

# ZA Know Your Rights: Deceased Estates in South Africa

Prepared by **RW KRUGER AND ASSOCIATES INC**

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(Public Legal Education Guide)

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## 1. Understanding Deceased Estates

When a person passes away, everything they owned — property, money, investments, and personal belongings — forms their **deceased estate**.

This estate must be **reported to the Master of the High Court** in the area where the deceased lived, and it must be **administered in terms of the Administration of Estates Act 66 of 1965**.

Administration ensures:

- All **debts and taxes** are paid,
  - All **assets are transferred** to heirs, and
  - The process is **lawful, transparent, and fair**.
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## 2. Reporting the Estate to the Master

The estate must be reported **within 14 days** of death to the **Master of the High Court** in the area where the deceased lived.

### **Documents Required by the Master (Requisites):**

1. **Death Certificate** (from Home Affairs)
2. **Certified ID of Deceased and Executor**
3. **Original Will** (if any)
4. **Inventory Form (J243)** – list of all assets and approximate values
5. **Next-of-Kin Affidavit (J192)** – if there is no valid will
6. **Nomination Form (J190)** – nomination of executor by heirs (if applicable)
7. **Acceptance of Trust as Executor (J155)** – signed by appointed executor
8. **Undertaking and Bond of Security (J262)** – unless security is exempted in the will
9. **Death Notice (J294)** – basic details of the deceased

10. **Certified Marriage Certificate** (if applicable)

11. **Identity documents of heirs and surviving spouse**

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### 3. Master's Forms — Overview

Form Title	Purpose
<b>J155</b> Acceptance of Trust as Executor	Executor's formal consent to appointment
<b>J190</b> Nomination of Executor by Heirs	Used if deceased left no will or no executor named
<b>J192</b> Next-of-Kin Affidavit	Lists surviving family when there is no will
<b>J243</b> Inventory	Lists all property, assets, and liabilities
<b>J262</b> Bond of Security / Undertaking	Security against potential executor misconduct
<b>J294</b> Death Notice	Registers the deceased with the Master
<b>J187</b> Liquidation & Distribution Account	Summary of assets, debts, and proposed distribution

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### 4. The Role and Duties of the Executor

Once the Master issues **Letters of Executorship**, the **executor** becomes legally responsible for administering the estate.

#### **Executor's Main Duties:**

1. **Secure and protect assets** — property, bank accounts, vehicles, etc.
2. **Advertise for creditors** in the *Government Gazette* and local newspaper.
3. **Collect debts owed** to the estate and **settle valid claims** against it.
4. **Open an estate late bank account** for transactions.
5. **Prepare the Liquidation and Distribution Account (L&D Account).**
6. **Submit the L&D Account** to the Master for examination and approval.
7. **Advertise the approved account** for public inspection (21 days).
8. **Distribute assets** to heirs once approved and unchallenged.

9. **Transfer immovable property** to beneficiaries (via conveyancer).
  10. **Finalise and close** the estate file with the Master.
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## 5. The Liquidation and Distribution (L&D) Account

This is the **core financial statement** of the estate.

It shows how the estate will be settled — what is sold, what is paid, and what each heir receives.

### **Contents of the L&D Account:**

- **Inventory of Assets** (immovable & movable property, cash, investments)
- **Liabilities** (funeral expenses, debts, taxes)
- **Executor's remuneration** (maximum 3.5% of gross assets + VAT)
- **Distribution schedule** (who inherits what)
- **Estate bank account statement**
- **Supporting documents** (valuations, receipts, proof of payments)

After drafting, the account is:

1. **Lodged with the Master** for examination (4–6 weeks),
  2. **Advertised for inspection** in the *Gazette* and local newspaper for 21 days,
  3. **Finalised and distributed** if no objections arise.
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## 6. Common Forms and Notices During Administration

<b>Document</b>	<b>Function</b>
Notice to Creditors	Invites creditors to lodge claims (Section 29 notice)
L&D Account	Shows how estate is divided
Distribution Receipts	Proof that heirs received inheritance
Transfer Deeds	Transfers property to beneficiaries
Master's Certificate of Discharge	Confirms executor completed duties

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## 7. Who Are the Key Role Players?

<b>Role</b>	<b>Function</b>
<b>Executor</b>	Administers estate, submits accounts, distributes assets
<b>Master of the High Court</b>	Supervises and approves administration process
<b>Heirs &amp; Beneficiaries</b>	Receive property or money from the estate
<b>Creditors</b>	Submit claims for debts owed by the deceased
<b>Family Members</b>	Assist with information and documentation
<b>Attorney / Conveyancer</b>	Provides legal advice, drafts documents, ensures compliance
<b>Accountant / Tax Practitioner</b>	Handles estate tax, income tax, and capital gains queries

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## 8. Why an Attorney Can Help

Administering an estate is **technical and time-sensitive**.

An attorney ensures compliance with the **Administration of Estates Act**, avoids Master's office delays, and protects heirs' interests.

### **How Attorneys Add Value:**

- Advise on whether a will is valid and how to interpret it
  - Draft all Master's forms correctly and submit on time
  - Communicate with banks, SARS, insurance companies, and creditors
  - Prepare compliant **L&D Accounts** with supporting schedules
  - Transfer immovable property through the Deeds Office
  - Manage estate tax and capital gains issues
  - Resolve disputes between heirs or creditors
  - Represent the estate if litigation becomes necessary
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## 9. Typical Timeline

Stage	Estimated Duration
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Reporting estate to Master	2 – 4 weeks
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Appointment of executor	4 – 8 weeks
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Advertising for creditors	6 weeks
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Drafting L&D Account	2 – 3 months
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Master's examination	4 – 6 weeks
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Inspection period	21 days
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Distribution & transfer	1 – 3 months
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 **Total: approximately 6 – 12 months**, depending on complexity.

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## 10. Your Rights as an Heir or Beneficiary

You have the right to:

- **Inspect the L&D Account** during the public inspection period,
  - **Object** to any irregularities (with reasons),
  - **Receive fair distribution** according to the will or intestate law,
  - **Request updates** from the executor, and
  - **Seek legal advice** if the process is delayed or mismanaged.
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## Contact

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