

ETIENNE DE HEUS ATTORNEYS

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ANTENUPTIAL CONTRACTS

Spring is in the air and your wedding to do list is getting shorter!
But have you done the prenup?
Don't delay any longer, contact me now!

I believe in attention to detail and personal contact with my clients, that's why you will not find an automated contract builder on my website.

Essential documentation

I need the following to prepare your antenuptial contract:

- ID copy for each spouse
- FICA account with residential address
- Divorce / death certificate of previous spouse (only if applicable)

Additional information required to calculate commencement value

- Do you want the accrual system to apply?
- Do you want to exclude assets from the accrual? Please specify.
- What are your total assets and liabilities?
- Motor vehicles: make, model, year of manufacture and registration number with the current outstanding value on finance agreements.
- Property: street address and erf number if known with the current outstanding balance on the bond account. Municipal account reflects the above information.
- Cash: no details required, only the amount.
- Household goods: brief summary with a total value.
- Shares: name of listed company, number of shares owned and current share list price.
- Pension and retirement annuity: your pension fund administrator must furnish present values on request with your pension number.
- This list is not exhaustive, you can tell me if you have other assets which you want to exclude from the accrual system.

Procedure

- Email your documentation to me
- Arrange a signature meeting
- Sign before wedding
- Receive marriage officer certificate at meeting
- Original registered antenuptial contract returned within 2 – 4 weeks

General: Marriage Law

South African marriages can be:

- in community of property
- out of community of property, with or without the accrual system (antenuptial contract needed)

Marriage out of community of property excluding the accrual system: Each spouse keeps his own assets and liabilities. Neither spouse can claim against the other at dissolution of the marriage, except for maintenance.

Marriage out of community of property with the accrual system: Each spouse maintains control over his/her own estate and is liable for his/her own debts and independently own property from the other spouse. The spouses declare the value of their individual estates in the antenuptial contract and the final values are calculated at dissolution of the marriage by death or divorce.

The accrual (increase in the value of the estate) of the spouses' estates is determined by calculating the difference between the commencement values of each estate in the antenuptial contract and the estate values at the dissolution of the marriage.

Assets reflected in the commencement value may be excluded from the calculation of the end values. The spouse whose estate accrued with the least is entitled to one half of the difference between the accrual of the two individual estates.

Please feel free to send me any questions you may have.

Etienne de Heus
Notary Public
August 2022

***Email me now at edeheus@edhlaw.co.za
and tick the ANC box from the wedding
preparation list!***

***DISCLAIMER: THIS INFORMATION BROCHURE DOES NOT CONSTITUTE LEGAL ADVICE AND YOU
MUST CONSULT WITH AN ATTORNEY BEFORE ACTING ON THE INFORMATION.***