



LEGAL STEPS TO BE FOLLOWED IN WINDING UP OF DECEASED ESTATE

The municipality has received lot of requests from the communities wanting assistance with transfer of deceased properties to remaining family members. In terms of the Tittle Deeds Restoration Programme the Municipality can only assist properties that are still in the Municipal name to the qualifying beneficiaries. Those properties that are still under the Municipality, they need to follow the legal steps as well in-terms of obtaining letter of authority in order to proceed with the process of transfers.

Those that have properties already transferred in the name of the deceased should follow the legal steps as outlined below.

Legal steps to be followed in the winding up of a deceased estate, that is, transfer of property from the name of a deceased to her/his descendants:

1. Report the death to the Master of the High Court that serves the area in which the property concerned is situated.
2. The Master of High Court appoints a Representative, if value of estate is below R250 000 or appoints an Executor is if the value of the estate exceeds R25 0000.
3. The Representative deals with the estate in accordance with the directives of the Master of the High Court.
4. The duties of the Executor, include amongst others, the following:
 - i) the advertising for creditors to lodge claims,
 - ii) the preparation of a list of the assets in the estate called an inventory,
 - iii) the preparation and advertising of a liquidation and distribution account (L and D account) for the purposes of inviting objections to the account, if any, and finally.
 - d) the distribution of the assets.
- e) The distribution of immovable property is done by means of registration in the Deeds Office and the Representative or Executor, as the case may be, instructs a conveyancer to effect transfer in the Deeds Office.

For more information, you can contact the Municipal Human Settlements section at Empangeni Civic Centre on 035 907 5486 especially those whose properties are still in the name of the Municipality. Those with properties who are privately owned (under deceased) can contact their Local Magistrate Court or Local Legal Aids offices for more information.