

DID YOU KNOW? NOT CHANGING YOUR WILL WITHIN 3 MONTHS AFTER DIVORCE COULD BE A MIGHTY BLUNDER!

Section 2B of the Wills Act states that you have made a will before getting divorced, and then die within 3 months of the date of divorce, for the purposes of implementing your will your former spouse will be deemed to have died before you.

This means that if you die during this 3-month period without changing your will, and your former spouse was nominated as an heir, they will no longer receive what was left to them. That inheritance will then either go to other nominated heirs or be distributed according to the laws of Intestacy (as if you died without a will) depending on what the rest of the will said.

This creates uncertainty and might result in your estate being left to heirs whom you did not want to inherit.

It is therefore important to decide on whether you want to keep your former spouse as an heir after divorce. If you do, you need to sign a new will, or an annexure to the existing will (a codicil) to record this immediately after getting divorced. This will counteract the provisions of section 2B.

If you do not want your former spouse to inherit you need to state this in a new will that must be signed within 3 months of the divorce. If you do not sign a new will to disinherit your former spouse, and then you die after the 3-month period has passed, it will be presumed that you intended your former spouse to inherit.

A divorce is usually a time of major adjustments for everyone concerned. Don't forget to update your will, to make sure that your true intentions are respected and carried after you die.