestimates the qualities of an executor and the care one has to take when it comes to the conveyancing matters. He referred to the Administrations of Deceased Estates Act and to the Registration of Deeds Act. RM

He stated that a conveyancer should have certain qualities and that conveyancing was a specialised field. He advised that one should start with a countrywide deeds examination, gather information from home owner's associations, municipal accounts and know the extent of possible claims on the property, since full/complete information can expedite the registration of the property. RM

Mr van Aswegen highlighted which information the conveyancer needs and specifically mentioned Sections 37 and 38 of the Estates Act, maintenance claims, habitatio rights, redistribution agreements, the fact that clearance figures are only valid for a month and that one should take note of the advertisements and that a copy of the Liquidation and Distribution account is required. RM

Mr Hickling thanked Mr Malan for his informative presentation. CH

8 GENERAL CH

The chairperson confirmed future meeting dates for 2016 as 19 May 2016, 18 August 2016 and 27 October 2016. He added that the Centre for Financial Planning and Law at the University of the Free State can unfortunately not accommodate meetings on a Thursday and it was decided to change the venue to the St Andrews School Boardroom, Victoria Park Campus, Reid Street, Bloemfontein. CH

A short discussion took place on issues for the Justice College, i.e. the change of a nominee of a Corporate Trustee and the fact that co-trustees must consent, the resignation of trustees and the fact that he/she needs to be replaced, the appointment of further trustees and the question of costs in court cases. Attendees also discussed Adiation, Election and Repudiation (Meyerowich 18.11) All

CLOSING: Mr Hickling concluded by thanking the speakers for their interesting, informative and valuable presentations and all attendees and representatives the Master's Offices and SARS for their input and contributions. He once again invited all to furnish him with possible topics for future presentations. CH

The meeting adjourned at 11h55

Signed as a true record of proceedings, on this ____ day of _____ 2016.

CK HICKLING - CHAIRMAN