



SHARE YOUR WILL WITH LOVED ONES **WHILE YOU'RE STILL ALIVE**

Ensure that you leave a legacy of support and gratitude rather than anger, conflict, and expenses.

With millennials expected to inherit over US\$68 trillion from their baby boomer parents over the next decade, South Africa's National Wills Week from 12-16 September 2022 provides an opportunity to highlight the importance of sharing the contents of your will with loved ones before you die.

Death is an extremely emotional time, and for many very traumatic too. If certain individuals feel they have been excluded from your will or believe they have not received what they were anticipating, your last will and testament could end up sowing conflict among your loved ones, potentially leaving anger and resentment rather than the legacy of support and gratitude you'd anticipated.

Conflict and expensive and time-consuming litigation contesting your will or your competence as a testator can be avoided by taking the brave decision to sit down with your loved ones and explain why your will has been drafted in a certain way. If your heirs know what they are inheriting they can also help you structure and word your bequest in the most cost-effective and tax efficient way.

For example, rather than leaving assets to named children, if these children already have Trusts in their own right, naming their Trusts as beneficiaries saves a huge amount in estate duty. Listing the child's Trust – rather than the child's name – in the will also avoids double transfer costs.

While to many, disclosure might seem like a difficult thing to do, it provides loved ones with an opportunity to undertake an effective testamentary process, not only from an emotional acceptance point of view, but also from a practical, legal, tax and cost perspective.

Disclosure, for example, provides an opportunity to share the contents and intentions of details like Living Wills, ensuring that everyone knows what to do in the event of you being incapacitated. It's also important for your heirs to understand how your Living Will works in tandem with your insurance policies as some policies for terminal illness stipulate specific periods of care and treatment, and if these aren't met, the policies might not pay out.

Going through a disclosure process also ensures that everyone will have a copy of the will, avoiding situations where wills can't be found. Disclosure also ensures that all your assets will be accounted for and covered by the will. If you have missed anything – or made irrational or contradictory disbursements – it is likely these omissions will also be brought to light in the disclosure process.

Inheritance is also a tricky issue if people have assets or heirs around the world in multiple jurisdictions. While there is freedom of testation in South Africa – allowing you to leave your property to anyone you choose – in some countries the law prescribes who you can leave assets to along with punitive taxes for bequests above certain, often relatively low, values.

While wills can be shared informally with loved ones, if this is emotionally challenging or the testator anticipates that

sharing might cause anger or conflict, most executors, trustees or attorneys are more than qualified to manage the disclosure process formally. Using professionals can also take a lot of the emotion and anger out of the disclosure process. It's also great to have professionals on hand in the event disclosure brings legal or financial challenges to light.

While not a pleasant topic, talking about your will and disclosing its contents to those you care about is both necessary and important. Therefore, this year's National Wills Week is an opportunity for you to think about your will, ensure that it is up to date and, also, to share its contents with your loved ones to ensure that you leave a legacy of support and gratitude rather than anger, conflict, expenses and regret.

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For more information: www.oldmutual.co.za/wealth/solutions/fiduciary-services-wills

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