



# **know** your rights



## **A SIMPLIFIED GUIDE TO INHERITING PROPERTY**



**WOMEN'S LEGAL CENTRE**

First published in 2006 by the Women's Legal Centre

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Re-printed in 2010 by the Women's Legal Centre

Reprint funded by Foundation for Human Rights which is funded by the Department of Justice and Constitutional Development and the European Union under the sector budget support programme – Access to Justice and Constitutional Rights.

Women's Legal Centre

Funded by Foundation for Human Rights

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# INTRODUCTION

Everyday, families throughout South Africa must cope with the death of a loved one. Filled with sadness and grief, surviving relatives must contact family members, make funeral preparations, and pay medical expenses. All of these can be difficult tasks. Many times, however, families are also worried about how they will continue to survive after the passing of a loved one – these concerns can make the grieving process even harder.

Often, surviving family members are entitled to inherit money and property from a deceased relative. There are laws that explain how property is passed on and distributed among family members. These laws, unfortunately, can be complicated and difficult to understand. Many people do not know these laws and do not follow the necessary legal procedures to inherit property.

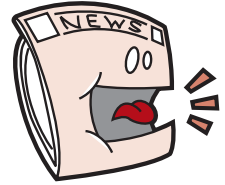
The procedures are different when a person dies leaving behind a will and when a person dies without leaving behind a will. When the legal procedures are not followed, disputes can arise amongst family members over the property of the deceased relative (especially when the deceased relative did not leave behind instructions on how the property should be passed on and distributed). These disputes happen over large and small amounts of property. They appear before the courts, in the local papers, and on the television news.

Over the past couple of years, there have been many changes to the laws on inheriting property. Previously, most of the laws discriminated against women and girls on the basis of gender, race and birth. In many cases, women and girls suffered because they could not inherit property from deceased family members. Today, all South Africans have equal rights to inherit property.

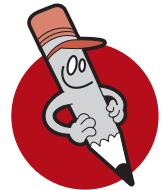
This booklet aims to inform all people, families, and community care workers about the new laws governing inheritance rights. This booklet also aims to simplify the process of reporting and dividing up deceased estates by offering practical advice on the steps that must be taken when a family member dies. Most importantly, this booklet aims to empower all South Africans to understand their rights and the processes by which they can assert and enforce those rights.

## HOW TO USE THIS BOOKLET

**From the Press:** News clips are used to illustrate the everyday realities of disputes over inheriting property. It is hoped that the examples provided in this booklet will help you to realise the importance of taking steps to protect yourself and your loved ones when a close family member has passed away. News clips will be highlighted by the picture appearing on the side.



**Comments:** Comments are used when a piece of information is very important or often misunderstood. Important information will be highlighted by the picture appearing on the side.



**Definitions:** You will find definitions of legal words on the side of each page. If a word is unfamiliar to you, please read the explanation provided. Definitions will be highlighted by the picture appearing on the side.



## USE THIS BOOKLET TO

1. Learn about your inheritance rights.
2. Learn how to legally inherit the property of a family member.
3. Take this booklet when you go to the magistrate's court and the Master's office to know what to expect.
4. Help a friend, relative, neighbour or colleague inherit property by sharing the information in this booklet or lending them a copy to read.

**Assets**

Anything of material value or usefulness.

**Deceased Estate**

Assets and debts of a deceased person.

**Beneficiaries**

Those who are entitled to receive money or property from the estate.

**Intestate Estate**

An estate of a deceased person who does not leave behind a will.

**Testate Estate**

An estate of a deceased person who leaves behind a will.

## CHAPTER 1: General Questions

### What are inheritance rights and why do we need them?

When people die they often leave behind assets such as a house, car, livestock, money or debts. This is called an estate or a deceased estate. Family members cannot just take what they want from the deceased estate – they must go through the proper procedures of inheritance outlined by the law.

The law provides rules (called Inheritance rights) by which property is passed on and distributed among family members. These rules were created to make sure that the estate will be used to protect and support surviving beneficiaries. Many times, family members can continue to use the money and property of the deceased in the same manner that it had been used when the deceased was still alive. However, sometimes the property must be sold to pay off debts of the deceased.

Inheritance rights in intestate estates:

- ensure the deceased estate is fairly distributed amongst the family members.
- identify the beneficiaries who are entitled to receive a share of property – generally children, wives and husbands have priority over other family members.
- protect the beneficiaries that the deceased had a legal duty to support.

Inheritance rights in testate estates:

- ensure that the instructions of the deceased are respected and carried through.
- Protect the beneficiaries that the deceased had a legal duty to support even if the deceased did not provide for them in the will.



## FROM THE PRESS

It has been more than 10 years since Cape Town-based policeman Ernest Lembede was killed. Yet his 13-year-old son, Scelo Maphumule, who lives at Adams Mission, near Amanzimtoti, has still not received a penny from his father's estate. While his unemployed mother, Goodreen Maphumule, is battling to educate and feed him, the case is being battled out in courts in Cape Town. When Lembede died in August 1993, he did not have a will. Cape Town lawyer Nazier Parker was appointed to administer the estate by the magistrate of Mitchell's Plain. When Maphumule heard of the death of her former lover and father of her child, she contacted a Durban attorney, M C Sijadu, and instructed him to lodge a claim against the estate.

The Mercury, January 29 2004

### WHAT HAVE WE LEARNT FROM THIS STORY?

- It is important to know what your inheritance rights are.
- It is important to lodge a claim as soon as you find out that someone who has a legal duty to support you or your child has died.
- Ask for legal assistance .



## FROM THE PRESS

After being refused the right to bury her common-law husband, a Limpopo woman is now fighting her in-laws to recognise her traditional marriage. Martha Mafanedza, 42, says after the death of her common-law husband Martin Maitsapo, 35, last month, his family started to sideline her and told her to distance herself from them and her husband's possessions. And to add salt to the wound, Mafanedza - who shared a shack with Maitsapo in Musina, Limpopo - has just established that her husband died of HIV and Aids and that she is also HIV positive. Maitsapo was a soldier based in Dzwerani near Vuwani, at Maunavhathu military base. Mafanedza says after his death on January 9, his mother told her she was not legally married to him and therefore could not claim any assets the couple possessed. "Initially I paid my lawyer to fight my in-laws in court, but it didn't work out because I ran out of money," Mafanedza says. Maitsapo married her traditionally in 1999, she says, after paying R1 500 for lobola and members of both their families, including her mother-in-law, were present during the lobola negotiations and, according to her, everybody was happy. "Now my problem is that his mother is his beneficiary. I am left with nothing. He infected me with HIV and I don't have money for food and medication."

The Star, 21 February 2005

### WHAT HAVE WE LEARNT FROM THIS STORY?

- People married according to customary law must register their customary marriage and get a marriage certificate to protect their inheritance rights.
- When the marriage is not registered in-laws can dispute the existence of the marriage.





### **Black Law and Custom**

A system of tradition law that applies to African people. Black Law and Custom varies from place to place and changes, depending on specific cultural customs and traditions.

### **Primogeniture**

A rule of customary law that allows the oldest male heir to succeed the person who has passed away to the exclusion of all others.

### **Polygyny**

Where a man has more than one wife. This is often called "polygamy" but that is actually where a man or woman can have more than one spouse.

## **Chapter 2:** **Customary laws and religious laws**

### **How does black law and custom impact women and girls?**

In the past, the estates of black people were administered under Black Law and Custom. Black law and custom was interpreted to mean that the oldest male relative would succeed the deceased. The male successor did not become the owner of the property. Instead, he controlled it for the benefit of members of the household. He could not do what he wanted with the property. He was supposed to take over the responsibilities of the deceased and take care of all surviving relatives.

Estates that were administered under black law and custom did not have legal protection attached to them. If the male heir decided to do with the estate as he pleased, it was difficult to have him removed from his position. As people began moving into cities, the manner in which individuals and families were organised began to change. Many male heirs were not following the customary practice of succession, becoming a hindrance for women and children as opposed to offering protection for them.

The Constitution states that no one should be discriminated against on the basis of gender. This application of black law and custom has changed over time and some male heirs have not provided for surviving family members. The practice of primogeniture discriminated against women and girls, who could not succeed the deceased and had to rely on the male heir. Today, African women and girl children are entitled to inherit property and cannot be discriminated against on the basis of gender, race, and birth.

### **Can a woman or girl inherit now?**

In 2004 the Women's Legal Centre took a case to court on behalf of Ms Bhe and her daughters. The father of the children had died without a will and the deceased's father was to inherit the house according to customary law. The High Court and later the Constitutional Court found that the customary law that only males can inherit (primogeniture) is unconstitutional.

In 2009 the State passed a law that reforms the customary law of succession in line with the findings of the Constitutional Court. This Act is called the Reform of Customary Law of Succession and Regulation of Related Matters Act No 11 of 2009. This law finally does away with the rule of primogeniture. It also provides that spouses in polygynous marriages may inherit the equivalent of a child's share of their husband's estate, unless the estate does



not have sufficient money, in which case the estate is divided between the surviving spouses equally.



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## FROM THE PRESS

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“WLC took a case to the Constitutional Court on behalf of Ms Bhe and her two daughters during 2004 in an attempt to obtain an order that the law excluding women and girl children from inheriting and claiming maintenance from their father or husband’s deceased’s estates, was unconstitutional on the basis that it discriminated against women and girls on the ground of their gender. Bhe’s long term partner and the father of her two daughters had died. Bhe and her daughters could not inherit the house which they lived in for many years or claim maintenance from the deceased estate as they were not males and Bhe and the deceased were never married. The CC granted an order in favour of Bhe and her daughters and changed the law to allow females to inherit and claim maintenance from their father’s or husband’s deceased estate”.

City Vision February 12, 2009

### How do religious laws impact inheritance rights?

At present, the South African legal system does not recognise inheritance laws that are based on any religious system.

The South African legal system also does not recognise religious marriages. In the past, because religious marriages were not recognised by the law, people who were married according to religious laws were not able to inherit property from one another. This position has changed.

In the Daniels decision, the court decided that although religious marriages are still not recognised as marriages, people who are married according to religious laws are protected when their spouses die. For the purpose of inheriting property and claiming maintenance, Islamic and Hindu marriages will be recognised as marriages to enable parties to such marriages to inherit in intestate estates and to claim maintenance in both testate and intestate estates.



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## FROM THE PRESS

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When her husband died, Cape Town widow Juleiga Daniels nearly lost her house because she was married under Muslim law. Daniels was told by the Master of the High Court that she could not inherit because she was not considered in law to be a “surviving spouse”. With the support of the Women’s Legal Centre, her case was taken to the Cape High Court, where the Intestate Succession and the Maintenance of Surviving Spouses Acts were declared unconstitutional because they failed to recognise people married according to Muslim rites as “spouses” and protect them. The case was then referred to the Constitutional Court. On Thursday, Constitutional Court Justice Albie Sachs wrote that the laws were not unconstitutional - but this did not mean that Daniels would lose her house. The judge said laws should be read in the spirit of the constitution, which in this case gave protection to spouses, no matter how they were married. He made a clear break with a series of High Court judgments that Muslim marriages were not recognised under South African law and the Maintenance of Surviving Spouses Acts were declared unconstitutional because they failed to recognise people married according to Muslim rites as “spouses” and protect them.

The Star March 12, 2004

In the Hassam case, the court recognised that where a man died without a will and he had two wives, having been in a religious polygynous marriage, all the spouses would inherit equal shares.



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## FROM THE PRESS

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Fatima Gabie Hassam lost everything when her husband died without a will- leaving her, as a spouse in a polygynous Muslim marriage, with no legal claim to his estate. Her husband had two wives, and the Intestate Succession Act provided for only one spouse to inherit the estate. But Hassam did not give up and embarked on what was to become a five-year court quest to ensure that all the Muslim wives in a polygynous Muslim marriage could share the estate if their husband died without a will. The Constitutional Court's 11 judges ruled in favour of Hassam,<sup>63</sup>.They ordered that the words 'or spouses' be read into the act, and that the change be made retroactive to April 27,1994.

Cape Times July 16, 2009

In the case of Govender the court ordered that a spouse was able to inherit from her deceased husband to whom she was married according to Hindu rites.



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## FROM THE PRESS

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Saloshinie Govender was widowed and stripped of her matrimonial Thali (sacred yellow string neck chain with gold pendants, worn by married South Indian Hindu women)by her in-laws 22 months ago. They refused to acknowledge Govender's Hindu marriage to their son Balasundran Narainsamy, or allow her to inherit from his R380 000 estate. She took the matter to court and this week made history when she changed the law for women married according to Hindu rites in South Africa”.

Tribune Herald November 9, 2008



### WHAT HAVE WE LEARNT FROM THESE STORIES?

- Even though religious marriages are not recognised by law, people who are married according to religious laws are protected when their spouses die.

## CHAPTER 3: Testate Estates

### What is a testate estate?

When a person dies leaving behind a will, the deceased estate is called a testate estate.

### What is a will?

A will is a legal document containing instructions on how to distribute a deceased estate. Sometimes wills may contain instructions on how the deceased's burial is to be conducted.

### What must be done when the deceased leaves behind a will?

A will gives people an opportunity to say how their estates should be distributed after they die. Estates must be distributed according to what is stated in the will.

It is important to make sure that a will complies with all legal requirements because failure to do so may mean that the deceased wishes are not carried through.

### What are the things that may not make it possible to have the instructions stated in the will to be followed?

The law requires that the assets of the deceased estate be used to pay off any remaining debts and to maintain surviving spouses and children before any one else can inherit from the estate.

A beneficiary of a will can only inherit once all claims and debts against the estate have been paid.

These include:

- Creditors
- Maintenance for surviving spouses
- Maintenance for minor children

### What can spouses claim?

Under the Maintenance of Surviving Spouses Act, spouses who have not been provided for or have not been sufficiently provided for by their deceased partners can lodge a claim for maintenance against the deceased estate to receive more money from the estate.

### What can children claim for?

Parents have a duty to support their children. If a deceased parent did not *sufficiently* provide for the children a claim for maintenance can be lodged on behalf of the minor child against the deceased's estate to receive money from the estate.



#### Will

A will is a document with instructions on how to distribute a deceased estate.

#### Distribute

Distribute means to divide up an estate among the heirs.

#### Creditor

A creditor is a person or company that is owed money by the deceased.

#### Descendant

A child or grandchild of the deceased.

#### Minor

A descendant under 18 years of age

#### Spouse

A husband or wife of the deceased.

#### Claim

When a person is owed money from the deceased, the person can request money from the deceased estate, by filling out a form and submitting it to the administrator or executor of the estate.

#### Caregiver

Someone appointed by the state to care for the children of the deceased. If only one parent has died, the surviving parent will often take care of the children. If both parents have died, a close relative or friend is generally appointed as the caregiver.

#### Survivor

A person (usually a child or spouse) who lives longer than the deceased.

## **CHAPTER 4:** **Intestate Estates**

### **What is an intestate estate?**

When a person dies without leaving a will, the deceased estate is called an intestate estate.

### **When a person dies without leaving a will, who has the right to inherit property?**

If a person dies without leaving behind a will, the law states who should inherit the deceased estate. The law identifies the family members who are entitled to receive property and in what order.

1. Creditors must be paid first. If the deceased owed money to anyone, these debts must be paid before the estate can be inherited.
2. If the deceased is survived by a spouse but not by a descendant, the spouse will inherit the estate.
3. If the deceased is survived by a descendant but not by a spouse, the descendant will inherit the estate. If the deceased is survived by multiple descendants, the estate shall be divided equally amongst them.
4. If the deceased is survived by a spouse and by a descendant, the estate shall be divided up according to the value of the estate.
  - If the estate is worth less than R 125 000.00 the surviving spouse will inherit the entire estate.
  - If the estate is worth more than R 125 000.00, the surviving spouse will inherit R 125 000.00 and the descendants will inherit the rest equally.
  - If the descendants' shares are greater than R 125 000.00, the surviving spouse will inherit a descendant's share.
5. If the deceased is survived by parents but not by a spouse or a descendant, then the parents will inherit the estate.
6. If the deceased is not survived by a spouse, descendant, or parents, then other close relatives are entitled to inherit the estate.

**NOTE:** Not just any close relative can inherit the estate; rather, the law specifically outlines how close the relative must be.

## Domestic Partnerships



### Comment: domestic partnerships or living together

There is a common misconception that the law recognises relationships where people live together when they are not married. Sometimes people say if two people have lived together for either six months, two years, three years or five years then they are entitled to a portion of each other's estate. This is simply not true. It does not matter how long the couple has lived together there is no automatic legal protection for people who are not married. Couples who live together cannot inherit property from one another without a will. It is this simple: no valid marriage means no legal protection. Domestic partners can apply to the court to have a universal partnership declared. This is not easy because the person seeking a universal partnership must prove to the court personal contributions made to the deceased person's estate. A will is the best way for people in a domestic partnership to protect themselves. Children born in domestic partnerships can claim for maintenance from both parents.



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### FROM THE PRESS

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A woman, who wanted to claim maintenance after the death of her life partner, was refused remedy by the Constitutional Court on Monday. The majority of the Constitutional Court Justices ruled that Ethel Robinson, who was unmarried to her partner Aaron Shandling when he died in 2001, did not have a legal right to financial support from Shandling's estate. The court recognised that many women become economically dependent on men, and can be left destitute on the death of their male partners, but said these wrongs would not be put right by including unmarried partners in the Maintenance of Surviving Spouses Act. The MSS Act gives rights to "survivors" of a marriage. But defines a survivor as "the surviving spouse in a marriage dissolved by death". Robinson, represented by the Women's Legal Centre contended that the act was in conflict with the Constitution, because it unfairly discriminated against domestic partners. Robinson and Shandling had been involved in a monogamous life partnership for 15 years.

www.iol.co.za 21 February 2005, author

**Interested Party**

Anyone who may benefit from the deceased estate.

## **CHAPTER 5:** **Reporting An Estate**

### **Who may report an estate?**

Any interested party, including creditors may report an estate.

### **What do I need to do to start the process of administering an estate?**

A deceased estate should be reported within fourteen days after someone dies. A person must locate the nearest Master's office or deceased estate service point.

### **Who is the Master?**

There is a Master at every High Court in the country. Each Master oversees all matters concerning property and estates in a particular area. (A list of the Master's offices nationally are provided in the back of this booklet)

For many people, it is very difficult and expensive to get to the Master's office because most High Courts are located in big cities.

### **What is a service point?**

It is now possible to report a deceased estate at the Magistrate's office. Most Magistrate's courts now have service points to assist with the administration of an estate.

Service points do not assist with everything that can be done at the Master's office. They can only deal with estates that are valued at less than R50 000,00. All other estates must be referred to the Master's office.

### **Why should I give notice to the Master?**

When a person dies, he or she often leaves behind property, such as a house, car, livestock and money in a bank account. In order for these assets to be distributed to the appropriate family members, notice must be given to the Master at the High Court or to the Service Point at the local Magistrate's Court.

### **Who can report a deceased estate?**

- Husband or wife
- Children
- Parents
- Close relatives

### **What should one bring to the Master's office when reporting an estate?**

- Will (if the deceased had one)
- Death Certificate
- Identity document of the deceased
- Personal Identity Book
- A certified copy of the person's identity document to be nominated as an executor

### **The following documents can be submitted at a later stage:**

- Marriage Certificate
- Birth Certificates (of the children and other descendents)
- Bank Statement
- Deed to Property
- Vehicle Log Book
- Any other proof of assets

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## **CHAPTER 6: Appointing an Executor**

### **What is an executor?**

An executor fulfils an important function in the administration of an estate. An executor is usually a family member, a lawyer or someone appointed by the will to help in the administration of estate. Sometimes the executor is appointed in terms of the will and sometimes the executor is nominated by the heirs.

The executor's main functions are to collect all property that belonged to the deceased, pay the debts of the deceased and distribute the assets to the correct heir.

Once the executor has been appointed, the Master must issue the executor with letters of executorship.

### **What are the specific things that the executor needs to do in estates worth more than R 125 000?**

- The executor must be nominated.
- The executor must be granted Letters of Executorship from the Master.
- The executor must gain control of the deceased's property.
- The executor has 30 days to make a list of all the assets and debts of the deceased and give this list to the Master.
- The executor must put a notice in the Government Gazette and one other local paper, inviting all people who have claims



### **Liquidation and Distribution account**

Shows the assets that have been collected by the executor and how they have been divided up.

against the deceased to lodge their claims with the executor. The advertisement must remain in the papers for not less than 30 days and not more than 3 months. (Surviving spouses and minor children must lodge their claims for maintenance at this stage.)

- The executor must review all claims lodged against the estate.
- The executor can sell property to pay off debts or at the request of the heirs.
- The executor must pay creditors. After the creditors have been paid, the remaining assets must be distributed among those who are entitled to inherit from the deceased.
- The executor must lodge a liquidation and distribution account with the Master's office. This account shows that the executor has collected the assets, paid the debts and distributed the remaining assets.
- The liquidation and distribution account must lay open for 3 weeks to be reviewed by interested parties.

### **What are the specific things that the representative needs to do in estates worth less than R125 000?**

- The representative must be nominated
- The representative must receive a Letter of Authority from the Master or the Service Point. This Letter of Authority will likely contain instructions on how the estate should be administered.
- The representative must gain control of the deceased's property.
- The representative has 30 days to make a list of all the assets and debts of the deceased and give this list to the service point.
- The representative must follow the instructions in the Letter of Authority to administer the estate.



### **Comment: executors must act within the confines of the law**

The law provides a process where executors can be removed when they are unable to fulfil their duties. Executors can be removed when their actions are not in the interest of the estate. If executors make wrong distributions, they can be held accountable by the courts.





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## FROM THE PRESS

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Executors of deceased estates face arrest after police checks established that more than 200 000 guns are still registered to dead people, some more than a decade after their demise. Almost 10 000 of the “dead men’s guns” were in the names of Capetonians. Police spokesperson Andrew Lesch said the law placed an onus on the executor of the estate of a gun owner to take possession of the gun and ensure its safekeeping while processing the transfer to the heir or a new owner, who would have to apply for a new licence. The executor is also compelled by the Firearms Act to report to the National Firearms Registry on progress in the transfer of ownership. Lesch urged executors to check their records and launch applications for the transfers before the authorities closed in on them. “We have been through an intensive awareness campaign trying to get formal executors to co-operate but without much success,” Lesch said. “We’ll now have to visit the homes of people in possession of inherited but unregistered guns to confiscate them.”

Cape Argus, September 19 2003, Johan Schronen

### WHAT HAVE WE LEARNT FROM THIS STORY?

- Executors can be held personally responsible for failing to take control of the deceased assets



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## CHAPTER 7: Minors

### Who is considered a child or a descendant?

Any person who is a child of the deceased is a descendant, including:

- Children born in a marriage
- Children born outside of marriage
- Adopted children
- Grandchildren

### What can a minor claim for?

If the deceased parent left a sufficient legacy for the minor child, the child cannot claim maintenance. However, if the legacy left for a minor child is insufficient, then the minor child can claim for maintenance which must be paid from the residue of the estate.

Dependant children who are over the age of 18 years can also lodge a claim for maintenance.

### Why should children claim maintenance?

Children have a right to be cared for by their parents. As such, they can claim maintenance for room, board, school fees, medical expenses and other necessities.

**Legacy**

Specific money or property given to another by a will

**Residue**

The remainder of an estate after all claims, debts and legacies have been paid

**Dependant**

A person who relies on or requires the assistance of another for support

**What happens to children when both parents have died?**

A tutor or curator can be appointed by the Master to look after the minor children and their assets.

A tutor or curator is generally a family member or close friend appointed by the will of the deceased. The tutor or curator is given money from the estate to provide for the children.

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## **CHAPTER 8:** **Maintenance of the surviving spouse**

**What can I do if my wife or husband did not leave anything for me in the will?**

The law protects surviving spouses who may have not been left with sufficient inheritance by their deceased partners or have been left without inheritance at all. The law allows surviving spouses to lodge a claim for maintenance against the estate of the deceased spouse.

**What can a surviving spouse claim for?**

A surviving spouse can claim for reasonable maintenance needs.

**What are the factors that must be taken into account when assessing reasonable maintenance needs?**

- The amount of money in the estate of the deceased spouse available for distribution to heirs.
- The existing means and earning capacity of the surviving spouse.
- The standard of living during the marriage.
- The age of the survivor upon the death of the deceased spouse.

**Can a spouse claim maintenance if employed?**

Yes. A job does not prohibit you from claiming maintenance; however it may limit the amount you can claim.

**What happens if the claims of a spouse compete with the claims of a child?**

Both the claim made by the spouse and the claim made by the child shall be reduced proportionately.

## **CHAPTER 9:**

### **Guardian's Fund**

#### **What is the Guardian's Fund?**

It is a fund where monies belonging to people who are unable to collect what is due to them (such as a minor children) are kept.

#### **How do I get money from the Fund?**

A person who is entitled to money must apply to the Master. Withdrawals can only be made twice every year. A person can claim up to R100 000.

#### **How do minors get money from the fund?**

The Master shall pay the money to the parent of the child or to the tutor or curator of the child, for maintenance, education or other benefit of the minor.

#### **How do I know if I should get money from the Fund?**

Every September, the Master will list all unclaimed accounts (R1 000.00 or more) in the Government Gazette.

#### **How soon do I have to claim my money from the Fund?**

All money must be claimed within thirty years. After thirty years, unclaimed money will be forfeited to the state.

## USEFUL CONTACT DETAILS

MASTER OF THE HIGH COURT	
Enquiries/Customer Care: <a href="mailto:chiefmaster@justice.gov.za">chiefmaster@justice.gov.za</a> , Tel: 012-315 1207, Fax: 086 5444 893	
<b>Bloemfontein</b>	<p>Office name: <b>Master of the Free State High Court, Bloemfontein</b></p> <p><b>Master:</b> <b>Mr Jan du Plessis</b></p> <p>Tel: 051 - 411 5500</p> <p>Fax: 051 - 448 6182, 051 - 447 6575, 051 - 448 8507 (Insolvency)</p> <p>Postal Address: Private Bag X20584, Bloemfontein, 9300</p> <p>Physical Address: Southern Life Building, C/o Aliwal &amp; Maitland Streets, Bloemfontein, 9301</p> <p>Office Hours for the Public: 07h45 until 13h00</p> <p>Notes: No visits or telephone enquiries will be handled after 13h00. Members of the public from other towns must please make arrangements prior to their visit with the Masters Office, should they need to be assisted in the afternoon.</p>
<b>Kimberley</b>	<p>Office name: <b>Master of the Northern Cape High Court, Kimberley</b></p> <p><b>Master:</b> <b>Mr Craig Davids</b></p> <p>Tel: 053 - 831 1942</p> <p>Fax: 053 - 833 1586 (General) , 053 - 832 9559 (Guardian's Fund)</p> <p>Postal Address: Private Bag X5015, Kimberley, 8300</p> <p>Physical Address: Civic Centre, Jan Smuts Boulevard, Kimberley, 8300</p> <p>Office Hours for the Public: 07h45 - 13h00 and 13h45 - 16h00</p>

<b>Mmabatho/Mafikeng</b>	<p>Office name: <b>Master of the North West High Court, Mafikeng</b></p> <p><b>Master:</b> <b>Mr P Modibela</b></p> <p>Tel: 018 381 8585 / 4122 / 0005</p> <p>Fax: 018 - 381 3617</p> <p>Postal Address: Private Bag X42, Mmabatho, 2735</p> <p>Physical Address: Justice Chambers, 44 Shippard Street, Mafikeng, 2745</p> <p>Office Hours for the Public: 07h45 - 13h00 and 14h00 - 16h15</p>
<b>Pretoria</b>	<p>Office name: <b>Master of the North Gauteng High Court, Pretoria</b></p> <p><b>Master (Acting):</b> <b>Ms N Ntsoane</b></p> <p>Tel: 012 - 339 7700</p> <p>Fax: 012 - 326 1977</p> <p>Postal Address: Private Bag X60, Pretoria, 0001</p> <p>Physical Address: Sanlam Forum Building, C/o Church and Queen Streets, Pretoria, 0002</p> <p>Office Hours for the Public: 07h45 – 13h00</p>

<b>Johannesburg</b>	<p>Office name: <b>Master of the South Gauteng High Court, Johannesburg</b></p> <p><b>Master(Acting):</b> <b>Mr L Pule</b></p> <p>Tel: 011 - 429 8000/8004</p> <p>Fax: 086 679 6362</p> <p>Postal Address: Private Bag X5, Marshalltown, 2107</p> <p>Physical Address: No 66 Marshall Street, Hollard Building, cnr Sauer &amp; Marshall streets, JHB</p> <p>Office Hours for the Public:</p>
<b>Thohoyandou</b>	<p>Office name: <b>Master of the Limpopo High Court, Thohoyando</b></p> <p><b>Master:</b> <b>Mr TC Rambauli</b></p> <p>Tel: 015 - 962 1032</p> <p>Fax: 015 - 962 1033</p> <p>Postal Address: Private Bag X5015, Thohoyandou, Venda, 0950</p> <p>Physical Address: Venda Government Building Complex, Thohoyandou, Venda, 0950</p> <p>Office Hours for the Public: 07h45 - 13h00 and 13h00 - 16h00</p>

<b>Polokwane</b>	<p>Office name: <b>Master of the North Gauteng High Court, Polokwane</b></p> <p><b>Master:</b> <b>Ms FP Mugivhi</b></p> <p>Tel: 015 - 291 4300</p> <p>Fax: 015 - 291 4320</p> <p>Postal Address: Private Bag X9670, Polokwane, 0700</p> <p>Physical Address: Cnr Grobler and Hans van Rensburg, Office 105, Library Garden, 1st floor, Polokwane</p> <p>Office Hours for the Public:</p>
<b>Bhisho</b>	<p>Office name: <b>Master of the Eastern Cape High Court, Bhisho</b></p> <p><b>Master:</b> <b>Vacant (Office Manager: Mr M Tima)</b></p> <p>Tel: 040 - 639 2087/2079</p> <p>Fax: 040 - 639 2100</p> <p>Postal Address: Private Bag X7490, King Williamstown, 5600</p> <p>Physical Address: No 1 Prince Alfred Square, Old Embassy Building, King Williams Town</p> <p>Office Hours for the Public: 08h00 - 13h00 and 14h00 - 16h30</p>

<b>Cape Town</b>	<p>Office name:  <b>Master of the Western Cape High Court, Cape Town</b></p> <p><b>Master:</b>  <b>Ms Z. Agulhas</b></p> <p>Tel:  021 - 410 8300 / 02</p> <p>Fax:  021 - 465 2574</p> <p>Postal Address:  Private Bag X9018, Cape Town, 8000</p> <p>Physical Address:  High Court, Parade Street, Cape Town, 8001</p> <p>Office Hours for the Public:  08h00 - 12h00</p> <p>Notes: Information available from 1951; all information before that can be found at the Archive, Old Roeland Prison, tel: (021) 462 4050</p>
<b>Grahamstown</b>	<p>Office name:  <b>Master of the Eastern Cape High Court, Grahamstown</b></p> <p><b>Master:</b>  <b>Mr SS Moodley</b></p> <p>Tel:  046 - 603 4000</p> <p>Fax:  046 - 622 9990</p> <p>Guardians Fund Enquiries:  046 - 603 4004</p> <p>Postal Address:  Private Bag X1010, Grahamstown, 6140</p> <p>Physical Address:  5 Bathurst Street, Grahamstown, 6139</p> <p>Docex Address:  Master of the High Court, Docex 7, Grahamstown, 6140</p> <p>Office Hours for the Public:  Public Enquiries : 7.45 am to 12 noon. Afternoon visits confined to urgent matters only , to allow staff sufficient time to process workflow efficiently.</p>



<b>Pietermaritzburg</b>	<p>Office name: <b>Master of the KwaZulu-Natal High Court, Pietermaritzburg</b></p> <p><b>Master:</b> <b>Ms Seetarani Gangai</b></p> <p>Tel: General: 033 - 342 0591/264 7000 Guardian's Fund: 033 - 246 7055/7056/ 7085/ 7086 Deceased Estates: 033 - 341 38600 Insolvencies, Trusts and Curatorships: 033 - 264 7000</p> <p>Fax: 033 - 342 3129</p> <p>Postal Address: Private Bag X9010, Pietermaritzburg, 3200</p> <p>Physical Address: Court Gardens, C/o Commercial Road &amp; Church Streets, Pietermaritzburg</p> <p>Office Hours for the Public: 07h45 - 13h00</p>
<b>Umtata/ Mthatha</b>	<p>Office name: <b>Master of the Eastern Cape High Court, Mthatha</b></p> <p><b>Master:</b> <b>Mr SC Jozana</b></p> <p>Tel: 047 – 531 2361 or 047 – 532 3201 or 047 531 2120</p> <p>Fax: 047 – 531 0980 or 047-532 2040</p> <p>Postal Address: Private Bag X6057, Mthatha, 5099</p> <p>Physical Address: Holy Cross Building, No 7 Craister Street, Mthatha, 5099</p> <p>Office Hours for the Public: 7h45 - 13h00 and 13h45 - 16h00</p>

<b>Durban</b>	<p>Office name: <b>Master of the KwaZul- Natal High Court, Durban</b></p> <p><b>Master:</b> <b>Ms Varsha Sewlal</b></p> <p>Tel: 031 - 306 0123</p> <p>Fax: 031 - 306 0126</p> <p>Docex Address: Master of the KwaZulu-Natal High Court, DOCEX 218, Durban</p> <p>Postal Address: Private Bag x 54325, Durban, 4000</p> <p>Physical Address: 2 Devonshire Place, 2nd Floor, Durban, 4001</p> <p>Office Hours for the Public: 07h45 - 16h00</p>
<b>Port Elizabeth</b>	<p>Office name: <b>Master of the Eastern Cape High Court, Port Elizabeth</b></p> <p><b>Master:</b> <b>Ms EA Daniels</b></p> <p>Tel: 041 - 403 5100</p> <p>Fax: 041 - 403 5117</p> <p>Postal Address: Private Bag X 2, Centrahill, Port Elizabeth, 6006</p> <p>Physical Address: 523 Govan Mbeki Avenue (Cnr Crawford &amp; Govan Mbeki Avenue ), North End, Port Elizabeth</p> <p>Office Hours for the Public: 07h45 - 13h00</p>

<b>National Office</b>	<p><b>Chief Master (Acting):</b> <b>Adv L Basson</b></p> <p>Tel: 012 - 315 1880</p> <p>Fax: 086 544 4893</p> <p>Postal Address: Private Bag X81, Pretoria , 0001</p> <p>Physical Address: 3rd Floor, South Tower, Momentum Centre, 329 Pretorius Street, (Cnr of Pretorius and Prinsloo Streets), Pretoria</p>
<b>National Office</b>	<p><b>Directors:</b> <b>Mr B Mashego</b> (Guardian's Fund) <b>Ms N Sigcau</b> (Projects)</p> <p>Tel: 012 - 315 1698 012 - 315 1698</p> <p>Fax: 012 - 315 1901 012 - 315 1901</p> <p>Postal Address: Private Bag X81, Pretoria , 0001</p> <p>Physical Address: 3rd Floor, South Tower, Momentum Centre, 329 Pretorius Street, (Cnr of Pretorius and Prinsloo Streets), Pretoria</p>

<b>National Office</b>	<p><b>Customer Care :</b>  <b>Ms Patrys Venter</b>  <b>(Assistant Master)</b>  <b>Mr Andries Hlungwane (Assistant Master)</b></p> <p>Tel:  012 - 315 1207  012 – 315 1958</p> <p>Fax:  086 5444 893  086 544 4893</p> <p>Email:  <b>Chiefmaster@justice.gov.za</b></p> <p>Postal Address:  Private Bag X81, Pretoria , 0001</p> <p>Physical Address:  3rd Floor, South Tower, Momentum Centre, 329 Pretorius Street, (Cnr of Pretorius and Prinsloo Streets), Pretoria</p>
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## NOTES

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## NOTES

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.





**WOMEN'S LEGAL CENTRE**