Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 2 hours then follows.

1. Candidates must answer all the questions.

2. Candidates must remember that marks are awarded for good draftsmanship.

3. Candidates must invent their own facts wherever necessary.

4. Please write only in pen on the right-hand pages.

5. Except if a special reason exists, a candidate will not be required to do an oral in this part if 50% or more is attained. If a candidate achieves less than 40% he/she will not qualify for an oral and will have failed this section.
VRAAG 1

Petros Ngcobo sterf intestaat op 21 Desember 2011. Hy word oorleef deur die volgende gesinslede:

- Lungi, sy eggenote met wie hy binne gemeenskap van goed getrou was.
- Samuel, sy meerderjarige seun.
- Cynthia, sy meerderjarige ongetroude dogter.

Sy boedel bestaan uit die volgende bates en laste:

**Bates:**
- Sy woonhuis te Durban, Kwazulu-Natal (waardasie: R500 000,00)
- Woonstel in Pietermaritzburg se sentrale besigheidsdistrik (waardasie: R250 000,00)
- Kontant: R650 000,00 ('n belegging wat te gelde gemaak is)
- Ou Mutual polis (die boedel word as begunstigde benoem): R150 000,00
- Ou Mutual polis (Lungi word as begunstigde benoem en die opbrengs van die polis word aan haar betaal): R300 000,00
- Sanlam polis wat direk aan Samuel uitbetaal word: R500 000,00
- Sanlam polis wat direk aan Cynthia uitbetaal word: R500 000,00
- Meubels en persoonlike artikels (waardasie: R50 000,00)

**Laste:**
- Uitstaande verband oor die huis te Durban: R30 000,00
- Begrafniskoste: R4 000,00
- Administrasiekoste beloop R72 000,00 in totaal. Spesifiseer hierdie koste en gebruik denkbeeldige syfers waar nodig.

QUESTION 1

Petros Ngcobo died intestate on 21 December 2011 and is survived by the following family members:

- Lungi, his wife to whom he was married in community of property.
- Samuel, his major son.
- Cynthia, his major unmarried daughter.

His estate consists of the following assets and liabilities:

**Assets:**
- His home in Durban, Kwazulu-Natal (valuation: R500 000,00)
- Flat in the Pietermaritzburg central business district (valuation: R250 000,00)
- Cash: R650 000,00 (investment reduced to cash)
- Old Mutual policy (estate has been named as the beneficiary): R150 000,00
- Old Mutual Policy (Lungi has been nominated as the beneficiary and the proceeds of the policy were paid to her): R300 000,00
- Sanlam policy paid directly to Samuel: R500 000,00
- Sanlam policy paid directly to Cynthia: R500 000,00
- Furniture and personal effects (valuation: R50 000,00)

**Liabilities:**
- Outstanding mortgage bond over the house in Durban: R30 000,00
- Funeral expenses: R4000,00;
- The administration expenses total R72000,00. Specify these and use imaginary figures where necessary.
Use the information furnished above in order to draft only the following parts of the liquidation and distribution account:

1. The heading
2. The liquidation account
3. The recapitulation statement
4. The distribution account
5. The estate duty addendum

Important information:

- Your account must comply with the relevant provisions of regulation 5(1) in all respects.
- Ignore VAT for the purposes of this question.
- You must use your imagination to fill in any detail that is lacking.
- In cases where the valuation of specific property has been provided, it means that the property has not been sold. Such property must be included in the account at the valuation provided.

X sterf intestaat. Hy was binne gemeenskap van goed met mev. X getrou. Hy word oorleef deur mev. X en hulle twee meerderjarige kinders, A en B, wat beide ongetrou is. Die netto gesamentlike boedel het 'n waarde van R610 000,00. B doen afstand van sy erfenis. Hoe sal die oorledene se boedel vererf?

X dies intestate. He was married in community of property to Mrs X. He is survived by Mrs X and their two major children, A and B, who are both unmarried. The net joint estate has a value of R610 000,00. B renounces his inheritance. How will the estate of the deceased devolve?

H en W is buite gemeenskap van goed getrou en het twee minderjarige kinders. Indien H (die man) die eerssterwende is, is dit hulle wens dat hulle aparte boedels saamgesmelten moet word en in 'n testamentêre trust geplaas word vir die voordeel van W en hulle kinders.

Stel die klousule op wat gevolg gee aan die samesmelting en die bemaking aan die trust. U hoef nie die testamentêre trustakte as sodanig
op te stel nie: slegs die samesmelting-klousule en die bemaking aan die trust word verlang.

VRAAG 4

Gordon Nel kom op 2 Junie 2010 te sterwe. Hy is kinderloos oorlede en word oorleef deur sy eggenote Susan Nel met wie hy buite gemeenskap van goed getrou was. Sy word tot eksekutrisie in sy testament benoem, en sy gee vir u opdrag om as haar agent in die beredering van sy boedel op te tree. Sy deel u mee dat sy nie by die sterfbed aanwesig was en het ook nie haar man se lyk na sy dood uitgeken nie. Geen boedelbelasting is betaalbaar nie.

Verduidelik die volgende met betrekking tot die beredering van die boedel:

4.1 Welke dokumente moet by die Meester ingediens word om die boedel aan te meld en om die eksekuteursbrief te bekom? (9)

4.2 Die Meester keur u likwidasië- en distribusierekening goed en gee toestemming om dit te adverteer.

i) Waar moet die advertensie geplaas word?
ii) Vir welke tydperk moet die rekening ter insae lé?
iii) Wat is die doel van die advertensie? (6)

VRAAG 5

U is die eksekuteur in 'n intestate boedel waarin 'n kontantbedrag aan 'n sewentienjarige toegeken word. Aan wie sal u die begunstigde se erfenis betaal?

QUESTION 4

Gordon Nel died on 2 June 2010. He died childless and was survived by his spouse Susan Nel to whom he was married out of community of property. She was nominated as the executrix in his will and she approaches you to act as her agent in the administration of his estate. She informs you that she was not present at his death bed and she did not identify his body after his death. No estate duty is payable.

With regard to the administration of his estate, explain the following:-

4.1 Which documents must be lodged with the Master in order to report the estate and obtain letters of executorship? (9)

4.2 The Master approves your liquidation and distribution account and gives permission to advertise it.

i) Where should you place the notice?
ii) For which period must the account lie for inspection?
iii) What is the purpose of this advertisement? (6)

QUESTION 5

You are the Executor in an intestate estate in which a cash sum is awarded to a seventeen year old beneficiary. To whom would you pay the beneficiary’s inheritance?