



JOINT LAST **WILL AND TESTAMENT**

We, the undersigned, [] (insert full names),
Identity Number []
and [] (insert full names),
Currently residing at []
[] (insert full address),

Married out of Community to Property to each other, declare this to be our Last Will and Testament:

1. REVOCATION

We hereby cancel all previous wills, codicils and other testamentary dispositions made by us, either jointly or separately hereto, and hereby make this our last will.

As witnesses

1. _____ 2. _____

TESTATOR TESTATRIX

2. BEQUESTS

2.1 In the event that either the testator out lives the testatrix or the testatrix out lives the testator, the entire estate shall be bequeathed to the remaining spouse.

2.2 In the case of a simultaneous death, and/ or either party becoming deceased due to the same event or accident that caused the death of the other within six months of the first dying, and without the second dying person having made another will, then our estate will devolve per stirpes as follows:

2.2.1 to (insert full names and ID numbers):

2.2.2 and our children: (Insert full names and ID numbers)

2.2.2.1 The abovementioned heirs shall be the sole and universal heirs of our entire estate and effects, immovable and movable property included, in equal shares.

2.2.2.2 Should any of our children die before us, their inheritances shall devolve upon their lawful issue, and failing such lawful issue, upon our remaining children in equal shares.

As witnesses

1. _____

2. _____

TESTATOR

TESTATRIX

3. BENEFICIARY CONDITIONS

3.1 We direct that all or any benefits conferred upon any beneficiaries shall be subject to the following conditions:

3.1.1 Such benefit, whether it be capital or income, shall at all times and for all purposes be excluded from any community of property or any community of profit and loss or any accrual occasioned by marriage.

3.1.2 The same shall not, until actually paid over or until delivery to a beneficiary, vest upon such beneficiary.

3.1.3 No beneficiary shall be entitled to anticipate any benefits conferred by virtue hereof nor shall any beneficiary be entitled to cede, assign or pledge the same.

4. BURIAL / CREMATION

4.1 We direct that upon death our bodies be buried/cremated (delete inapplicable)

4.2 We direct that the cost of the above, as well as the cost of erecting a memorial or head stone above the grave, be paid from our estate.

5. EXECUTORS, AND ADMINISTRATORS

We hereby nominate, constitute and appoint

(insert full names of executor)

residing at

(insert full address)

or failing him/her

(insert full names of executor)

residing at

(insert full address)

to be the executor of this will.

As witnesses

1. _____

2. _____

TESTATOR

TESTATRIX

6. POWERS OF EXECUTOR, AND SECURITY

6.1 Our executor shall have all powers and authority allowed in law especially that of assumption.

6.2 We direct that our executor shall not be called upon to lodge security in his office as such and that the Master of the High Court shall dispense with the lodgment of security accordingly.

6.3 We direct that our executor shall be entitled to employ persons professionally or otherwise as they may consider necessary for the purpose of carrying out the duties imposed upon them herein and to pay such fees and disbursements, as may be reasonably levied by such persons.

6.4 Our executor may, with approval of our heirs who are majors, sell any assets in our estate by public auction or private treaty without obtaining direction from the Master of the High Court in terms of the Administration of Estates Act.

7. INTERPRETATION

7.1.1 In the interpretation of this will, unless the context indicates otherwise, words signifying the singular shall include the plural and words signifying the masculine shall include the female and vice versa.

7.1.2 Headings are for reference purposes only and play no part in interpretation whatsoever.

As witnesses

1. _____ 2. _____

TESTATOR

TESTATRIX

Signed at _____ (place) on this _____ (day/month/year).

In the presence of the undersigned witnesses, who have signed their names in our presence and in the presence of each other.

Note: This simple standard Will is designed for uncomplicated estates. If you have a large estate, involved or intricate investments or financial arrangements, or minor children who will need a Will Trust and guardian, etc, we recommend that you do not use this document, but rather consult with a practicing attorney. Legal and Tax Services (Pty) Ltd ("LTS") provides this draft Will as a service to assist its clients, and neither LTS, its employees, agents or representatives shall be liable for any damages or consequential damages that may arise out of or in connection with the use of this draft Will or any work done or not done in connection therewith, notwithstanding any error, fault or negligence.

EXPLANATORY NOTES:

1. The testator is the person making this will.
2. The two witnesses must be over the age of 16, and must be in their sound and sober senses when signing as witnesses.
3. Beneficiaries refer to any person, including children, which are going to benefit or inherit under this will.
4. Beneficiaries cannot sign the will as witnesses.
5. The testator and the witnesses must sign every page in the presence of each other.
6. Any alteration, addition, deletion or amendment to this will must be initialed by the testator and the two witnesses.