

# LAST WILL AND TESTAMENT

This is the last Will and Testament of \_\_\_\_\_

ID No. \_\_\_\_\_ Currently residing at \_\_\_\_\_

## 1.

I hereby revoke and annul all previous Wills, Codicils and all other documents of a testamentary nature heretofore made or executed by me.

## 2.

2.1 I nominate and appoint \_\_\_\_\_ as Executor of my Will with the power of assumption and substitution. I hereby direct that he/she be exempted from having to find security for the due fulfilment of his/her duties as such.

2.2 I nominate and appoint \_\_\_\_\_ and \_\_\_\_\_ as Trustees of the Trust herein created with the power of assumption and substitution and direct that they be exempted from furnishing security to the Master of the High Court.

2.3 In the event of me and \_\_\_\_\_ dying simultaneously, I nominate and appoint \_\_\_\_\_ and \_\_\_\_\_ as legal guardians over my minor children and direct that they be exempted from furnishing security to the Master of the High Court.

## 3. Delete which is not applicable.

I bequeath the whole of my estate to my spouse \_\_\_\_\_

ID No. \_\_\_\_\_, subject to the conditions of clause 4 hereafter.

I bequeath the whole of my estate in equal shares to my children \_\_\_\_\_

(born \_\_\_\_\_) and \_\_\_\_\_ (born \_\_\_\_\_),

subject to the conditions of clause 4 hereafter.

## 4.

Should any of my beneficiaries at the date of my death be under the age of 25 (twenty five) years, I direct that the herein appointed Trustees shall retain and administer the portion of my estate to which such beneficiary may become entitled for the benefit of such beneficiary until he/she reaches the age of 25 (twenty five) years. My Trustees shall have the following further powers and authorities:

4.1 They shall be entitled to realise any portion of the Trust, or to retain any investment or property as then may exist at the time of my death, entirely at their discretion;

### AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

Testor: \_\_\_\_\_

- 4.2 They shall be entitled to invest, or to reinvest from time to time any of the proceeds of the Trust, entirely at their discretion, shall be entitled to enter into any contract on behalf of the Trust, and shall be entitled to sue or be sued with regard to any matter affecting the Trust;
- 4.3 They shall be indemnified by the assets of the Trust against the costs of any action brought by them, or against them, if such action is in regard to any matter arising from their administration of the Trust;
- 4.4 Without in any way limiting the aforesaid powers, my said Trustees shall have power to do anything, or sign any document which, in their discretion, they consider to be necessary for the due administration of the Trust assets;
- 4.5 The Trustees may in their sole and absolute discretion use and apply the whole or any portion of the income arising from my estate in the following manner:
  - 4.5.1 Such amount needed for the maintenance, support, advancement and general welfare of any beneficiary;
  - 4.5.2 Such amount needed for education, including university education in the Republic of South Africa or elsewhere, setting him or her up in a business or a profession or fitting him/her for a career;
  - 4.5.3 If the income of my estate is, in the opinion of my Trustees, insufficient for the aforementioned purposes or any of them, my Trustees shall be entitled to apply or use so much of the capital of my Estate as they may consider. Any capital so applied or accrued shall be brought into account as part of the capital, share or interest, to which such beneficiary may become entitled.

**5.**

I direct that any benefits accruing to or paid to my beneficiaries under this my Will or any Codicil made hereafter, including any income derived from the investments thereof, shall not fall into any portion of the joint estate of the beneficiary or his or her spouse, nor shall any portion thereof be judicially attached for the debts or obligations of his or her spouse and shall further be excluded from the insolvent estate of such spouse and such beneficiary shall not be nominated as Curator of such insolvent estate. I further direct that the husband of any female beneficiary shall not have any control or power of administration over any rights or amounts paid or accruing to such female beneficiary, in order that such female beneficiary shall have the full, free and exclusive control and right over any benefits accruing to or paid to her as if such marriage does not exist. In the case where any beneficiary under this my Will is married out of community of property or will marry, then the accrual system in terms of the Matrimonial Property Act 88 of 1984 will not apply to the assets arising herefrom or the income from such assets which will accrue to or be paid to such beneficiary in terms of this my Will.

**6.**

I reserve to myself the power from time to time and at all times hereafter to make all such alterations in or additions to this my Will as I shall deem fit, desiring that all such alterations or additions so made under my own signature shall be held as valid and effectual as if the same had been inserted herein.

THUS DONE and EXECUTED at \_\_\_\_\_ on this \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_ in the presence of the undersigned witnesses.

**Signed:** \_\_\_\_\_

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

Testor: \_\_\_\_\_

With kind thanks to Celeste Venter of Lor Dea Trust cc in Cape Town.