

# HOW TO EXECUTE YOUR WILL DURING COVID-19 LOCKDOWN



## Why having a valid, up-to-date will is important

Having a valid, up-to-date will ensures that your wishes are clear and that the right people benefit from your wealth, preventing unnecessary financial hardship and emotional stress for your loved ones. If you pass away without a valid will, your wishes may be ignored and there could be serious delays in the administration of your estate. It is important to know that the Master only accepts hard copies of the original will, signed by you and two witnesses.

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## We have the expertise to help you with your will.

Our fiduciary specialists have the expertise to help you draft an unambiguous and concise will that meets all the necessary legal requirements. During the lockdown, we can continue to help you with your will by discussing your needs over the phone or video call and sending your draft will to you electronically. When the lockdown ends, please contact your relationship manager to return your hard copy will for safe-keeping. The well-being of our clients and staff will remain our priority – thank you for your patience and understanding.

If you need support with your will, please ask your relationship manager to put you in touch with a fiduciary specialist.

## Not a client yet, but want to access our specialist expertise?

Contact us on 0860 111 263 or at [contact@nedbankprivatewealth.co.za](mailto:contact@nedbankprivatewealth.co.za).

# 1 PRINT AND SIGN YOUR WILL AT HOME WITH WITNESSES



## THIS IS AN OPTION FOR YOU IF:

- You have a printer at home.
- You share your household with two people who can act as valid (see block below) and competent witnesses, that is, anyone over the age of 14 years who is of sound mind, capable of understanding the consequences of their actions, and capable of giving evidence in a court of law.



## WHAT YOU NEED TO DO:

1. Print your will.
2. Sign it and ask the two witnesses to sign – signing must be done in each other's presence.
3. Keep it in a safe place.



### **Important information about who can act as witnesses**

If the people who are able to sign your will as witnesses are named as beneficiaries, executors, trustees or guardians in your will, we recommend rather considering one of the alternative options below, since they (and their spouses) may be disqualified from inheriting in terms of your will if they sign as witnesses.



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## PRINT AND SIGN YOUR WILL AT HOME WITHOUT WITNESSES



### THIS IS AN OPTION FOR YOU IF:

- You have a printer at home.
- You don't share your household with two people who can act as valid and competent witnesses.
- You prefer not to leave your home because you are concerned about the risk of being exposed to Covid-19.



### WHAT YOU NEED TO DO:

1. Print your will.
2. Sign it.
3. Keep it in a safe place. This will at minimum serve as a record of your genuine intention to have a valid will or revoke an existing one.
4. As soon as the lockdown period ends, print your will again, sign it, and ask two witnesses to sign as well – signing must be done in each other's presence.



#### What if something happens before lockdown ends?

In the unfortunate event that you pass away before the lockdown ends, the court will decide whether the hard copy of your originally signed will can be accepted as valid even if it has not been witnessed. To make a ruling, the court will consider all facts and evidence to satisfy itself that:

- the document was drafted or executed by you (including a handwritten will) or on your instruction (eg drafted by an institution, such as Nedgroup Trust); and
- you intended the document to be your will.

However, it is important to know that the court process can be costly and that heirs not included in your will (but whom the court may consider to be your dependants) may be opposed to this. This can cause extensive delays in the finalisation of your estate, creating a great burden on your loved ones who are meant to benefit from your will.



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## VISIT A NEDBANK BRANCH



**Please note that some branches are closed during the lockdown period.**

While we are doing all that we can to keep most of our branches open for your convenience, some branches are closed during the lockdown period. Please phone ahead and if your nearest branch is closed, please try an alternative branch.



**THIS IS AN OPTION FOR YOU IF:**

- You don't have a printer at home.
- You don't share your household with two people who can act as valid and competent witnesses.
- You are willing to leave your home to visit the bank.



**WHAT YOU NEED TO DO:**

1. Call your nearest Nedbank branch to:
  - arrange a date and time for your visit so that they can ensure two witnesses will be available; and
  - ask for the branch manager's email address where you can send your will for printing.
2. Visit the branch on the agreed date to finalise your will and take the signed hard copy home with you to keep in a safe place.



**Wills drafted and executed by Nedgroup Trust**

If your will was drafted by Nedgroup Trust and Nedgroup Trust is appointed as the executor, please contact your relationship manager at the end of the lockdown period to arrange for your will to be kept in safe custody.



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## CREATE AN ELECTRONIC COPY OF YOUR WILL (SIGNED OR UNSIGNED)



### Important to know

Electronic wills are generally not regarded as valid under current South African law, since the Master requires a hard copy of an originally signed will. We therefore recommend that you avoid having only an electronic copy.



### THIS IS AN OPTION FOR YOU IF YOU HAVE:



### WHAT YOU NEED TO DO:

#### A signed electronic will

- You don't have a printer at home.
- You don't have a handwritten version of your will or are unable to create one.
- You prefer not to leave your home because you are concerned about the risk of being exposed to Covid-19.
- You have software that enables you to electronically sign your will.

#### An unsigned electronic will

As above, except that you don't have software that enables you to electronically sign your will.

#### Applies to signed and unsigned electronic wills

1. Sign (if applicable) and save a copy of your will.  
If you have two valid and competent witnesses who are able to electronically sign your will, they can do so 'in the presence of each other' by way of, for example, videoconferencing and/or screen sharing facilities.
2. Document where your will is saved (file directory and name) and share these details with your loved ones.
3. As soon as the lockdown period ends, print your will, sign it, and ask two competent witnesses to sign – signing must be done in each other's presence.  
(An electronically signed will that is printed at a later stage may still be deemed invalid.)



### What if something happens before lockdown ends?

In the unfortunate event that you pass away before the lockdown ends, the court will set out to determine whether the document in question was intended to be your will, taking into consideration the unprecedented environment created by the Covid-19 pandemic.

In the past there have been cases where an electronic will, even if unsigned, was accepted as valid. This applied when there was clear evidence the deceased intended it as their will, for example a handwritten note that declared the electronic file to be their will.

However, it is important to know that the court process can be costly and that heirs not included in your will (but that the court may consider to be your dependants) may be opposed to this. This can cause extensive delays in the finalisation of your estate, creating a great burden on your loved ones who are meant to benefit from your will.

