MYERS ATTORNEYS

ATTORNEYS · NOTARIES · CONVEYANCERS

ESTATE KNOWLEDGE SERIES • VOLUME 03

DRAFTING YOUR WILL

A practical guide to clear final wishes

PRACTICAL LEGAL GUIDANCE

Valid signing. Clear instructions. Better certainty.

WHO WE ARE

Legal guidance built around real life.

Myers Attorneys is a boutique South African law firm providing practical, solutions-driven legal services across commercial law, conveyancing and notarial work, wills, trusts and estate administration, family law, labour law and litigation.

OUR APPROACH

We focus on preparation, compliance and clear communication so that clients can make informed decisions before problems arise.

01

DETAIL

Careful, accurate work.

02

CLARITY

Plain-English advice.

03

ACTION

Practical next steps.

Your guide at a glance

01 Understanding your will 04

02 Key decisions in a will 05

03 Before you sign 06

04 Executor and guardian choices 07

05 Signing the will properly 08

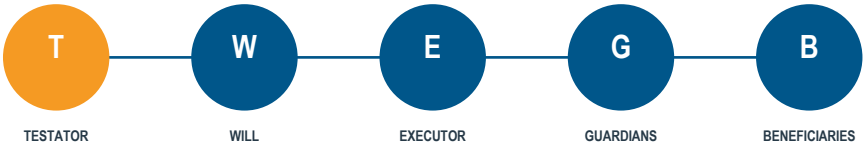
06 Will review checklist 09

07 Frequently asked questions 10

08 How Myers Attorneys can help 11

Understanding your will

A will records how your estate should be administered and distributed after death. It can also appoint an executor, nominate guardians and create testamentary trusts where appropriate.



A WILL CAN HELP TO

- appoint the person who administers the estate
- record heirs and specific bequests
- provide for minor children
- reduce uncertainty after death

GOOD PRACTICE

Do not rely on informal promises. If it matters, it should be drafted clearly and signed correctly.

02 KEY DECISIONS

The choices inside your will

A will is more than a list of beneficiaries. The practical appointments and fallback clauses often matter as much as the inheritance wording.

E

EXECUTOR

Administers the estate, deals with the Master and implements the will.

G

GUARDIANS

Care for minor children if both parents are no longer able to do so.

B

BENEFICIARIES

Receive specific assets, cash amounts or the residue of the estate.

T

TESTAMENTARY TRUST

Can hold inheritance for minors or vulnerable beneficiaries after death.

REMEMBER

Your witness should not be a beneficiary, executor or spouse of either, as this can create disqualification problems.

Prepare before you sign

A will should be checked carefully before signature. Small mistakes in names, appointments or signing formalities can create big problems later.

WEEK 1

Information

Gather ID details, marriage documents, children's details, asset lists and policy details.

WEEK 2

Instructions

Confirm who receives what, who acts as executor and who should care for minors.

WEEK 3

Review

Check wording, spelling, residue clause, revocation clause and fallback beneficiaries.

WEEK 4

Signing

Arrange two competent independent witnesses and store the original safely.

DO NOT SKIP THIS

In South Africa, a will must comply with formal signing requirements. A badly signed will may require court intervention or may fail.

04 APPOINTMENTS

Executor and guardian choices

The people you appoint should be suitable, available and able to carry out the role. The best legal wording still needs practical people behind it.

01 EXECUTOR

Choose someone organised and trustworthy, with professional support where needed.

02 GUARDIANS

Consider values, stability, location, finances and the children's relationships.

03 TRUSTEES

If minors inherit, decide who will administer the testamentary trust.

04 SUBSTITUTES

Name backup executors, guardians, trustees and beneficiaries where appropriate.

05 BENEFICIARIES

Use full names and clear descriptions to avoid uncertainty.

06 RESIDUE

Say who receives everything not specifically mentioned elsewhere.

LEGAL TIP

The residue clause is one of the most important clauses in a will. Without it, part of the estate may be treated as intestate.

05 SIGNING PROCESS

From final draft to valid signed will

The signing meeting should be controlled and unhurried. The original signed document is the version the executor will need later.

1	READ	Check that every page is complete and correct.
2	CONFIRM	Make sure the testator understands the will.
3	SIGN	Testator signs at the end and on each page.
4	WITNESS	Two competent witnesses sign together.
5	DATE	Date the will and avoid later handwritten changes.
6	STORE	Keep the original in a safe, known place.
7	REVOKE	Destroy or clearly revoke older wills where appropriate.

COMMON MISTAKE

Signing with family members who inherit under the will can cause avoidable disputes and disqualification problems.

WILL REVIEW CHECKLIST

Use this page before signing or reviewing your will.

- [ ] Your full names and identity number are correct
- [ ] Your marriage details and spouse details are correct
- [ ] The will revokes earlier wills where appropriate
- [ ] Executor and substitute executor are properly named
- [ ] Guardians for minor children are nominated
- [ ] Beneficiaries are clearly identified
- [ ] Specific bequests are practical and still exist
- [ ] The residue clause covers everything left over
- [ ] Testamentary trust provisions are included where needed
- [ ] Witnesses are independent and competent
- [ ] Each page and the end of the will are signed correctly
- [ ] The original will is stored safely and someone knows where it is

07 FAQS

Questions clients often ask

Can I write my own will?

Yes, but it must comply with the legal formalities and should be clear enough to administer without uncertainty.

Who can make a will?

A person aged 16 or older can make a will if they understand the nature and effect of doing so.

Who can witness my will?

Witnesses should be 14 or older, competent to give evidence, and not beneficiaries, executors or spouses of either.

What happens if I die without a will?

Your estate will be distributed under the Intestate Succession Act, which may not match your wishes.

Can I change my will?

Yes. Changes should be made by a properly signed new will or codicil, not by informal handwritten edits.

08 OUR SUPPORT

How Myers Attorneys can help

We help clients prepare wills that are clear, validly signed and aligned with their wider family and estate-planning arrangements.

01

WILL DRAFTING

New wills, updated wills and tailored testamentary provisions.

02

SIGNING GUIDANCE

Practical support to ensure the will is executed correctly.

03

ESTATE PLANNING

Coordination with trusts, policies, companies and family arrangements.

04

ESTATE ADMIN

Executor support and deceased estate administration after death.

IMPORTANT

This guide provides general information and is not a substitute for advice on a particular will, estate or family situation.

MYERS ATTORNEYS

ATTORNEYS · NOTARIES · CONVEYANCERS

LET'S TALK

+27 (0) 11 346 2422

reception@myersattorneys.co.za

www.myersattorneys.co.za

Silvamonte, Johannesburg, South Africa

MYERS ATTORNEYS

Expert legal service and consulting.
Established 2009.