

### When the Law of Intestate Succession

#### Applies:

1. When deceased left no will
2. When will left is invalid/not condonable in terms of s2(3) of Wills Act.
3. When will left becomes inoperative
4. When will regulates some assets, but not all.

### Parentela

Particula parental group and it's descendants

Parentala 1: Spouse and Descendants

Parentala 2: Parents and their descendants (excluding 1st Parentala)

Parentala 3: Grandparents and their descendants

### Blood Relationship

A deceased person's blood relatives are his/her principal intestate heirs

**Descendants** Blood relatives who descend directly from you (i.e. children and grandchildren).

**Ascendants** Blood relatives from whom you descend directly (Parents and Grandparents)

**Collaterals** Blood relatives other than ascendants and descendants with whom you share at least one common ascendant

- Full blood collaterals Two common ascendants (Siblings/uncles)

- Half - blood collaterals One Common ascendant (half siblings)

### Stirps

Surviving child of the deceased who can be intestate heir AND deceased children with surviving descendants/kids.

- The number of children the preceased child had does not affect how many stirpes the deceased has. For Example: A has 4 kids: B dead with 2 kids; C dead with 1 child; D dead; E alive

A has 3 stirpes: B; C and E. Dead dead w no children, so he is not a stirpe

### Representation

Occurs when the place of a would be heir who cannot/doesn't want to inherit is taken by their descendants who qualifies to inherit.

In above example, B cannot inherit because they predeceased A. B's 2 children will split the inheritance B would have gotten equally.

### Degrees of Relationship

Distance between various blood relatives.

To determine calculate the number of generations between ascendants and descendants,

*Example:* One degree between from parent to child. Two Degrees between A and B's kids, two degrees between grand parents and grandkids, three in great grandparent relationship)

To determine degrees of relationship between collateral, calculate no. of generations (represented by the vertical lines in family diagram) from the deceased to the first common ascendant/s and then the number of generations from the common ascendant(s) to the collateral in question.

Example: 2 degrees of relationship between siblings (one from descendant to common parent, then one from said parent to sibling). 3 degrees between uncle.

### No Intestate heirs

The executor of the deceased's estate will hand over to the Master of the High Court the monies from the intestate estate

*Administration of estates Act.* The Master shall then place the monies in the Guardian's Fund on behalf of any person who may come forward to claim it

If still not claimed after 30 years, it is forfeited to the State as *bona vacantia*