

# National Wills Week - Official announcement and endorsement

Issued by [Capital Legacy](#)

6 Sep 2022

Capital Legacy supports and endorses the Law Society of South Africa's Wills Week. National Wills Week is traditionally held every year in September where participating firms offer Basic Will drafting for free.



At Capital Legacy, every day is Wills Day, every month is Wills Month, and every year is Wills Year, because Last Wills and Testaments are in our DNA. It follows quite logically that we have decided to make September [Wills Month](#), even though we draft Wills for free throughout the year.

The Law Society quite rightly states that “by making a Will you ensure that your assets are disposed of in accordance with your wishes after your death. This privilege is called freedom of testation”.

Alex Simeonides, CEO of Capital Legacy, adds: “If you compare the number of life policies in place in South Africa versus the number of active valid Wills, we have only scratched the surface. Roughly three out of four South Africans run the risk of leaving a legacy of chaos. Wills Month was created with the aim of making an impact and driving awareness around the fact that Wills are for everyone, easily accessible and free.”

This year, we at [Capital Legacy](#) are not only motivating people to act and have their Will drafted, but we are also adding emphasis and special focus on ensuring that clients understand the importance of signing and witnessing their Wills correctly.

If a Last Will and Testament is signed incorrectly and without a so-called wet signature (in ink) it is invalid and will be treated as if you have died intestate.

After drafting Wills for free every day for the past 10 years and helping 545,000 South Africans to get their Wills in order, experience has taught us how important the above is.

The statistic of South Africans without a Last Will and Testament is shockingly high at more than 70%.

Because Capital Legacy's mission is to make the loss of a loved one easier, we are so mission-driven that we even draft Wills on public holidays and after hours to accommodate our clients. We also have a courier service that collects the signed Wills free of charge to ensure that it is put into safe custody.

## **Procrastination**

Over the past decade we have found that only 30% of clients sign their Wills and have them correctly witnessed. The majority of clients need to be proactively nudged a bit. Reason being that although they are well-intentioned, they procrastinate and do not get around to the critical part of signing their Will and having it witnessed by two independent Witnesses.

- We realised that educating South Africans on the importance of having a valid Will in place is one thing, but the next step is to ensure that once the Wills are drafted, they are also signed and witnessed correctly.
- We found that many people simply do not have easy access to a printer or to two independent witnesses.
- Off the back of these findings, we will be implementing Will-signing stations across the country, and we are setting up a fleet of vehicles with two Will-signing consultants to act as independent Witnesses to assist clients in finalising this step in securing their legacy.

## **A few requirements for a Will to be valid in South Africa:**

- A person must be over the age of 16 years.
- The Will must be signed in ink (wet signature).
- The Will must be signed by the Testator/Testatrix, on each page and at the end.
- The signing of the Will should be witnessed by two competent independent witnesses, both present at the same time, who sign on each page and at the end of the Will too.

## **Who can witness a Will?**

The characteristics of an independent witness are that he/she:

- Is fourteen (14) years or older;
- Is mentally capable of providing testimony in court, at the time of signing;
- Is not specified in the Will (for example as Executor, Trustee, Heir, Legatee or Trustee);
- Is not the spouse of anyone who has been specified in the Will (the Testator/Testatrix, Executor, Trustee, Heir, Legatee or Beneficiary([ies])).

There is such a need in South Africa that we are currently helping an average of 10,000 clients, every month, with their Wills.

Not only do we draft client's Wills, but we also have one of the largest Estate Administration teams in the country handling more than 100 new estates per month. Over the last 10 years we have administered over 5,000 deceased Estates. Through years of winding up Estates, we see all too often, the reality of families struggling to deal with the loss of a loved one almost daily. This struggle is infinitely more difficult when the loved one's affairs are not in order.

Whether you are a parent, a breadwinner, a homeowner or just generally want to ensure that your affairs are in order, it is important that you have a valid Will drafted by a professional. A valid Will allows you to state your last wishes, who should inherit your assets and property, who you would like to act as Executor for your Estate, and who you wish to nominate as Guardian/s for your minor Children (younger than 18 years old).

A valid Will enables you to protect the interests of your loved ones and helps ensure that there are no unnecessary delays

in settling your Estate after your death.

This Wills Week (and month) do not procrastinate! Get peace of mind that your affairs are in order by getting your valid Will in place with [South Africa's number 1 Wills and Estates Specialists](#).

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Wills & Estates Specialists

Our mission is to ensure that more South Africans have valid Wills in place and to lower the legal fees at death for our clients.

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