APPLETON
FIDUCIARY SERVICES

APPLETON TIMES

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A MESSAGE FROM THE APPLETON MANAGING DIRECTOR

WE ARE HERE FOR YOU!

These are dark and difficult time for each of us, for our country and indeed our fellow human beings across the world.

As a leading, national and independent fiduciary services company, Appleton's principle concern is for our clients and their heirs. That is why, since the national lockdown commenced, our dedicated team of professionals has been working full-time, albeit remotely, to ensure that our clients' Wills and Estates needs have been met timeously and seamlessly. Every phone call has been answered, every email has been replied to and every query responded to. Every Will amendment submitted has been completed in accordance with our meticulous timelines. Most importantly, we have been gratified by the level of trust you have placed in us in particular over recent weeks to ensure that your Wills, Estates and planning are all completely in order.

In addition to dedicating ourselves to your interests, we have been intensively engaged with the Fiduciary Institute of South Africa (FISA) to deliver some relief for our clients whose estates are still to be lodged, or for liquidation accounts to be approved and tax matters to be cleared. In addition to working with and through FISA, I have personally written to the Minister of Justice on two separate occasions to urge the easing of the lock-down restrictions on key institutions such as the Masters' Offices and Deeds Offices.

We urged the Minister to ensure the opening of these national institutions on the basis of first establishing appropriate health and safety protocols, but also to use the Covid-19 crisis as an opportunity streamline the manner in which these institutions engage with fiduciary services companies. One of the key lessons we have and continue to learn from the Covid-19 lockdown is the need for the greater use of technology to achieve safe and reliable efficiencies. Our contention is that while we remain overwhelmingly a people-centred and people driven company, the interface between fiduciary services companies and key institutions such as the Masters' and Deeds' offices can be greatly enhanced by the use of available technology.

While cognisant of the current exclusion of Wills from the Electronic Communications and Transactions Act (ECTA), our proposals to the Minister and FISA were for the development of secure and robust electronic portals for the submission of all relevant documentation for lodging and distribution of estates.

We are therefore pleased to report that the Master has now implemented a greater degree of electronic interface with fiduciary services companies and while this does not do away with the need for original documentation (Wills in particular), our interface with the Master has been enhanced by the developments during this phase of the lockdown.

Nonetheless, there is now a significant backlog at the Masters' Offices across the country and this has and will continue to lead to significant delays in the lodging, administration and finalising of estates. We are working constantly to ensure the timely lodgement and conclusion of Estates and if you have any query of any nature whatsoever, please do not hesitate to contact us on our Toll-free number 0800 50 60 70, or by email:

In the following two parts of the Appleton Times, we have included articles on Wills and Estates as well as some handy tips from the World Health Organisation for all of us during this period of lockdown.

In the meantime, please do take care of yourselves, be healthy and remember, **WE ARE HERE FOR YOU!**

Tim Hughes, BA (Hons), MA, MSt, PGD, **Managing Director**

LAUREN HEAN, OPERATIONS DIRECTOR

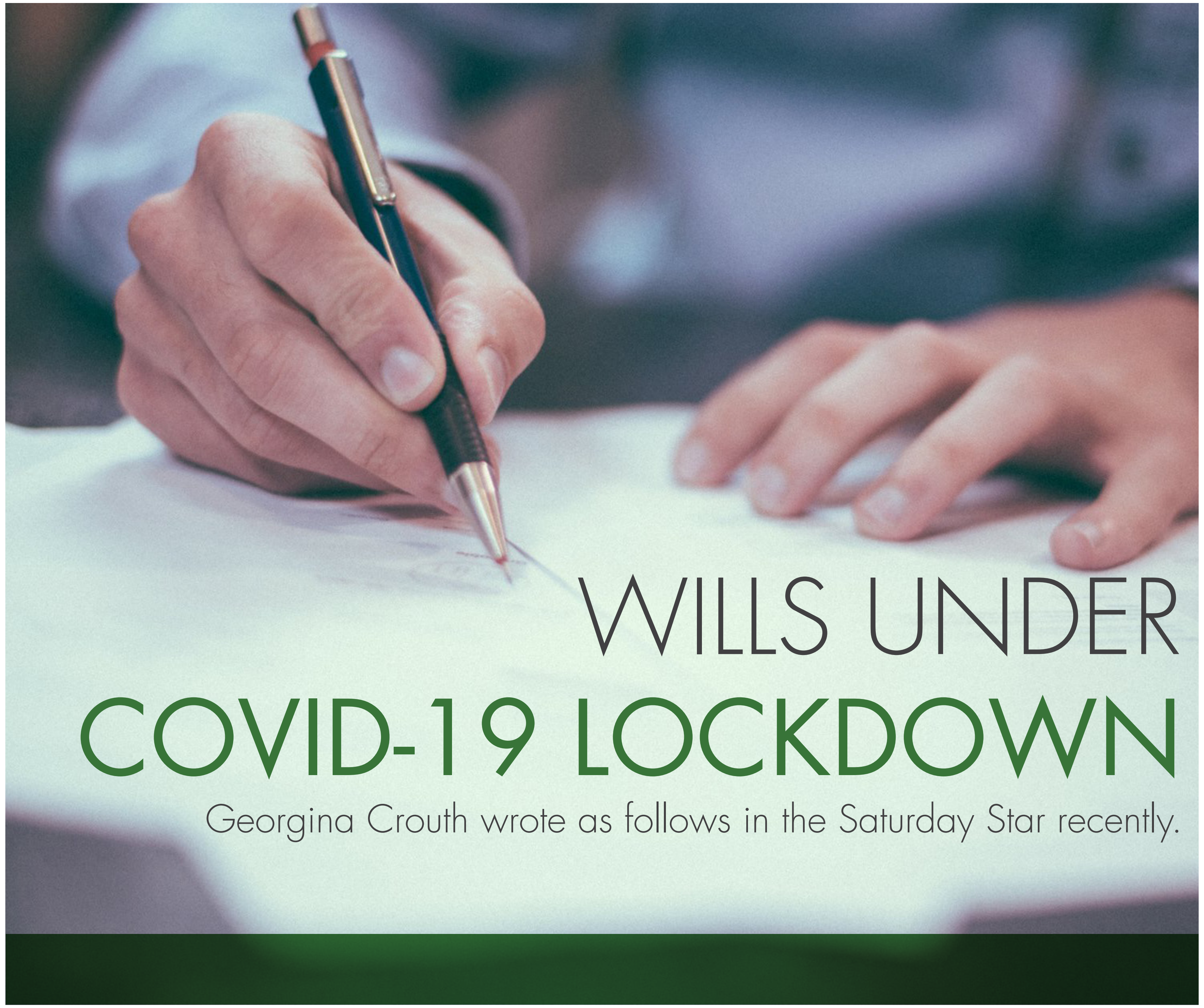
"Hello, my name is Lauren Hean, with 16 years of national experience in the fiduciary services sector, I am Appleton's Operations Director. I oversee all estates managed by Appleton and every estate is signed-off by me personally before liquidation and distribution."

MARLISA DOMS, BUSINESS DEVELOPMENT MANAGER

"Hello, my name is Marlisa Doms. I have 25 years of experience in financial and fiduciary services sector. My principal role is to liaise with our national professional network to ensure the highest levels of Wills and Estates service and quality control."

ARLENE ROBINSON, CLIENT CARE OFFICER

"Hello, my name is Arlene Robinson. I have twenty years' experience in client liaison and am not only the first point of contact for all inquiries to Appleton, but serve as our company's client care officer."



WILLS UNDER COVID-19 LOCKDOWN

Georgina Crouth wrote as follows in the Saturday Star recently.

As the death toll from the coronavirus climbs, the demand for wills has spiked. If you did not get your affairs in order before the lockdown, the crisis has thrown up some practical challenges in terms of how to get that done legally. The Wills Act requires the following for the execution of a valid will:

- The testator must sign the will in the presence of two witnesses, or acknowledge his/her signature in the presence of the two witnesses;
- The witnesses must sign the will in the presence of the testator and of each other; and
- The witnesses must be 14 years or older and must be able to testify in court.

With physical distancing rules, legally executing a will is practically impossible, says the Fiduciary Institute of Southern Africa (Fisa). Recently Fisa made an urgent submission to the Department of Justice, asking it to declare the drafting and execution of wills an essential service. Since the easing of lockdown restrictions is hopefully imminent, the submission might be moot, but Louis van Vuren, Fisa's chief executive, says it is a costly issue for those forced to approach the High Court to have a will validated.

"We want the ministry to allow people the freedom to sign a will legally," he says. "With any other contract, if there's a dispute the parties are available. But when you die, you can't defend it. That's why the strict requirement (of two witnesses and a testator) exists the world over. A will is a unilateral legal act and you have to be able to prove the provenance of the document."

An electronic will, such as a PDF file with an electronic signature, does not constitute a valid will in South Africa. "Electronic wills are not regarded as valid, without going to court, because they're not compliant with the Wills Act," Van Vuren says.

The Electronic Communications and Transactions Act (Ecta), which made electronic signatures legal, specifically excludes four types of documents: those pertaining to wills, the sale of fixed property, long-term leases and bills of exchange.

South Africa is not the only country grappling with the issue of validating wills. In Canada and Australia, emergency legislation has allowed parties to sign hard-copy documents during video conferencing.

Van Vuren says the Disaster Management Act, under which the lockdown measures have been promulgated, does not give the Minister of Cooperative Governance and Traditional Affairs (who issues all regulations under the act) the power to amend legislation. Only Parliament, which is in recess, can do that.

With bank accounts frozen after death, dependants are often severely cash-strapped, and executors of deceased estates cannot access frozen funds until they are appointed by the Master of the High Court and issued with letters of executorship. Deceased estate advertisements, which are legal requirements in the estate administration process, were stopped in the Government Gazette and newspapers, which has meant further delays in deceased estates already under administration.

INTER VIVOS VS TESTAMENTARY TRUSTS

Melissa Horton has written an excellent piece outlining the key features of Trusts as well as distinguishing between the different forms of trust.

She writes: Estate planning offers tools to establish and maintain effective control over cash, investments and real estate assets during a person's lifetime and upon death. While wills and beneficiary designations work well to ensure an estate plan meets the unique needs of the individual establishing the plan, each has its limits. Trust documents enhance estate planning and the effective transfer of assets to heirs. A trust created while an individual is still alive is an inter vivos trust, while one established upon the death of the individual is a testamentary trust.

- Trusts are an important piece of estate planning and are particularly relevant to those with assets to protect or bequeath.
- Inter vivos (living) trusts are created while an individual is still alive in order to name the beneficiaries of property and assets upon death while avoiding probate. These trusts may be revocable or irrevocable.
- Testamentary (will) trusts are established when an individual dies and the trust is detailed in their last will and testament. These trusts are irrevocable but may be subject to probate.

Also known as a living trust, an inter vivos (sometimes written with a hyphen or as 'intervivos') trust is created for the purpose of estate planning while an individual is still living. It is drafted as either a revocable or irrevocable living trust and allows the individual for whom the document was established to access assets such as cash, investments and real estate property named in the title of the trust while they are still alive. Inter vivos trusts that are revocable have more flexibility than those that are deemed irrevocable, but both types of living trusts bypass the probate process once the trust owner passes away.

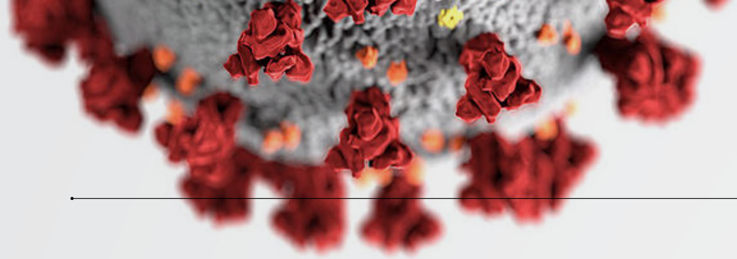
An inter vivos trust is effectively a legal document created while the individual for which the trust is drawn up is still living. The assets are titled in the name of the living trust by the trust owner and are used or spent down by the trust owner while they are alive. Once the trust owner passes away, the designated beneficiaries of the trust are granted access to the assets, which are then managed by a successor trustee. A living trust is created as either a revocable or irrevocable, and each type of inter vivos trust has a specific purpose.

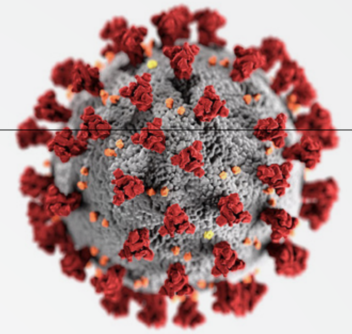
A testamentary trust (or will trust) is created when an individual dies and the trust is detailed in their last will and testament. Because the establishment of a testamentary trust does not happen until death, it is by nature irrevocable once death occurs. The testamentary trust is a provision made in the will that instructs the executor of the estate to create the trust. So even though the testator creates the will while he is alive, the trust does not come into play until after their death. After death, the will must go through probate to determine its authenticity before the testamentary trust can be created. After the trust is created, the executor follows the directions in the will to transfer property into the testamentary trust.

A testamentary trust does not protect an individual's assets from the probate process, and as such, the distribution of cash, investments, real estate or other property may not conform to the trust owner's desires. This type of trust is designed to accomplish specific planning goals such as:

- Preserving assets for children from a previous marriage.
- Protecting your spouse's financial future by providing lifetime income (also referred to as a qualified terminable interest property trust.
- Ensuring that a special needs beneficiary will be taken care of.
- Preventing minors from inheriting property outright at age 18 or 21. Minors are unable to take legal title of assets or property until they reach legal age, which varies by state. Trusts are often used for the safekeeping of their assets until they can take full title
- Skipping the surviving spouse entirely as a beneficiary.
- Gifting to charities.

The testamentary trust allows grantors to take advantage of an estate tax reduction through the unified credit shelter. This refers to the maximum amount of assets the IRS allows you to transfer tax-free during life or at death. The amount can be a substantial part of the estate, making this a very good option for financial planning.

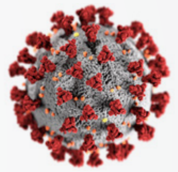




FROM THE WORLD HEALTH ORGANISATION

TIPS TO GET THROUGH THE COVID-19 CRISIS IN LOCKDOWN

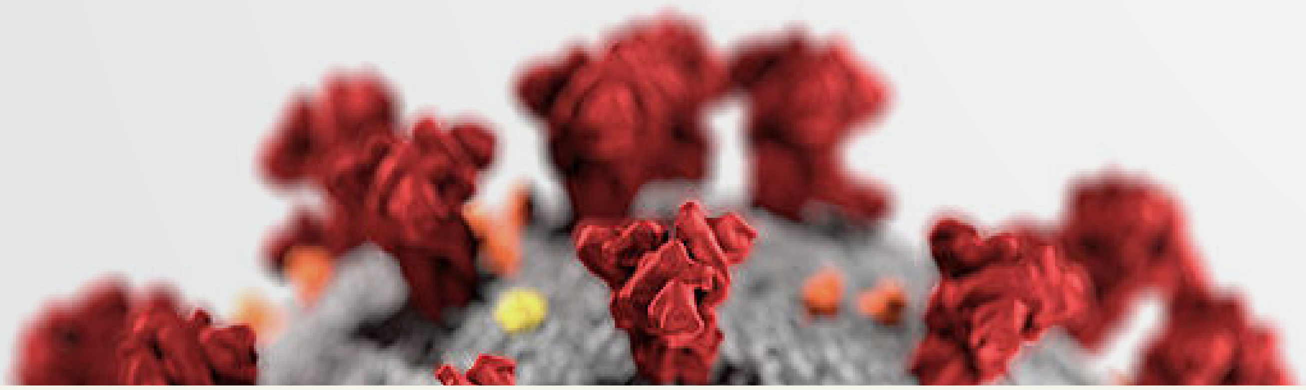
The COVID-19 pandemic means that many of us are staying at home and sitting down more than we usually do.

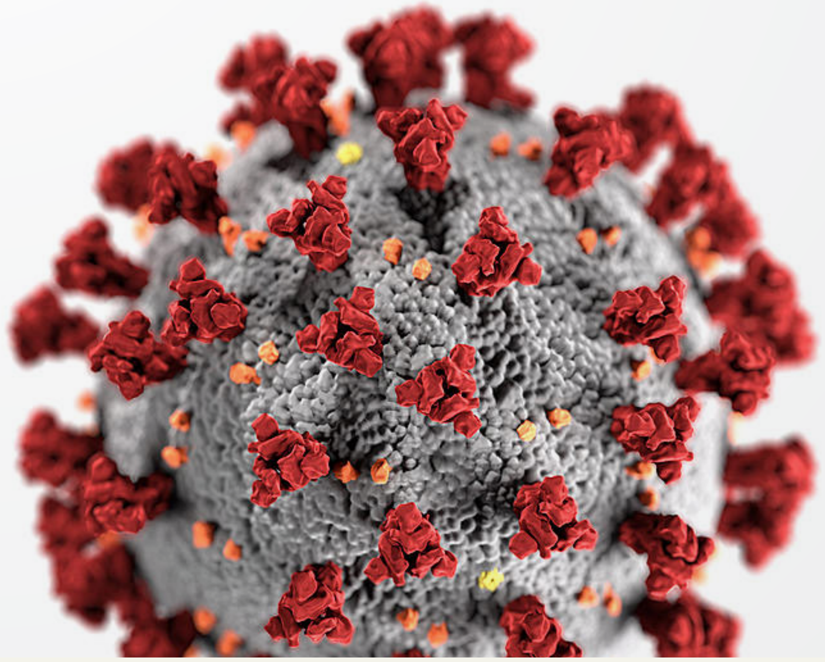


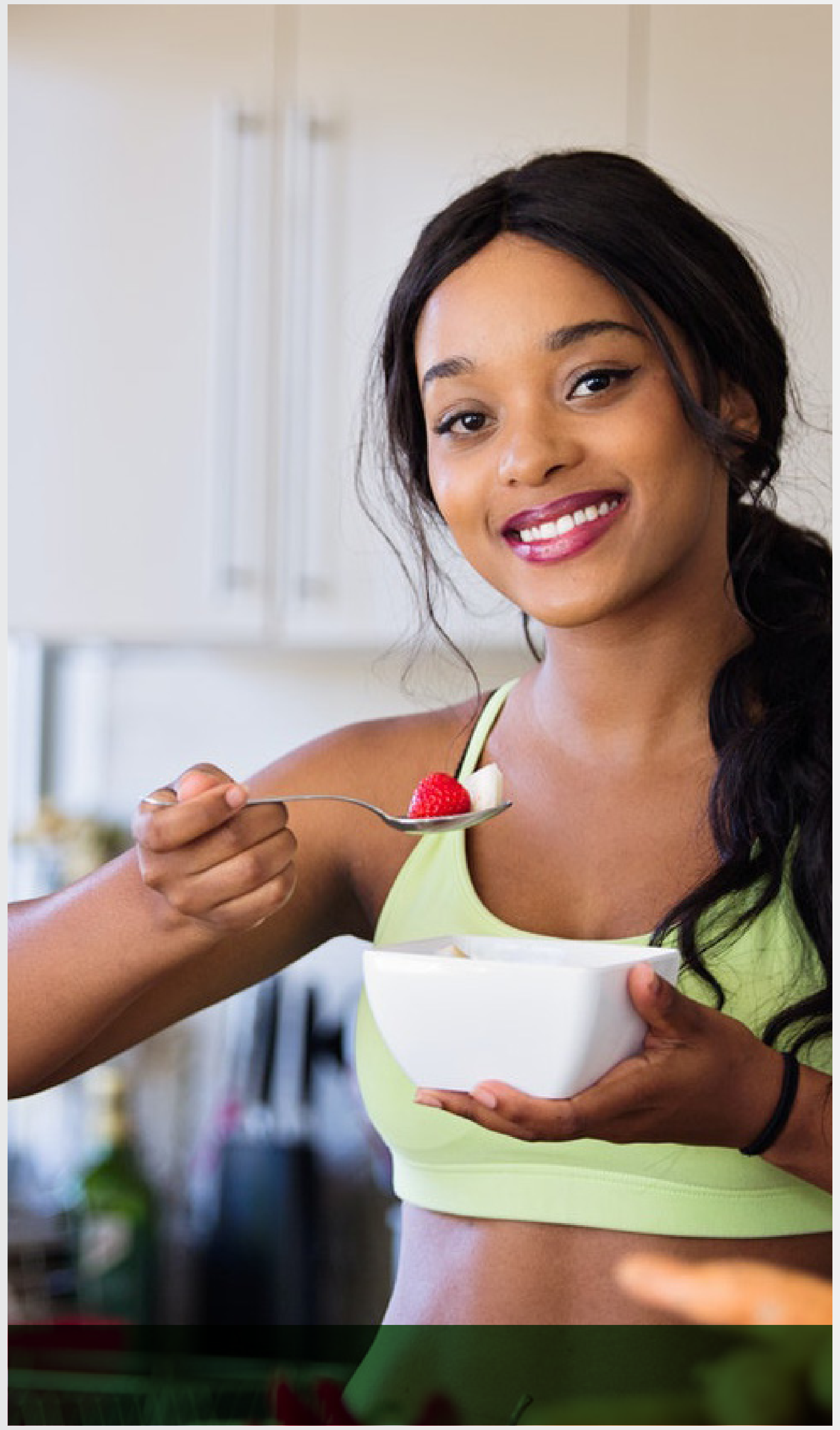
It's hard for a lot of us to do the sort of exercise we normally do. It's even harder for people who don't usually do a lot of physical exercise. But at a time like this, it's very important for people of all ages and abilities to be as active as possible. WHO's Be Active campaign aims to help you do just that - and to have some fun at the same time.

Remember - Just taking a short break from sitting, by doing 3-4 minutes of light intensity physical movement, such as walking or stretching, will help ease your muscles and improve blood circulation and muscle activity. Regular physical activity benefits both the body and mind. It can reduce high blood pressure, help manage weight and reduce the risk of heart disease, stroke, type 2 diabetes, and various cancers - all conditions that can increase susceptibility to COVID-19.

It also improves bone and muscle strength and increases balance, flexibility and fitness. For older people, activities that improve balance help to prevent falls and injuries. Regular physical activity can help give our days a routine and be a way to stay in contact with family and friends. It's also good for our mental health - reducing the risk of depression, cognitive decline and delay the onset of dementia - and improve overall feelings.







HEALTHY EATING

Eating a healthy diet is very important during the COVID-19 pandemic. What we eat and drink can affect our body's ability to prevent, fight and recover from infections. While no foods or dietary supplements can prevent or cure COVID-19 infection, healthy diets are important for supporting immune systems. Good nutrition can also reduce the likelihood of developing other health problems, including obesity, heart disease, diabetes and some types of cancer.

Tips for maintaining a healthy diet:

1. Eat a variety of food, including fruits and vegetables
2. Cut back on salt
3. Eat moderate amounts of fats and oils
4. Limit sugar intake
5. Stay hydrated: Drink enough water

Good hydration is crucial for optimal health. Whenever available and safe for consumption, tap water is the healthiest and cheapest drink. Drinking water instead of sugar-sweetened beverages is a simple way to limit your intake of sugar and excess calories.

TIPS FOR FOOD SAFETY DURING COVID-19

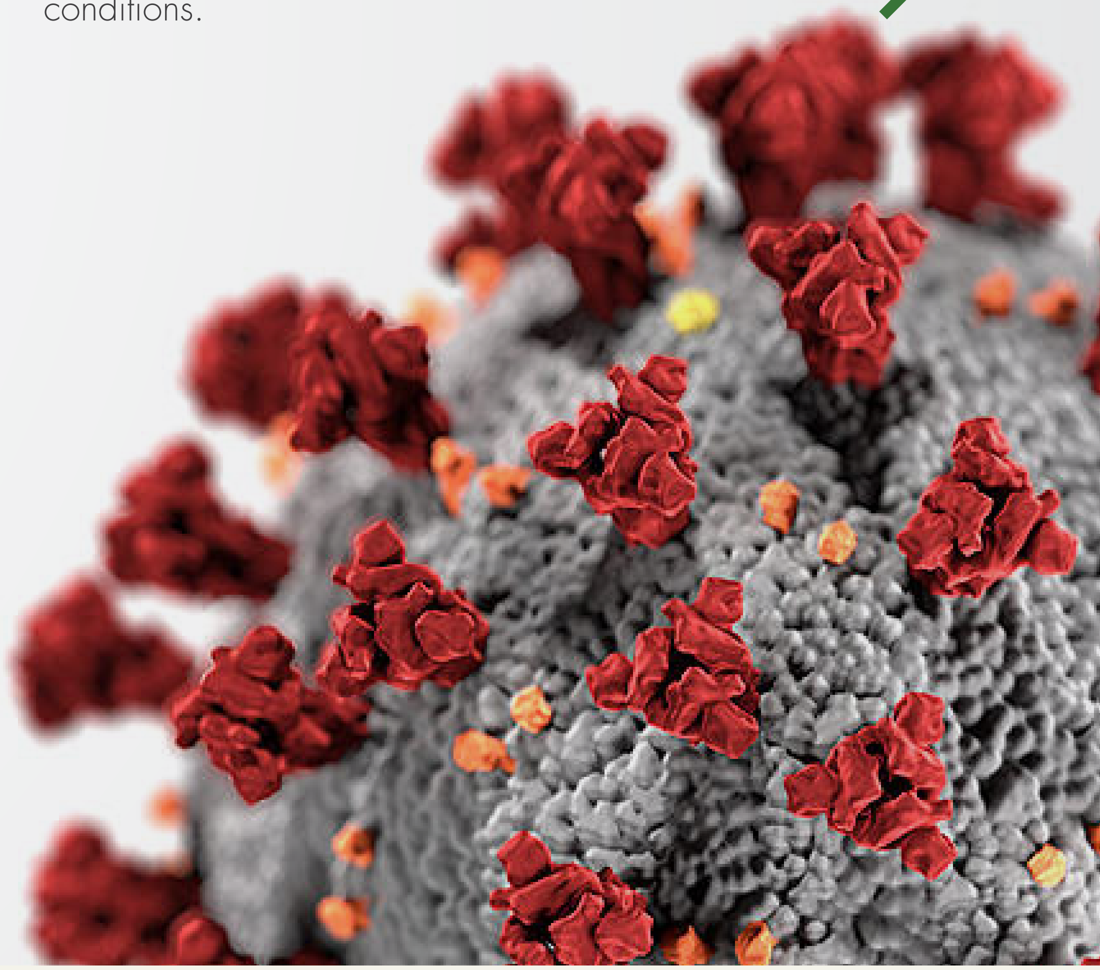
There is no evidence that COVID-19 can be spread through contact with food or food packaging. COVID-19 is generally thought to be spread from person to person. However, it's always important to practice good hygiene when handling food to prevent any food-borne illnesses.

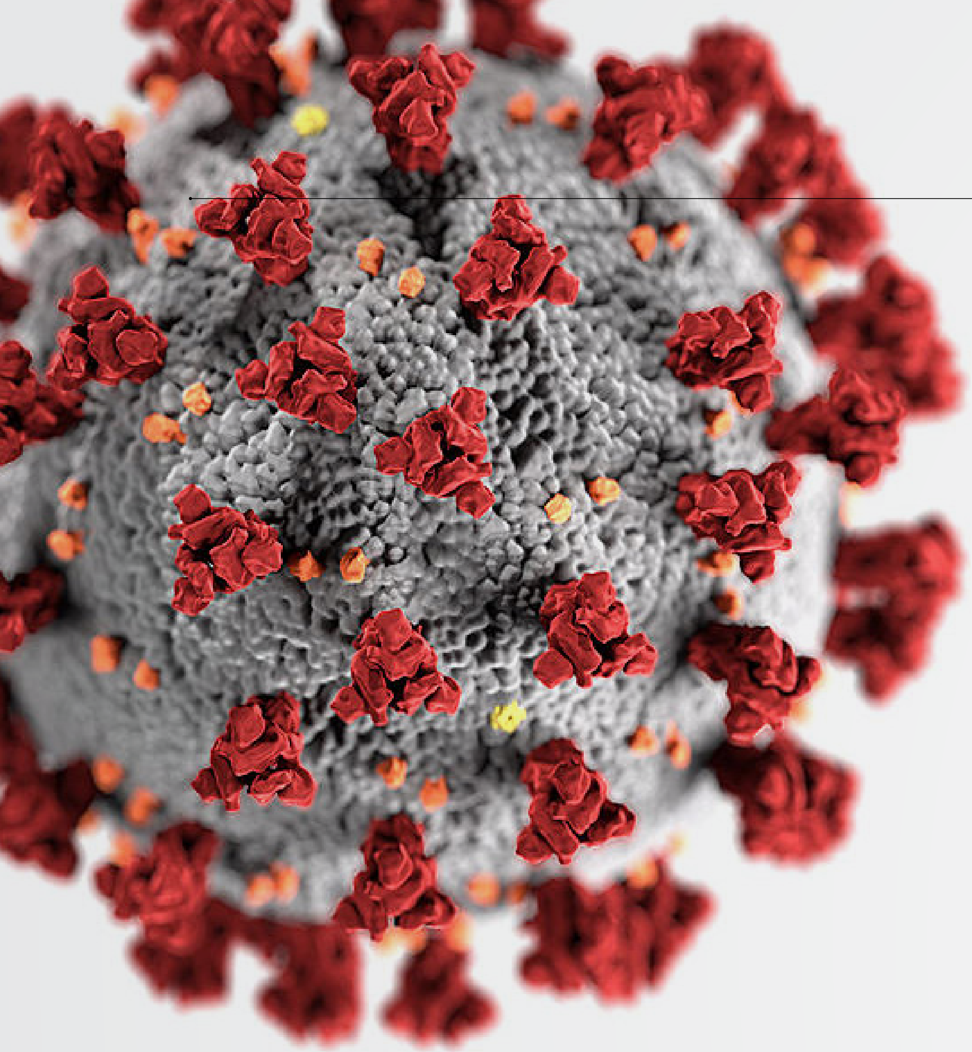
Follow WHO's Five keys to safer food:

- Keep clean
- Separate raw and cooked
- Cook thoroughly
- Keep food at safe temperatures
- Use safe water and raw materials

MENTAL HEALTH DURING COVID-19 LOCKDOWN

As countries introduce measures to restrict movement as part of efforts to reduce the number of people infected with COVID-19, more and more of us are making huge changes to our daily routines. The new realities of working from home, temporary unemployment, home-schooling of children, and lack of physical contact with other family members, friends and colleagues take time to get used to. Adapting to lifestyle changes such as these, and managing the fear of contracting the virus and worry about people close to us who are particularly vulnerable, are challenging for all of us. They can be particularly difficult for people with mental health conditions.





Fortunately, there are lots of things that we can do to look after our own mental health and to help others who may need some extra support and care. Here are tips and advice that we hope you will find useful.

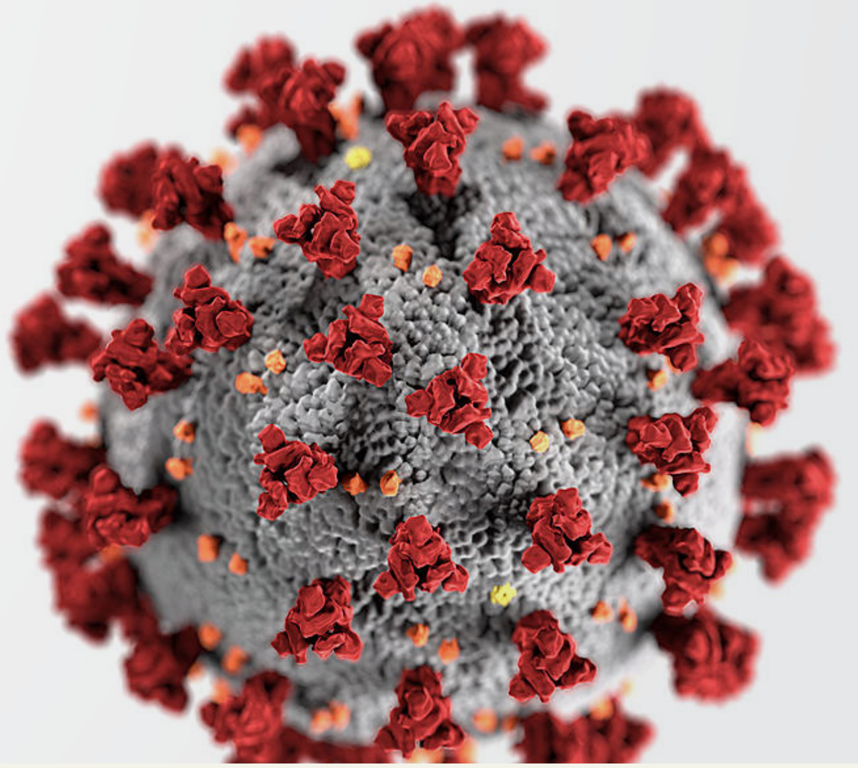
- **Keep informed.** Listen to advice and recommendations from your national and local authorities. Follow trusted news channels, such as local and national TV and radio, and keep up-to-date with the latest news from @WHO on social media.
- **Have a routine.** Keep up with daily routines as far as possible, or make new ones.
- Get up and go to bed at similar times every day.
- Keep up with personal hygiene.
- Eat healthy meals at regular times.
- Exercise regularly.
- Allocate time for working and time for resting.
- Make time for doing things you enjoy.
- **Minimise newsfeeds.** Try to reduce how much you watch, read or listen to news that makes you feel anxious or distressed. Seek the latest information at specific times of the day, once or twice a day if needed.
- **Social contact is important.** If your movements are restricted, keep in regular contact with people close to you by telephone and online channels.
- **Alcohol and drug use.** Limit the amount of alcohol you drink or don't drink alcohol at all. Don't start drinking alcohol if you have not drunk alcohol before. Avoid using alcohol and drugs as a way of dealing with fear, anxiety, boredom and social isolation.
- **Screen time.** Be aware of how much time you spend in front of a screen every day. Make sure that you take regular breaks from on-screen activities.
- **Video games.** While video games can be a way to relax, it can be tempting to spend much more time on them than usual when at home for long periods. Be sure to keep the right balance with off-line activities in your daily routine.
- **Social media.** Use your social media accounts to promote positive and hopeful stories. Correct misinformation wherever you see it.
- **Help others.** If you are able to, offer support to people in your community who may need it, such as helping them with food shopping.
- **Support health workers.** Take opportunities online or through your community to thank your country's health-care workers and all those working to respond to COVID-19.

DON'T DISCRIMINATE

Fear is a normal reaction in situations of uncertainty. But sometimes fear is expressed in ways which are hurtful to other people.

Remember:

- Be kind. Don't discriminate against people because of your fears of the spread of COVID-19.
- Don't discriminate against people who you think may have coronavirus.
- Don't discriminate against health workers. Health workers deserve our respect and gratitude.
- COVID-19 has affected people from many countries. Don't attribute it to any specific group.



IF YOU ARE A PARENT

In times of stress, it is common for children to seek more of your attention.

What you can do:

- Maintain familiar routines as much as possible, or create new ones, especially if you must stay at home.
- Discuss the new coronavirus with your children in an honest way, using age-appropriate language.
- Support your children with at-home learning and make sure time is set aside for play.
- Help children find positive ways to express feelings such as fear and sadness. Sometimes engaging in a creative activity, such as playing or drawing, can help you with this process.
- Help children stay in contact with friends and family members through telephone and online channels.
- Make sure that your children have time away from screens every day and spend time doing off-line activities together. Do something creative: draw a picture, write a poem, build something. Bake a cake. Sing or dance, or play in your garden, if you have one.
- Try and ensure that your children do not spend significantly more time than usual on video games.

IF YOU ARE AN OLDER ADULT

- Keep in regular contact with loved ones, for example by telephone, e-mail, social media or video conference.
- Keep regular routines and schedules as much as possible for eating, sleeping, and activities you enjoy.
- Learn simple daily physical exercises to do at home when in quarantine so you can maintain mobility.
- Find out how to get practical help if needed, like calling a taxi, having food delivered or asking for medical care. Make sure you have a one-month supply or longer of your regular medicines. Ask family members, friends or neighbours for support, if needed.

IF YOU HAVE A MENTAL HEALTH CONDITION

- If you are being treated for a mental health condition, make sure that you continue to take medication as prescribed, and that you have a way of re-stocking your medication. If you are seeing a mental health specialist, find out how to continue with that support during the outbreak.
- Keep in touch with people who care for you and know who you can contact for support if your mental health declines.
- If you are being treated for an alcohol or drug use disorder, be aware that the COVID-19 outbreak may lead to increased feelings of fear, anxiety and isolation that can increase the risk of relapse, substance use, disengagement from treatment or non-compliance with treatment regimens. Make sure that you continue to take medication as prescribed, particularly if you receive treatment with opioid medicines such as methadone or buprenorphine, and that you have a way of obtaining a regular supply of your medication. If you are receiving support through a psychologist or support group, find out how to continue that support during the outbreak.

- If you are being treated for gaming or gambling disorder, continue with your treatment if possible. Check with your therapist or health-care provider about the best way of continuing with therapy during confinement at home.

HELLO FROM THE APPLETON ADMINISTRATION TEAM!

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BACK TO **HOME**

0800 50 60 70