



Using Your Will ... To Celebrate the Blessings of your Life

*A brief guide explaining why it is important to have
a valid Will, – in your own interest, and in the
interests of your loved ones.*



Catholic Archdiocese of Durban
Isifundabhishobhi samaKatholika saseThekwini

As You Live Your Life ...

*'And behold, I am with you all days,
even to the consummation of the world.'*

(Matthew 28:20)

What comfort these words must have given to His disciples, when Jesus left this world – knowing that they would still be cared for by Him, beyond His earthly lifetime. And what comfort they still give to us, as we walk the path of His gift of our faith.

In a much smaller way, when each one of us leaves this world, we can also give a little comfort to those remaining – by assuring them of our love and ongoing care, through our Will.

A Will is one of the most important documents that you will ever draw up during your lifetime.

Making a Will is also one of the most positive actions you'll ever take. Far from being a depressing action associated with death, it is an uplifting action associated with life – future life for everyone and everything that you care about most deeply.

Having a Will is one of your most basic human rights.

You will have worked hard for everything you own, and therefore, it should be up to you – not the State – to decide what will happen to



your personal and family treasures beyond your own lifetime.

Your Will is also bound up with your responsibilities – towards your spouse, children, aged parents, perhaps even loyal employees, and also your favourite charities, or your Church. And even without family, or special people in your life, your responsibility is then to yourself. So that what you leave behind is a fitting memorial to a life well lived. If you do not already have a valid Will – after you've read this little brochure – please seek expert advice and have your Will drawn up right away.

The Problem of Not Having a Valid Will

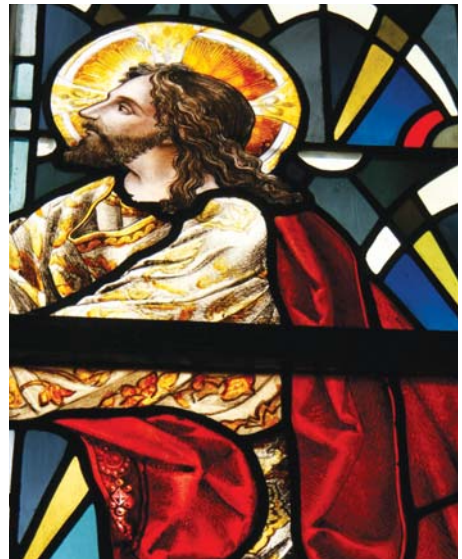
If you die without a valid Will, you will be declared intestate, and the State will decide how your estate is divided up. The result could be completely against your wishes, and seriously disadvantage your loved ones. In addition to their grief, your family will suffer unnecessary worry, stress and financial hardship for an indefinite period: Intestacy can sometimes take years to sort out.

If both parents were to die, and no guardian had been appointed, what will happen to any minor children?

The Benefits of Having an Up-to-Date and Valid Will

- ❖ You make the important decisions, and can change them according to circumstances as time and life go along.
- ❖ You choose the executor of your estate – someone you know and trust will carry out your intentions, and they will have the concerns of your loved ones at heart.
- ❖ You, as parent/s, decide who is best qualified to care for your minor children.
- ❖ You have the choice to include any additional personal wishes or beneficiaries. These could include: details of your desired funeral arrangements; a piece of jewellery to be given to a close friend; shares to be transferred to a business associate; securing the future care of family pets;

organ donations; the use of a particular insurance policy; the names of charities and/or other institutions that should receive a stipulated legacy.



This is your document, and everything in it is your choice.

Checklist for Drawing up your Will ...

Everyone's circumstances are different, resulting in either a straightforward document, or a more complex one. Either way, this checklist is a useful guideline:

List all your assets and set a value to them. These include:

Your home	Insurance policies	Pension benefits
Household contents	Other property	Jewellery
Stocks and shares	Valuables/antiques	Vehicles, etc.
Other investments	Savings and cash	

It's a good idea to also list all your liabilities such as:

Mortgage bond	Credit Card/Accounts	Bank overdraft
Hire purchase	Bank/other loans	Tax owed

Depending on the law in your country, you may want to select, and approach for their acceptance and permission, your executor/s, (to carry out your wishes); and if required, appoint a guardian for minor children.

- ❖ List (with full details) the people and institutions who are to benefit from your Will.
- ❖ Add any special wishes you may want included.
- ❖ Consult with a solicitor or attorney, accountant or other professional, such as your Bank manager, who will ensure that your Will is legally worded and witnessed by two independent parties (who do not stand to benefit from your Will). A qualified advisor will also help you construct your Will to minimise Estate Duties, and keep it flexible to allow for future events.
- ❖ Lodge the original Will in a safe place where it can be easily accessed by the right people when needed. It's also a good idea to have several extra copies made.

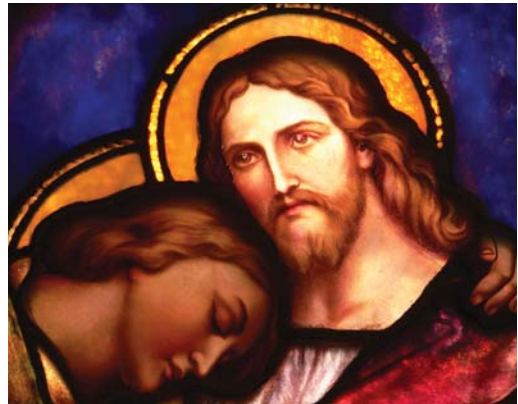


What is a legacy?

A legacy or bequest is a designated gift stipulated in your Will that you may want to leave to a member of your family, a friend, or organisation.

Types of legacies:

- a) *A specific sum.* The simplest form of legacy, whereby you allocate a definite amount in your Will. Unfortunately this option does not allow for inflation or changes in your Estate.
- b) *A percentage.* Without trying to calculate the value of your estate at some future time, you can give each beneficiary a portion of the final total.
- c) *The residue.* Whatever is left over after all costs, debts, important familial and other legacies have been made, the residue could be allocated to, for instance, 'The Catholic Archdiocese of Durban'.
- d) *Usufructuary right and bare dominium bequests.* A system whereby the beneficiary is given the right (usufruct) to the use of the asset (property etc) for their lifetime, after which the ownership (bare dominium) passes to another beneficiary (your Church or another organisation).
- e) *Proceeds of a Life Assurance Policy.* This could be a policy originally taken out to safeguard



the needs of a young family and is now no longer needed for that purpose. Or a new policy, taken out in order to specifically become a charitable legacy.

A thought on charitable legacies

There is a very personal motivation behind placing a restriction on how charitable legacies are to be used. But sadly, a Legator's best intentions may prove inappropriate in the future. Or a critical, but unforeseeable, need might arise which could be perfectly met by the timing of a restricted legacy. If you are considering such a legacy, it would be most thoughtful to leave the usage open. If the organisation proves itself worthy of your support during your lifetime, then the judgment and wisdom of its leaders should be worthy of your trust in the future usage of your final gift.

If You Were to Leave a legacy to the Catholic Archdiocese of Durban ...

When Jesus comforted His Disciples with the assurance that He would be with them – and us – until the end of days, His words also carried this responsibility:

‘Go therefore, and teach all nations, baptising them in the name of the Father and of the Son, and of the Holy Ghost: Teaching them to observe all the things that I have commanded you.’ (Matthew: 28 – 19, 20)

Ensuring that our brothers and sisters receive the sacraments, can attend Mass, know the Gospel, and have a Priest to turn to, now and in the future ... this is all part of living out the privilege of our faith.

Your Church is your spiritual home, with the people in it becoming your spiritual family. And by including the Catholic Archdiocese of Durban in your Will, you will be proclaiming your love and care for both, alongside your own nearest and dearest.

In a province like KwaZulu-Natal, where most of our faithful live in crippling poverty, your beautiful gesture will also have added value, in helping to make possible the Church’s

many upliftment projects.

Your legacy – whether it helps to keep a mission parish going, bring the faith to a new convert, build a rural church, train a young man in the priesthood, supply blankets, clothing and emergency food to the poor, or set up a self-help programme – will make a big difference.

Although the contents of your Will is intensely personal information, the Archdiocese would greatly appreciate it if you would use the enclosed card and envelope to advise us of your generous intention.

Your disclosure will be kept in the strictest possible confidence, and place you under no obligation whatsoever.



If You've Already Drawn up your Will ...

As life goes along, many things change – and your Will should reflect those changes.

Keeping your Will up-to-date is as important as making it in the first place. But under no circumstances should you make changes of any kind to your original Will on your own. This can invalidate the entire document.

If changes are substantial at any one time, you may need to draw up a completely new Will. But in most cases, all that is required to make a change is the addition of a simple Codicil.

The Codicil, like your Will, is best correctly worded by a professional.

The Codicil

A Codicil is a separate document which works in conjunction with your original Will.

For instance, should you wish to add an extra beneficiary to your Will, it is easily done by means of completing a Codicil to that effect.

Each Codicil must be signed by two witnesses in the same way as your Will, (not necessarily the original two people).

However, neither they, nor their marriage partners may be



beneficiaries of your Will or the Codicil.

Codicils should never be pinned, stapled or clipped to your Will, but safely stored in a clearly marked envelope along with your original.

It is useful to keep extra copies for yourself and your attorney.

And it is important that you inform your executor that you have added a Codicil, and where it is kept.



The information contained in this booklet is not intended as a substitute for proper legal advice. Please use it only as a starting point to the process. In drawing up, or changing your Will, you are advised to consult with a professional person who is qualified to structure the document, taking into account your personal circumstances, wishes, and tax situation.



If you would like further information on including the Catholic Archdiocese of Durban in your Will, please contact:



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