7 interesting facts and tips on trusts and other matters related to wills and deceased estates

1. Beneficiaries of the estate can take-out short-term insurance even though ownership of the assets, to be ensured, have not yet been transferred to them.
2. Where the deceased had nominated beneficiaries for life insurance policies, the proceeds thereof will be paid directly to the beneficiaries and will not form part of the deceased estate. The proceeds are, however, relevant for estate duty purposes.
3. Where the deceased was married in community of property, the bank accounts of both parties are part of a joint deceased estate. The bank accounts of the surviving spouse, however, do not have to be closed.
4. Every deceased estate must be reported to SARS for income tax purposes. A tax clearance certificate must be obtained from SARS before the estate can finally be wound up.
5. Annuities and pensions of the deceased are, as a general rule, not paid into the estate account of for the deceased. They are not dealt with by the executor but rather paid directly to the beneficiaries. They are also not relevant for estate duty purposes.
6. The trust deed of a family trust would normally prescribe how a deceased trustee should be replaced and sometimes also by whom. The trust deed will often also give the founder and sometimes also trustees the right to nominate a trustee in their place upon death. You should keep this in mind when having your will drafted.
7. You can nominate an existing family trust or a testamentary trust, to be created after your death, as a beneficiary of your estate.

Contact Van Velden-Duffey during September and October to have your will revised or drafted free of charge: 014 592 1135 / wills@vvd.co.za