



THE FIDUCIARY INSTITUTE OF SOUTH AFRICA



FREE STATE REGION

MINUTES OF MEETING

held on

17-May-18

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)
Gudrun Boshoff	Bespoke Executor Services (Pty) Ltd	(GB)
Schalk Gouws	Newtons Chartered Accountants	(SG)
Lechelle Erasmus	PSG Wealth	(LE)
Jannie du Plessis	Master of the High Court - Bloemfontein	(JDP)
Sandra Hattingh	Kqwebo Financial Advisors	(SH)
Elna Pohl	Symington De Kok	(EP)
Nici Macdonald	PSG Trust (Pty) Ltd	(NM)
Rynoe Smith	PSG Trust (Pty) Ltd	(RS)
Piet Swanepoel	Symington De Kok	(PS)
Anzel Jacobs	Globalgrowth	(AJ)
Lizette du Plessis	SFP	(LduP)
Amanda Potgieter	SARS	(AP)
Hannetjie Grobler	SARS	(HG)
Viona Pretorius	SARS	(VP)
Tafia Knoetze	SARS	(TK)
Mariaan Meyer	Citadel Fiduciary	(MM)
Grethe Pagel	Rodel Finance	(GP)
Andri Barnard	Symington De Kok	(AB)
Robyn Kitto	Surety Solutions	(RK)
Faan du Toit	Absa Trust	(FduT)
Marietjie Norval	PSG	(MN)
Cedric Peterson	Newtons Chartered Accountants	(CP)
Lisette Rautenbach	SFP	(LR)
Herman Badenhorst	Phatshoane Henney Attorneys	(HB)
Ayanda Takela	SARS	(AT)
Marda Horn	Law Faculty: Free State University	(MH)
Lisle de Bruyn	Schackleton	(LdeB)

APOLOGIES

John Anderson	Claude Reid	(JA)
Christelle Lourens	Sanlam Trust	(CL)
Craig Davids	Master of the High Court (Kimberley)	(CD)
Jannie Fourie	MFI Trust (Pty) Ltd	(JF)

NO.	ITEM	ACTION
1	OPENING	
1.1	Opening: The chairperson opened the meeting at 10h05.	CH
	Welcome and attendance: The chairperson welcomed all attendees, with a special word of welcome to Sandra Jordaan (Grindrod Bank), Lisle de Bruyn (Shackleton), Robyn Kitto (Surety Solutions), Gretha Pagel (Rodel Finance), Ayanda Takela (SARS), Marda Horn (Law Faculty UFS), Faan du Toit (Absa), Jannie du Plessis, the Master of Bloemfontein and the representatives SARS. Apologies were noted.	CH
2	Confirmation of minutes:	CH
2.1	The minutes of the previous meeting had been circulated to everyone and there were no objections to the content or accuracy and it was proposed, seconded and adopted.	CH
2.2	Matters arising from previous meeting: None	CH
	Mr Hickling informed attendees that the planned Fisa Conference for 28/08/2018 was rescheduled to 20/09/2018 and confirmed that it was worthwhile to attend, since FISA always invites excellent speakers.	CH
3	UPDATES FROM THE OFFICES OF THE MASTER & SARS	
3.1	SARS: Hanneljie Grobler informed attendees that objections and assessments are dealt with nationally. She advised attendees to email their queries to contact.central@sars.gov.za.	HG
3.2	MASTER'S OFFICE: Jannie du Plessis informed attendees that the Master's office had nothing new to report and invited all to contact him personally to discuss problems, if any.	JDP
	No questions were asked and no discussions took place.	ALL
	Mr Hickling thanked the representatives from SARS the Master's Office for their attendance and contributions.	CH
4	PRESENTATION: ROBYN KITTO - SURETY SOLUTIONS	
	Ms Kitto explained the exciting world of bonds of security and advised all about the three questions they always should ask, namely what, how and cost.	RK
	On the question about "what", she explained that the executor, creditors and heirs should be protected and that a bond of security should not be seen as an insurance policy, since it is a guarantee.	RK
	Ms Kitto explained the "how" by stating that there were three major players and stating that a niche market specialists insurance broker should be used, e.g. Shackleton and that the broker always knows best.	RK
	She explained the "cost" by stating that the rate was set by the Master. She added that liquidators and executors are calculated at 5% per annum for the 12 months from date of issue and for curators and trusts at 6% per annum, also calculated from the 12 months from date of issue.	RK
	Ms Lisl de Bruyn of Shackleton explained that that bonds are renewed annually, that a bond is in favour of Master and that it is cancelled by the filing slip of the estate. Mr Du Plessis added that it remains the responsibility of the Executor/Liquidator to cancel a bond and that, under no circumstances, will anyone get a backdated retaining slip.	LdB, JDP
	A general discussion took place and attendees were advised to use specialist brokers and that a court bond should be seen as a guarantee.	RK, LdB, JDP
	Mr Hickling thanked Ms Robin Kitto and Ms Lisl du Bruyn for their interesting presentation.	CH

- 5 **PRESENTATION: AYANDA TAKELA (SARS SUPPORT CONSULTANT FOR E-FILING AND E@SYFILE SPECIALIST) - REPORTING OF DECEASED ESTATE ON E-FILING**
- The Chairperson welcomed and introduced Ayanda Takela. CH
- Ms Takela started her presentation by explaining the e-filing profile types, post death registration scenarios, the process to a successful registration and acquiring a new number. She added that the functionality exists under individual organisation and tax practitioner profiles and stated that individual profiles can be converted to organisation profiles for existing e-filing. AT
- Ms Thakela introduced different scenarios to attendees and worked through the applicable screens on their website. She confirmed that proof of payment for estate duty should be sent to estateduty@sars.gov.za and confirmed the website address as www.sarsefiling.co.za. AT
- Mr Hickling thanked Ms Thakela for her attendance and helpful presentation and confirmed that her presentation would be distributed to members. CH
- 6 **PRESENTATION: DR MARDA HORN (LAW FACULTY: UNIVERSITY OF FREE STATE) - SECTIONAL TITLES AND LEGISLATIVE CHANGES APPLICABLE THERETO**
- Ms Henda Steyn welcomed Dr Marda Horn. HS
- Dr Horn stated that property is the oldest area of law and that Sectional Title is a relative new form of ownership. She referred to Act 86 as a vital part of the South African property scene. MH
- Dr Horn added that two new acts were introduced in 2011 and specifically referred to the STSMA (Sectional Title Scheme Management Act) and the STA (Sectional Title Act). She added that a sectional title is a divided form of ownership and that the common property does form part of the owners property. She added that there are rules that govern sectional titles, namely Management Rules and Conduct Rules and said changes are permitted but should be indicated. MH
- Dr Horn added that changes will only take effect on unanimous decision. She referred to Section 10 of the Sectional Title Scheme Management Act and said that changes should be reasonable, rational/fair and that it should be binding to the body corporate and the owners. She explained that rights are the objective law of private organisations and promulgated by legal owners and that the rule may be amended by resolution. MH
- She discussed the rights of the developer and noted that it would be registered against the title deed at the deed's office and added that the developer must develop the property in a certain time and that extension can be granted via unanimous resolution. She referred to the amended act in 2013 and indicated that exclusive use rights are registered in the deeds office and that resolutions are used for personal rights. MH
- Dr Horn explained Sec 27(A) and the Community Schemes Ombud Act who's main function is the custody and control of governing documents and indicated that disputes for the Free State are handled in Kwazulu Natal and for the Northern Cape in the Western Cape. She ended her presentation by stating that Sectional Titles are here to stay and that it was an important legal certainty.
- Mr Jannie du Plessis thanked Dr Horn for her meaningful presentation on this subject. CH

8 **GENERAL AND CLOSURE**

Mr Hickling concluded the meeting by thanking the speakers for their interesting, informative and valuable presentations, all present members for their attendance, the representatives of Grindrod Bank and Shackleton Risk for their attendance and sponsoring of the lunch, immediately after the meeting. He once again invited all to furnish him with possible topics for future presentations and concluded by confirming the dates for future meetings as 16 August 2018, 15 November 2018 and 14 February 2019, when the Bi-Annual elections will also take place. CH

The quarterly meeting adjourned at 12h15.

Signed as a true record of proceedings, on this ____ day of _____ 2018.

CK HICKLING - CHAIRMAN