

# Last will and testament of

Insert your full name, ID number or date of birth and your full residential address

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**ID number**

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**of**

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## 1. Cancellation of previous wills

I cancel all previous wills and codicils and declare this to be my last will and testament.

Insert the full name and ID number of your proposed executor/s.

## 2. Appointment of executors

2.1 I appoint as the executor of my estate:

**Name** \_\_\_\_\_  
**ID number** \_\_\_\_\_ **and/failing whom**

Delete the incorrect option 'and' or 'failing whom'.

**Name** \_\_\_\_\_  
**ID number** \_\_\_\_\_

Delete **2.2** if the executor is to provide security

2.2 I direct that none of the appointees listed in 2.1 above shall be required to furnish security, and I allow them all powers at law, in particular, that of assumption.

Insert full name/names of who will inherit your whole estate and include their ID numbers.

## 3. Appointment of heirs

I bequeath my entire estate to:

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(Note that witnesses may not benefit from the will.)

Testator/testatrix and witnesses to sign at the same time in each other's presence.

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## SIGNATURES

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**WITNESSES**

**TESTATOR/TESTATRIX**

Insert the full names and ID numbers of those who will inherit your estate if the person/s named in 3. pass away before you.

#### 4. Substitution of beneficiaries

If my heir/s in 3. pass away before me, then I bequeath my entire estate to:

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#### 5. Powers and duties of executors

The executor/s of my estate shall have full and absolute power at their discretion to:

- 5.1 Exercise all such powers to enable them to continue my business operations and the business operations of any company of which I am a shareholder as if they were duly appointed directors of the company, in such manner and as fully as I would have been able to if I were still alive.
- 5.2 Sell all or any assets including immovable property, whether by public auction, private treaty or otherwise, in such manner and at such times as they may decide.
- 5.3 Take over from my estate, in whole or in part, any asset or investment.
- 5.4 Transfer, maintain, realise or vary from time to time, in whole or in part, such assets and investments.
- 5.5 Purchase, and in any other way acquire, or sell any movable, immovable or incorporeal property.
- 5.6 Manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, improve, turn to account, or in any other way deal with all assets and investments.
- 5.7 Borrow or lend any money, with or without the security of any asset including the mortgage of immovable and movable property, for the purpose of preserving any asset or to pay debts or to effect repairs or howsoever they consider necessary for proper liquidation and distribution.
- 5.8 Enter into any suretyship on behalf of any person or company, business venture, partnership or any concern in which I may be interested or concerned, and to provide security including the mortgage of immovable or movable property in respect thereof. My executors shall be entitled to accept liability under any personal guarantee signed by me.

Testator/testatrix and witnesses to sign at the same time in each other's presence.

#### SIGNATURES

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WITNESSES

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TESTATOR/TESTATRIX

- 5.9 Compromise or abandon any claim.
- 5.10 Exercise any option to take up any right.
- 5.11 Exercise the voting power attached to any share, debenture or other marketable security in such manner as they may consider to be in the best interest of my estate or any beneficiary.
- 5.12 Retain and invest any surplus income from time to time accruing to my estate in such securities and assets as they may deem fit.
- 5.13 Decide whether money received by them is to be regarded as income or capital, or partly income and partly capital, and the amount of the part falling into each category.
- 5.14 Take and act upon the opinion of any counsel practising in any division of a High Court, whether in relation to the interpretation of this will or any otherwise, to make application to the court if they think necessary and to institute and defend any proceedings or otherwise.
- 5.15 Make payment to any beneficiary in cash in specie and, for the purposes of distributing in specie, to value or have an asset or investment valued at the expense of my estate. All valuations so obtained by my executors from a valuator selected by them shall be final and binding on all beneficiaries.
- 5.16 Open and operate bank accounts.
- 5.17 My executors shall not be answerable for or liable to make good any loss occasioned to my estate from whatsoever cause arising except where such loss arises from or is occasioned by their personal wilful dishonesty. My executors shall be indemnified by my estate against all claims and demands of whatever nature which may be made upon them arising out of the exercise or purported exercise of any of the powers or discretions conferred on them herein or arising out of or in connection with the administration of my estate.
- 5.18 Generally enter into any contract and do all such things as they may consider necessary or desirable in the interests of winding up and distributing my estate.
- 5.19 Enter into any lease whether as landlord or tenant.
- 5.20 Delay payment entirely in their discretion of any benefit to any beneficiary of my estate.

Testator/testatrix and witnesses to sign at the same time in each other's presence.

**SIGNATURES**

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\_\_\_\_\_

**WITNESSES**

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**TESTATOR/TESTATRIX**

**6. Exclusion from community**

No benefit under this will shall at any time form part of a joint estate through marriage by the beneficiary, nor be subject to a husband’s marital power, the joint control of a spouse or any accrual system.

**7. Funeral arrangements**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Insert your specific funeral arrangement.

I completed and signed this will at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in the presence of the undersigned witnesses, who both being present at one and the same time and in my presence have here unto set their signatures.

Insert place and date of signature.

**WITNESSES**

**TESTATOR/TESTATRIX**

Testator/testatrix and witnesses to sign at the same time in each other’s presence.

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

\_\_\_\_\_

**Details of witnesses:**

	<b>Witness 1</b>	<b>Witness 2</b>
<b>Name</b>	_____	_____
<b>ID number</b>	_____	_____
<b>Address</b>	_____	_____
	_____	_____
	_____	_____

1. Remember to always sign in full – do not use initials.
2. Make sure that all signatories sign at the same time in each other’s presence.
3. Rule out any blank spaces.
4. Witnesses/persons completing the blank spaces in this will (including their immediate family) may not benefit from this will.
5. For any assistance or concerns, please contact your attorney or financial advisor.