

# Fiduciary-related court case summaries

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## **Court case on unworthiness to inherit – *Smit v Master of the High Court, Western Cape and Others* [2022] ZAWCHC 56**

**T**he applicant (Z) is the widow of a murdered wine farmer (S) who was shot and killed in the dining room of the house in which they lived on 2 June 2019.

The farm on which the house is situated is the property of a trust set up by the deceased years before his death. S executed a will on 7 December 2018. The terms of this will excluded Z from inheriting the bulk of the estate. Z produced a document some time after the death of S which purported to be a will executed by S on 12 January 2019. Z handed this document in at the Master, but it was rejected by the Master. Z and three others were later arrested for the murder of S. Z launched the application to the Western Cape High Court to declare the document of 12 January 2019 to be the last valid will of S. This document bequeathed the bulk of the estate to Z, nominated Z as executor in the estate, and also appeared