

How the law of succession has changed: an “invalid will” can become a “valid will”!

The seminar content is preliminary and might undergo minor changes.

1 Introduction

1.1 Background

1.2 Purpose of the Seminar

2 Problems with formalities

2.1 Execution versus Revocation of a will

2.2 Problematic formalities before 1994

2.3 Possible solutions – Australia model

2.4 Law of Succession Amendment Act

2.5 Importance of formalities after the Amendment Act

3 Condonation of a “document” - non-compliance with formalities

3.1 Statutory requirements in section 2(3) of the Wills Act

3.2 Section 2(3)

3.3 Requirements that should be met

3.3.1 Court can condone

3.3.2 What is a document?

3.3.3 Drafted or executed

3.3.4 By whom was it drafted or executed?

3.3.5 What does intention entails?

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3.4.1 Sub paragraph 2(1)(a)

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6 Missing wills and copies of wills

6.1 Missing wills

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6.1.4 Onus of proof – content of will

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7.3.1 Revocation by destruction and presumptions

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8.2.3 Revocation by later will

8.2.4 Revocation by destruction of a will

8.2.5 Presumptions Missing

8.3 Copy of a will

8.4 Judgement in the case

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