

Helping the ones you love



Liz Still gets expert advice on how to plan ahead with your inheritance to protect your assets and spare loved ones from heartache, legal wrangling, and potentially thousands in tax...

OUR EXPERT



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Think they – or you – will get it anyway?

If you die without leaving a will, your loved ones *don't* automatically inherit – the rules of intestate succession dictate how your estate's divided. If your total estate value is over R3,5 million (including the value of your home, shares, savings; even your car and possessions), the taxes due are paid, then the rest is divided by intestate rules.

Generally, the estate of a person who dies without a will is shared by the surviving spouse and the deceased's surviving kids. The spouse inherits R250 000 of the estate, or what's called a 'child's share' – whichever is greater. The deceased's kids inherit the balance of the estate, divided in equal parts. A child's share is worked out by dividing the estate value by the number of people inheriting from it – the spouse and kids (or grandkids, if the deceased's kids have died, but have children).

Below, we show how a child's share is calculated if someone dies without a will, was married out of community of property[†], and is survived by a spouse and three children. [†]To see how marriage affects intestate succession, see opposite.

'It's a myth that loved ones will automatically inherit if you die without a will'

- + **Deceased's estate value: R625 000**
The child's share is R156 250 – that's R625 000 divided by four people. Here, the child's share is less than R250 000. Thus, the spouse will inherit the larger amount of R250 000, and the kids each inherit an equal amount of the remaining R375 000 – that's R125 000 to each child.
- + **Deceased's estate value: R1 550 000**
The child's share is R387 500 – that's R1 550 000 divided by four people. Here, the child's share exceeds R250 000. Thus, the spouse inherits R387 500. Each child also inherits R387 500 – that's the estate value minus the spouse's portion (R1 162 500), divided by three. >>