

WHERE THERE'S A WILL -
THERE'S A WAY



Girls & Boys Town
South Africa





The subject of Wills is one seldom discussed. Many people think it's morbid or, 'tempting fate' to even think about making a Will. Or they think it's not necessary because they don't have much money.

In fact, making a Will is a necessary and sensible step which brings peace of mind and the satisfaction of knowing that your affairs are in order.

To help you draft your Will, we've answered some of the questions much commonly asked about Wills and Will-making.



What is a Will?

- A Will is a written legal document which enables you to name your heirs and distribute your property and assets after your death.
- It also allows you to take care of personal issues such as guardianship of minors, who will be the Executor, etc.
- A Will must be in writing to be valid.

Who can make a Will?

Any person of the age of 16 (sixteen) years or above may make a Will. However, you must be of sound mind for it to be valid that is, mentally capable of appreciating the nature and effect of your act.

Why bother to make a Will?

A Will is the instrument through which you can enjoy the experience of giving. It's the only way you can be sure your assets - which you have acquired during your lifetime - are distributed in the way that you wish and to the best advantage of those for whom you care.

What happens if I don't have a Will?

- If a person dies without a Will, (intestate) or leaves an invalid Will (e.g. the Will does not meet with all the legal formalities or it is proved that the person was mentally incapable when the Will was drawn up) or a Will which is



incapable of being carried out (e.g. the heir dies before the testator, (the State will decide who will administer the estate, who the heirs are, how much each will receive and who will be the guardian of the minor children.

- This process will take place in terms of the Intestate Succession Act.
- The basis of Intestate Succession is a blood relationship. The only persons who may inherit on intestacy who are not a blood relation are either a spouse or a legally adopted child. These consequences of the Act may, however, be contrary to the way in which you would like your estate to be distributed, you thus lose all control of the winding-up process.
- The cost of the legal fees to draw up a Will is small compared to the legal mess which will have to be sorted out on your death, if the Will is incorrectly drafted.

Do I need an Attorney to draft my Will?

Wills and the Law of Succession are a specialised field and are not recommended as a “do-it-yourself” exercise. If you were to prepare a Will in your own handwriting, there is a possibility that it will not stand up in court.

That’s because a Will is more than just a signed document



which prescribes what is to be done with your assets. The legal requirements for making a Will and the formalities to comply with are very strict. When you have made up your mind, approach an expert and instruct him to draw up your Will. If you don't have or know an Attorney, Girls & Boys Town will be happy to refer you to one or to a body specialising in Estate Planning.

- A small technical error - for example, the incorrect number of witnesses - could render the Will invalid and necessitate an application to Court to validate it. This will be an expensive process.

How can I have some control over my assets after I am dead?

- In certain circumstances - for example, in the case of a minor beneficiary - it may not be advisable to make an outright and unconditional bequest to such a beneficiary. A solution to this problem is to set up a Trust in your Will. Through such a Trust, the individual needs of the beneficiaries - whether they are an adult or not - can be met in an effective and practical manner. The drawing up of a Will providing for a Trust is a complicated and exacting task and the advice and assistance of an Attorney, experienced in this field, is recommended.
- The Will will be more complex as it is, in effect also a Trust Deed.
- Note that a Trust can also be set up while you are still



alive. This has many benefits - e.g. estate planning.

What else will my Will provide for?

A professionally drafted Will is a tool for estate planning through which you can, in fact, save money. The aims and objectives of planning your estate should, among other things, be flexible for possible future amendments to the law; reduction in estate duty, income tax and other taxes; the provision of liquidity on death, capital and income for dependants, retirement capital and income for your spouse; the protection and continuity of business interests and making the administration of your estate as easy as possible.

Do I save money by making a bequest to Girls & Boys Town?

A bequest in a Will to an organisation registered as a "Public Benefit Organisation" in terms of Section 18A of the Income Tax Act (Act 58 of 1962) is deducted from the value of your estate, which may be subject to estate duty. Your gift to Girls & Boys Town will consequently be entirely free from estate duty and will reduce the portion of your estate which is subject to duty.

What other benefits are there for me and Girls & Boys Town?

Your gift will help many youngsters far into the future. You will have the satisfaction of knowing that you are helping



abused, neglected, deprived and abandoned youth - and also making a meaningful contribution to South African society. Girls & Boys Town is a well-known, established organisation, highly regarded in South African society whose Board of Trustees governs it in such a way that its mission will be carried on for as long as there is a need.

Can I make a specific bequest to Girls & Boys Town?

Yes! If you have a particular interest in one of our programmes you may direct your bequest to that area of our work.

Note: As the needs of Girls & Boys Town change from time to time, it is always advisable to consult with the Board of Trustees before designating a gift or creating a Perpetual Fund to ensure that Girls & Boys Town can meet the wishes of the Donor.

How do I include Girls & Boys Town in my estate plans?

It should be noted that there may be other organisations in South Africa whose title includes the words "Girls & Boys Town". In order for our organisation to receive your gift as you intended it, it will be necessary for your Attorney to use our legal name in your Will - that is, "Girls and Boys Town South Africa".

The following are examples that will enable you to further the work of Girls & Boys Town in South Africa through your Will:



- Unrestricted gift of a stated amount of money or property:

"I bequeath to Girls & Boys Town South Africa, the sum of R..... (or property described) to be used as its Board of Trustees, in its discretion, deems advisable."

- Unrestricted gift of a certain percentage of your estate:

"I bequeath to Girls & Boys Town South Africa% (percentum) of the net value (or of the residue) of my estate, to be used as its Board of Trustees, in its discretion deems advisable."

- Bequest of proceeds of an Insurance Policy:

"I bequeath to Girls & Boys Town South Africa the proceeds of my life insurance policy No..... taken out with"

(You may consider taking out a policy or ceding the benefits of an existing policy by nominating Girls & Boys Town as one of the beneficiaries - i.e. by endorsing the original policy.) Note: Cession of a policy may create Capital Gains Tax consequences, - rather, nominate Girls & Boys Town as the beneficiary.

- A residuary bequest providing for Girls & Boys Town South Africa to receive the remainder of your estate after specific bequests have been fulfilled:

" I bequeath to Girls & Boys Town South Africa, all the



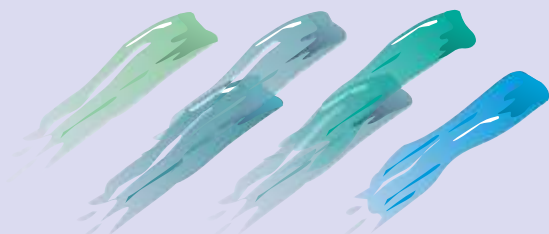
" I bequeath to Girls & Boys Town South Africa, all the residue and remainder of my estate, to be used as its Board of Trustees determines (or for the specific purpose described)."

- Restricted or designated gift:

"I bequeath to Girls & Boys Town South Africa, the sum of R..... (or property described) for the specific purpose of....."

- To create and maintain a Perpetual Fund:

"I bequeath to Girls & Boys Town South Africa, the sum of R..... to be known as the Memorial Fund. The Fund may be invested by the Board of Trustees, as it deems advisable, and the income thereof used for such purposes of Girls & Boys Town as the Board of Trustees may from time to time decide."





Useful contacts:

Make things easier for those who are left behind by completing this section and filing it away with your Will.

Family members

Telephone

Estate advisor / Trustee

Telephone

Immediate superior at work

Telephone

Insurance consultant

Telephone

Attorney

Telephone

Minister of religion

Telephone

Whatever type of bequest you decide on, it's advisable to discuss your estate plans with your family before having your Will drawn up.

If you would like an Attorney or a person specialising in estate planning to visit you personally in your home, please write to:

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REGISTERED AS A WELFARE ORGANISATION (ACT 100 OF 1978)
REGISTERED AS A "PUBLIC BENEFIT ORGANISATION" (PBO)
IN TERMS OF SECTION 18A OF THE INCOME TAX ACT 58 OF 1962
SARS REF NO. 18/11/13/379

