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TRANSFER OF IMMOVABLE PROPERTY FROM A DECEASED'S ESTATE

There are various types of deceased estate transfers. We will take a look at two types in this article.

ONCE THE DEATH IS REPORTED TO THE MASTER'S OFFICE, THERE ARE TWO TYPES OF LETTERS ISSUED.

- Where the value of the deceased's entire estate, including the immovable property, is below R250 000.00 the Master's Office will issue a Letter of Authority in terms of Section 18(3) of the Administration of Deceased Estate's Act in terms of which a representative is appointed.
- Where the value of the deceased's entire estate, including the immovable property, is above R250 000.00 a letter of Executorship is issued in terms of which an executor is appointed.
- Without the abovementioned Letters being issued as aforesaid, no immovable property can be transferred from the estate, as there is no authorized person to sign the Offer to Purchase and transfer documents.

TRANSFER OF IMMOVABLE PROPERTY IN TERMS OF SECTION 18(3) – LETTERS OF AUTHORITY

- The Master's Office is required to give further direction to its representative in order for the property to be registered at the Deeds Office.
- All heirs are required to consent to the sale of the property in order for the Master's Office to endorse the Power of Attorney in terms of Section 18(3).
- Once the property has been registered the proceeds will then be paid directly into the Estate Late Account for the representative to distribute accordingly
- This process is slightly shorter and cumbersome than that of a Letter of Executorship as a Liquidation and Distribution account need not be lodged at the Master's Office



CONTACT US

Physical Address

484 Ontdekkers Road
Florida Hills
Gauteng
1709

Postal Address

PO Box 874
Florida Hills
1716
Docex 20, Roodepoort

Tel: 011-472-2828

Fax: 011-472-2835

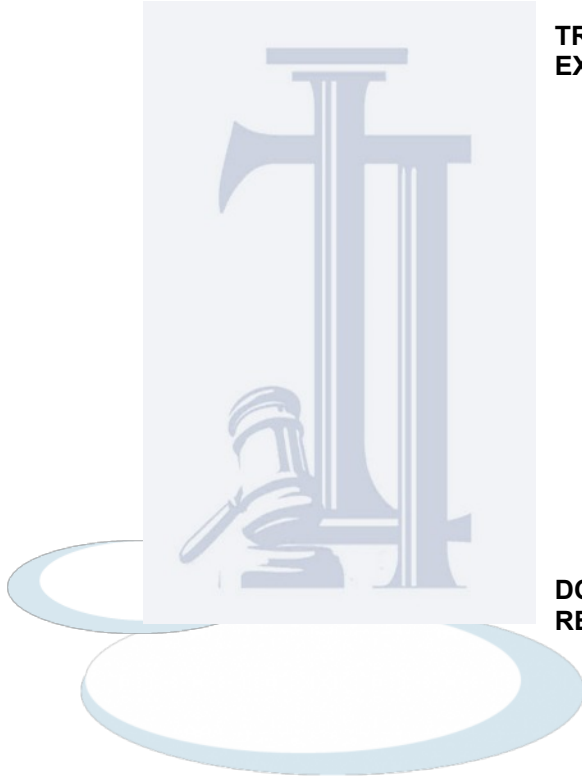
Email: Info@ltinc.co.za

Website: www.ltinc.co.za

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TRANSFER OF IMMOVABLE PROPERTY IN TERMS OF LETTERS OF EXECUTORSHIP.

- The Master's Office is required to give further direction to the Executor in order for the property to be registered at the Deeds Office.
- All heirs are required to consent to the sale of the property in order for the Master's Office to endorse the Power of Attorney in terms of Section 42(2) of the Act.
- Once the property has been registered the proceeds of sale will be paid into the Estate Late Account for the Executor to deal with. The Executor will then draft a Liquidation and Distribution account. .Submit same to the Master's Office for approval and thereafter advertised the Liquidation and Distribution for 21 days in the Government Gazette and local Newspaper. Once this process has been finalised, the Executor will apply for permission to distribute to the heirs.
- It is important to note that the distribution can only take place once the estate is finally wound up and the transfer is complete.

DOCUMENTS NEEDED FROM CLIENTS IN ORDER TO SUCCESSFULLY REGISTER THE IMMOVABLE PROPERTY.

- ID Copies of all Heirs;
- Marriage Certificate to prove marital status as well as regime;
- Consents to sale signed and commissioned by all Heirs;
- Original Last Will and Testament;
- Estate documents to report estate, i.e Death Notice, Inventory, Acceptance of Trust as Executor or Master's Directions in terms of Section 18(3).



Attorneys
notaries
conveyancers

