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# It's easy to make a will, or is it?

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It is not rocket science to draft and sign a legally valid last will and testament. However, to ensure that it is appropriate for your circumstances and practically executable after your death is not so easy.

Judge of appeal Leach remarked in *Raubenheimer v Raubenheimer* ([2012] ZASCA 97): "It is a never-ending source of amazement that so many people rely on untrained advisers when preparing their wills, one of the most important documents they are ever likely to sign."

While everyone has an opinion about what you should, and should not, provide for in a will, the last will and testament is not the beginning of the process and is not a grocery item you can pick off a supermarket shelf.

The making of a will is the culmination of a process of estate planning, which in turn is part of the bigger process of financial planning. As the hackneyed expression goes: "If you fail to plan, you plan to fail." Financial planning, and specifically estate planning, is also not only for the wealthy. It is something that every person should be doing as soon as they start earning their own money. And nobody should attempt to make a will before going through this process.

Another hackneyed expression states: "You don't know what you don't know." It is very easy to underestimate how complex the affairs, and the estate and financial planning of the average person can become. Matters like your debts, your income, your expenses, your property (yes, even a ramshackle car), your relationships and previous relationships, children and other dependants, and plans for the future are all matters that can, and most likely will, complicate the administration of your affairs after your death.

There are, at least, 20 different pieces of legislation that can have an impact on the average person's estate planning and will. Trying to do this is like trying to walk blindfolded into an unknown room at night.

It is best to get professional help from someone who has a fundamentally sound understanding of not only the legal side of things, but also the estate planning side.

The School of Financial Planning Law at the University of the Free State and FISA cooperated more than a decade ago to introduce the Advanced Diploma in Estate and Trust Administration. This NQF7 academic qualification covers the legal and regulatory environment, estate planning, will drafting, deceased estate administration, trust administration, and beneficiary funds. It is the only tertiary qualification in South Africa that covers the full spectrum of fiduciary services.

Members of FISA who complete this course successfully may then apply to be awarded the designation Fiduciary Practitioner of South Africa (FPSA®) by the FISA Council. Membership of FISA and this designation says two things about the holder of the designation – the person has gone through a process to assess fitness to be placed in a position of trust, and the person has proven technical knowledge and experience in the fiduciary field.

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