



**GREENTHOS**  
CAPITAL  
PROTECTING LEGACIES

# Estate Administration Services

A GUIDE TO WINDING DOWN YOUR ESTATE WITH GREENTHOS CAPITAL

# Our priority is to make this as comforting as we can. We provide professional & compassionate estate administration service.

## Why work with Greenthos Capital?

- We provide continuity (unlike an individual, we will not die, become ill or be absent when needed. We have in place a Business Continuity Plan to ensure the same.
- We focus on building lasting legacies for our clients through our different service offerings. Through our work, we have extensive experience in handling the administrative, compliance, investing and reporting needs of our clients.
- We provide a holistic approach to clients' affairs dealing with their legal and financial needs.
- We have experience in managing estate planning and trusts for individuals, families and institutions.
- Greenthos Capital staff are professionals with extensive experience in their areas of expertise.
- We are independent, act objectively and impartially when dealing with our clients' affairs.
- We deal with our clients' affairs promptly and efficiently.
- We offer a full range of associated services, including Will preparation, and more

At some stage, we all experience the death of someone near and dear to us, but few of us are fully aware of the estate administration process. This can be particularly difficult if you are called upon to assist with the many matters that require attention following a death

## What is involved in administering an estate of a deceased

### GETTING STARTED

When you are ready, one of our first duties is to have a discussion with you to obtain details of the estate including the existence of a Will, assets and liabilities, as well as details of beneficiaries.

### OBTAIN AUTHORITY TO ACT

The Authority to act in the estate of a deceased is granted by the High Court following one of two applications for either:

1. **Grant of Probate given to an Executor (or executors) under a valid and recognized Will or;**
2. **Letters of Administration granted to an Administrator (or Administrators) in the event of an estate left Intestate i.e without a valid or subsisting Will.**

Until either of these legal instruments is issued by Court, no significant transactions can occur in respect to the estate of the deceased including sale, distribution and/or transfer of assets to beneficiaries, operation of bank accounts or access to monies that would cover costs of running the estate. The Law only allows access to a little finance to handle immediate and pressing requirements like funeral expenses and this allowance cannot exceed more than 6 months from the passing of the deceased before the appropriate application must be made to Court.

### GRANTS OF ADMINISTRATION

#### 1. Probate

Where there is a Will, an application must be made to the High Court for a grant of probate. We can assist the Executor(s) prepare the application and file it in the Court, or in the event that we were appointed as Executors in the Will, we make the application in that capacity.

#### 2. Election to Administer

Greenthos capital can elect to administer the estate when there is no Will with instructions from the next of kin. Where there is a Will, but the named executor would prefer not to act as such, we can be appointed to administer the estate. This is called Letters of Administration with Will Annexed.

Acting as the Executor or Administrator of an estate is a time-consuming and detailed job. Greenthos Capital can carry this out either on its own, or jointly with a family member to provide them with access to professional help and advice.

# How we deal with your estate upon appointment

There are many steps involved in dealing with the assets and debts of an estate and as noted above, this may be either as an Executor of a proved Will or the Administrator of an Intestate. Some estates will require a lot more work than others. A general summary of what is required to be completed in both cases is as follows.

## 1. Notification

We will notify all relevant institutions (such as banks, insurance companies and other service providers) of the death. This enables them to freeze accounts, halt charges or fees and redirect correspondence.

## 2. Assets and Liabilities

We will compile an inventory of assets and liabilities for the beneficiaries at the early stages of administration. Once we have the requisite Grant from Court, we will start dealing with the assets. For example, closing bank accounts, redeeming investments, collecting proceeds of any life insurance policies and, if necessary, selling property. All assets will be transferred into our name as administrator and then sold, collected or transferred to the beneficiaries when a distribution is made.

## 3. Payment of Debts

When sufficient cash becomes available from the collection or sale of assets, we will pay the debts of the estate.

## 4. Notice to Creditors

We will place a notice in the local newspaper asking for creditors to send details of any accounts that were outstanding at the date of death within a month of the advertisement.

## 5. Taxation and Accounting

We will endeavour to finalise any tax issues as quickly as possible. We will file any required personal tax returns to date of death and ensure that any tax is paid. We will also file any required estate tax returns from date of death to final distribution. We will prepare financial statements for the estate and provide copies to the beneficiaries.

## 6. Assets

We shall notify the relevant authorities and arrange transfers of assets to heirs should this be required. For joint assets that pass to surviving owners, we shall arrange transfers from joint names to survivor(s) should this be required.

## 7. Distribution

There are a number of laws which affect the ability of an executor/trustee to make a distribution of an estate. These laws deal with the rights of persons who may have a right to claim against the estate as a creditor, a dependant, a relative, or someone who has been in a relationship with the deceased.

### HOW LONG WILL ESTATE ADMINISTRATION TAKE?

The actual time frame is dependent on a number of factors – the number and location of beneficiaries, the complexity of assets, the number of overseas assets and any legal challenges raised. In some situations, an interim distribution may be made at the discretion of the executor subject to the factors listed above. Typically, distributions occur after six months, after which the estate proceeds to closure. Furthermore, the Court only allows for two (2) years for the validity of a Grant of Probate or Letters of Administration after which time, an application requesting and justifying an extension of the authority must be made. We therefore aim to ensure that we act in the most expedient manner possible to prevent additional costs to the estate.

## THE SUCCESSION ACT 2021

This Act allows certain family members to make a claim against an estate if they feel they have been inadequately provided for under the terms of the Will. The Act and various case law precedents specify the types of claims which are determined on a case by case basis that we can only advise on if provided with all the facts but whose outcome we unfortunately cannot determine. Such claims are made through an application to Court challenging the contents of the Will.

## HOW TO ENSURE PEACE OF MIND FOR YOU AND YOUR LOVED ONES WITH REGARD TO WINDING UP YOUR ESTATE

Have an estate administration plan either through the Greenthos Legacy Protection plan or through a liquidity access trust to ensure that winding up your estate is less stressful for your loved ones. Talk to your Greenthos Capital advisor on how to have an estate administration plan in place.



### Definition of Terms you may come across

#### **Administrator**

A person, including an organization, appointed by the Court to manage the estate of a deceased person.

#### **Beneficiary**

A person, including an organization, who is left property under the terms of the Will.

#### **Bequest**

A gift of personal property that has been left by a Will.

#### **Dependant**

A person dependant on the deceased for the provision of the ordinary necessities of life

#### **Executor**

A person, including an organization, appointed under a Will to execute the terms of the Will which includes protecting, gathering and distributing the estate.

#### **Intestate**

To die without leaving a will.

#### **Legacy**

A gift by Will especially of personal property and often money.

#### **Letters of Administration**

A High Court Order which authorises an administrator to manage a deceased persons estate.

#### **Probate**

A High Court Order which shows that a Will has been proved and that a named executor and trustee are appointed.

#### **Next of Kin**

An emergency contact. This is a requirement by some financial institutions and is not a beneficiary to the estate of the deceased.

#### **Will-maker/Testator**

A person who makes a Will expressing his/her final wishes upon their death including the distribution of his/her estate

#### **Trustee**

A person, including an organization, which holds assets for beneficiaries.





## How Can I Protect My Inheritance?

Your inheritance could have a significant impact on your own wealth and it is important to seek planning advice in this regard. It is important to make sure you have the right estate planning advice to ensure your assets are protected. We aim to assist you in securing your financial future and can discuss ways to achieve this through sound estate planning structures. Inheritances received from an estate are the separate property of the person receiving them. You can protect your property by:

1. **Paying the inheritance into a Trust; or,**
2. **Investing funds in your sole name (through an investment portfolio or into a bank account).**

If you use inherited funds in any of the following ways, they may not be considered separate property and could be considered relationship property and be available for division:

1. **If the funds are paid into a joint bank account; or,**
2. **If the funds are used to pay off the mortgage on the family home; or,**
3. **If the funds are used to purchase a family home.**

Please discuss your particular situation with your Greenthos Capital advisor who will refer you for specific advice. If you feel your personal situation may give rise to any other concerns which may impact on the way your Will should be prepared, this should be discussed as well.



## IMPORTANT NOTE

Greenthos Capital does not accept any liability for loss arising as a consequence of anyone acting in reliance on these notes alone without individual advice. Equally, liability will not be accepted where individual or specific advice was given but all relevant details were not supplied to Greenthos Capital Limited.



### About Greenthos Capital

Greenthos Capital Limited is a private wealth management firm that creates wealth for now and future generations of Africans. Our services focus on the transfer, preservation and management of assets across generations.

We create value for our clients in the areas of estate/trust administration, management of asset interests and other related services.

### Our Services Include:



Trust services



Investment management



Wealth Advisory



Philanthropy & Impact