EVERGREEN
WILL & ESTATE SOLUTIONS

Why Every South African Should Have a Will

A will is not just a legal document – it's a final act of care. In South Africa, where families are often close-knit and diverse in structure, having a valid will is one of the most important steps you can take to protect your loved ones, honor your wishes, and reduce unnecessary conflict and costs after your passing.

A Will Ensures your Wishes are Respected

Without a will, your estate (everything you own at the time of your death) is distributed according to the **Intestate Succession Act**. This means the law - not you - decides who inherits your property. This can result in assets going to people you may not have chosen, or your dependents not receiving what they need or deserve.

With a will:

- You choose your beneficiaries.
- You determine how your estate is divided.
- You can allocate special items or sentimental possessions to specific individuals.
- You can include non-family members or charitable causes.

Prevents Family Disputes

Unfortunately, death can bring out the worst in people. Family disagreements over inheritances often arise when no will is in place. A clear, signed will reduces uncertainty and helps avoid disputes or legal battles by stating your intentions in writing.

Speeds up the Winding-Up Process

The administration of your estate (the "winding-up" process) can be lengthy and costly - especially without a valid will.

With a will:

- You can nominate a competent **executor of your choice** (someone who will carry out your instructions).
- The process is faster and more efficient because there is legal guidance in place.
- Costs and delays are reduced, easing the burden on your loved ones during a difficult time.

Protects Minor Children and Dependents

If you have children under the age of 18, a will allows you to:

- Appoint a guardian to care for them if both parents have passed away.
- Set up a trust to manage any inheritance for minors until they reach a suitable age.
- Prevent the inheritance from going into the **Guardian's Fund**, which may limit how and when funds are used for your child's benefit.

This can provide peace of mind that your children's future will be managed responsibly by someone you trust.

Financial Planning and Tax Benefits

A well drafted will can help reduce **estate duty, capital gains tax** and other costs through proper planning.

You can also:

- Make provision for life insurance payouts to be directed to a trust or specific person.
- Prevent forced sales of property or assets over debts.
- Ensure liquidity in your estate (e.g., funds available to cover funeral expenses or debts).

You can Update it as you Life Changes

Your will is not permanent - it can (and should) be updated as your circumstances change.

You should review your will after:

- Marriage or divorce.
- Birth or adoption of children.
- Death of a beneficiary or executor.
- Acquisition or sale of significant assets.
- A change in your financial situation or wishes.

Protect your Partner in a Non-Married Relationship

Unmarried partners are not **automatically entitled** to inherit in South Africa.

Without a will:

- Your partner could be left with nothing.
- They may be forced to vacate a shared home.
- They might need to enter a costly legal battle to claim support or assets.

Your will ensures your partner is taken care of - according to your wishes.

It is Easy and Affordable to Draft a Will

There is a misconception that wills are only for the wealthy or are expensive to draft.

In reality:

- Many legal firms, banks and will-drafting services offer affordable or even **free will drafting**, especially during national **"Wills Week"**.
- You can have a will drafted in your language of choice.
- DIY will templates are available, though professional assistance is recommended to ensure legal validity.

It gives you Peace of Mind

Perhaps the most compelling reason to have a will is that it gives you and your family peace of mind. Knowing that your affairs are in order allows you to focus on the present - and gives your loved ones clear direction when you're gone.

Consider choosing your Own Personal Executor

When drafting your will, it's critical to choose your executor - the person or entity who will carry out your instructions and manage your estate after death.

Wills drafted or locked into a bank or large institution often tie your hands, requiring that they be appointed as executor, even if your family later finds someone better suited.

Choice matters. **Nominate a personal executor** - such as a trusted individual or a professional of your choice. This gives your family the flexibility to appoint an **agent executor** later, and to **negotiate fees** rather than being locked into high costs.

Final Thoughts

Whether you're 25 or 75, single or married, a parent or a business owner - if you have assets or people who depend on you, you need a will.

It is one of the simplest and most powerful ways to leave a legacy, honor your values and take care of the people you love.

Take action today. Draft your will, update it when necessary and make sure your loved ones know where it is stored. Your future self - and your family - will thank you!