

WILLS & ESTATE PLANNING

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Estate planning is more than just drafting a will. It is **NOT ONLY** estate duty planning and is **DEFINITELY NOT** assurance planning. It is the process through which the judicial, economical, social, psychological and other needs of a person (the estate owner) with regard to their estate, in relation to themselves, their family and beneficiaries, during their lifetime and in contemplation of death, is determined and planned. This involves deciding in advance by the estate owner what to do with their assets and liabilities (determining their personal and family needs, setting goals), how to do it (what planning tools are to be used), when to do it (e.g. upon marriage), and who to do it (what estate planning team is going to assist).

It is an ongoing process beginning at birth and ending at death. The reasons motivating a person to start the process often come when personal circumstances impel the individual to reassess their position. For instance, an increase in risk because of ill health, an intended hospital visit, a long trip, financial or economic reasons, a change in tax law, recent death in the family or circle of friends, or a recent experience with a deceased estate. Common concerns of estate owners are often the following:-

- They realise they should put their affairs in order;
- They wish to limit their risks/ those of others;
- They realise life is not in their own hands;
- Their dependents may be left un-provided for or they may need financial protection;
- They may be afraid of delays in the estate administration, necessitating financial assistance to their dependents;
- They are aware of possible family feuds;

- They realise their important possessions will continue to exist after their death;
- Their obligations and projects have to continue after their death;
- They are aware of their estate's erosion due to various taxes (income tax, estate duty, capital gains tax as well as future taxes);
- They are afraid that their estate may fall into the hands of strangers (in-laws may become "outlaws");
- They may be concerned with political and economic changes;
- Culture or religion directs them how to deal with their assets, but reality dictates otherwise.

Estate planning is a multidisciplinary science. The estate planner (the professional rendering the service of estate planning) is expected to have a thorough knowledge of tax laws, law of succession, family law, corporate law, trust law, short and long term insurance and various forms of investments, as well as taking into account the estate owner's personality, culture, religion, fears, wishes, financial position and economic environment. All these qualities are seldom found in one person. It therefore demands a team of experts who can, together with the individual, form the estate planning team.

In conclusion, your estate planning is a process based on your personal state of affairs, evolving over years as your circumstances change, and does not end with the signature of your will. Never allow an amateur to guide you through the process or endeavour to complete the process yourself. Look for a team of professionals working in conjunction with each other in order to gain a holistic plan, suitable to your specific requirements. ■



At Independent Executor & Trust we are committed to personalized service and individual attention. With combined experience of 65 years, we specialize in the Drafting of Wills, Administration of Estates and Testamentary Trusts.

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