

HAVE YOU MADE OUT A WILL?

Here is a free will prepared by Mc Naught and Company, Attorneys, giving you an indication of the essential clauses required for a basic will... complete and sign as instructed for this to be your valid will, or contact us for help or a more complicated will.

LAST WILL AND TESTAMENT

I, the undersigned,

(enter your full names)

being of sound and disposing mind, memory and understanding and capable of doing any act or deed requiring thought or reflection, declare hereby to make and execute this my Last Will and Testament:

1.

I hereby declare to revoke, cancel and annul all former Wills, Codicils and other Testamentary acts made by myself, desiring that they shall have no force or effect whatsoever.

2.

I appoint _____
(Insert names of those you would like to inherit your estate) to be the sole and universal heir/s of my estate and effects of whatsoever kind, whether moveable or immoveable, in possession, reversion, remainder or expectancy.

3.

I nominate, constitute and appoint the Senior Partner of Mc Naught and Company to be the executor of this my Will and administrator of my estate and effects, hereby giving and granting to him all such powers and authority as are required or allowed in law, and especially that of assumption. I further direct the Master of the Supreme Court to dispense with the provision of security by my executor or administrator in the performance of his functions under this my will.

AS WITNESSES: *(Signatures in full of 2 witnesses on left, and signature of person making will as Testator on right)*

1/ _____

2/ _____

TESTATOR

QUALIFICATIONS

A will may be made by anyone 16 or over, except a mentally incapable person, and a will must be witnessed by 2 people 14 years or over.

REVOCATION

This clause cancels any previous will made.

BENEFICIARY

The person/s nominated will receive everything you own on your death.

EXECUTOR

The executor nominated administers your estate on your death.



4.

I direct that any benefit devolving in terms of this will shall so devolve and be free from any marital control of any spouse any beneficiary may, or may have married, and shall not form part of any community of property or accrual arising out of any marriage of a beneficiary.

5.

I hereby direct that custody and guardianship of my children *(if applicable)* shall be awarded to _____. *(Insert name of person/s who will look after your children in the event of your death.)*

SIGNED AND ACKNOWLEDGED BY THE SAID TESTATOR AS HIS LAST WILL AND TESTAMENT IN THE PRESENCE OF US, THE SUBSCRIBED WITNESSES, BEING PRESENT AT THE SAME TIME, AND WHO, AT HIS REQUEST, AND IN THE PRESENCE OF EACH OTHER, HAVE HEREUNTO SET OUR NAMES :

AS WITNESSES: *(Signatures in full of 2 witnesses on left, and signature of person making will as Testator on right)*

1/ _____

TESTATOR

2/ _____

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WHAT DO WE DO?

Mc Naught and Company opened offices on the 1st March 1984 and are now in their 28th year in service to the community with its offices on the Bluff and Amanzimtoti, Durban.

The firm Mc Naught and Company specialises in property transfers, bond registrations and Sectional Title developments and deceased estate Administration.

- ◆ Home transfers
- ◆ Sectional title/flat transfers
- ◆ Business agreements
- ◆ Mortgage Bond registrations

- ◆ Administration of Estates
- ◆ Wills
- ◆ Marriage Contracts

EXCLUSION

This clause is used to prevent a husband or wife of the beneficiary taking over any of the inheritance.

CUSTODY

You should discuss with your family who will look after your children in the event of your death.

ATTESTATION

The will must be signed with at least 3 people in the room - the person making the will and two witnesses who all sign at the same time.

ADVICE

Wills can be complicated and you should consult an attorney to draw your will correctly.



Mc Naught and Company

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