

Death of a partner: A guide for the surviving spouse

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In the immediate aftermath of a spouse's death, the surviving spouse generally has to cope with a lot more than grief. The winding up of the deceased spouse's affairs may mean that the surviving partner has to deal with important financial and administrative matters to ensure that their spouse's estate is brought to closure.

In this article, we examine some of the tasks that the surviving partner may be faced with.

Reporting the death

Your loved one's death must be registered within 72 hours of their passing. From a practical perspective, the attending medical doctor, medical personnel, or hospital will issue a notice of death which must then be submitted to the Department of Home Affairs (DHA). Once your loved one's death is registered with the department, it will issue a DHA5 death certificate which is an important legal document that will play an important role in the winding of the estate.

Remember, once the executor has been formally appointed, every instruction given or transaction entered into on behalf of the deceased estate will need to be supported by a copy of the death certificate, so ideally ensure that you obtain multiple copies of this all-important document. While this may all seem overwhelming, keep in mind that any reputable funeral director should be able to guide and assist you through this process.

Important: *Be sure to find out as soon as possible whether your spouse was registered as an organ donor with the [Organ Donation Foundation](#). It is essential that organs are removed as soon as possible after death has been declared in order to ensure successful transplantation.*

Identifying the executor

If your spouse has left a will, the next step is to identify the nominated executor and notify them of the death as one of their first jobs will be to report the deceased estate to the Master of the High Court within 14 days of death. Once you make contact with the executor, be prepared for a preliminary meeting with them as they will be required to prepare a rudimentary list of your spouse's assets and liabilities for submission to the Master, which must be accompanied by a death notice, your spouse's original will, and a certified copy of their death certificate. During the preliminary meeting with the executor, they will also take steps to ensure the validity of your spouse's will and to establish the details of those who stand to inherit from the deceased estate.

Note: *If no executor has been nominated or your spouse died without a valid will, the Master of the High Court will be responsible for appointing an executor although you and/or the deceased's loved ones may make recommendations in respect of a suitable executor. Remember, if the value of your spouse's estate is less than R250 000, their estate will be administered in terms of Section 18(3) of the Estate Act which provides for a much simpler process.*

Documents required to report the estate

To facilitate the process and make the job of the executor easier, be sure to locate the following documents (if applicable) as these will be required by the executor when reporting the estate:

- Original will;
- Original death certificate and DHA1663 notification of death form;
- ID documents of deceased and spouse;
- Details of pension fund;
- Income tax details;
- Partnership agreements and details of all partners;
- Details of any companies or CC of which your spouse had interests or ownership;
- Any antenuptial agreements and divorce agreements;
- Title deeds of properties owned by your spouse;
- Vehicle registration documents;
- Rates and taxes account;
- Gun licences;
- Share certificates;
- ID documents of beneficiaries; and
- Birth certificates of minor beneficiaries.

Note: *There are strict laws that govern the transfer of a firearm licence from a deceased person to the beneficiary. In terms of legislation, the executor may hold the firearms of the deceased in safekeeping in terms of a permit issued in terms of Section 21 of the Firearms Control Act.*

Letters of executorship

The formal appointment of executorship only takes place once the Master has issued what is referred to as letters of executorship. This document essentially authorises the executor to step into your spouse's shoes and administer the estate on their behalf until closure is achieved. Once appointed, the executor is required to set up a bank account in your late spouse's name which will be used to manage all of the estate's transactions. They must also take control of all the deceased's assets, keeping in mind that no assets can be transferred to any heir until the estate is finalised. From a practical perspective, banks and financial institutions will only accept communication and/or instruction from the appointed executor, with many insisting that the executor attends in person.

Note: *Remember, if you held a power of attorney over your spouse's affairs, this authority falls away immediately upon their death.*

Access to funds

If you are the nominated beneficiary on a life policy, the proceeds of such a policy will be paid directly to you and will bypass the deceased estate. Your spouse's financial advisor should be able to provide you with a complete list of all life insurance and funeral policies owned by your spouse and should be able to facilitate the claims process on your behalf. Generally, banks and financial institutions will only freeze bank accounts upon formal instruction by the executor meaning that there could be a few weeks' delay between your spouse's death and when the bank accounts are frozen.

Note: *Once your spouse's bank accounts are frozen, the funds held in these accounts will be transferred into the estate late account.*

Bills and accounts going forward

As the surviving spouse, you may need financial assistance and support in paying bills and honouring debit orders going forward, so be sure to address these needs with the executor. The executor should be made aware of all accounts that are due and payable by the deceased's estate, as well as accounts that need to be closed or cancelled, for example, termination of medical aid membership, cancellation of cell phone contracts, short-term insurance policies, investment contributions, club memberships, and other subscriptions. Remember, all liabilities of the deceased estate must be settled in full before the inheritance of the heirs and beneficiaries can be calculated.

Note: *The executor will also need to access your spouse's tax profile on the Sars eFiling system in order to register the death and set up an additional tax number for the post-death tax returns, which are prepared separately from the pre-death tax returns.*

Decisions regarding social media accounts

If your spouse has not left instructions regarding the closure of their various social media accounts, you may need to make decisions in this regard, keeping in mind that platforms such as Facebook and Instagram generally only accept instructions from immediate family members together with proof of death. Facebook provides the option to have one's account permanently deleted in the event of your death, as well as an option for a legacy contact who can instruct Facebook to memorialise your profile in which case it will remain on the platform indefinitely. Similarly, Instagram also provides the option to have your account memorialised or have the account removed.

Note: *Keeping a list of all one's online accounts and login details, together with instructions as to how you would like them to be managed after your death can be of enormous assistance to your loved ones who may be too emotional to make decisions of such a permanent nature.*