

Administration of Estates of Deceased Persons

Overview

Involves the orderly dissolution and distribution of an estate.

Estates fall into two categories:

- Those of deceased persons who did not have a will (intestate).
- Those of deceased persons who had a will (testate).

The Master of the High Court has the power to administer estates reported to the office.

The executor's duties include:

- Controlling and safeguarding the deceased's assets.
- Preparation and filing of a complete listing of the property of the deceased.
- Advertise the debtors and creditors notices in the government gazette and any local newspaper circulating in the area where the deceased used to reside. The adverts must specify a 30 day time frame from the date of publication in order to allow those with claims against the estate to lodge claims with the executor who will then assess the claims.
- Identify the heirs of the estate.
- Prepare a listing of approved debtors and creditors and develop a plan for the payment of those debts from the assets of the estate.
- Prepare the Liquidation and Distribution Plan (LDP) of how the deceased's assets will be distributed in accordance with the instructions of the will or intestate succession dividing the property amongst the intestate heirs of the deceased which will then be examined by the Master.
- Advertise a notice that the LDP has been filed and is available in the Master's Office for inspection. Objections to the plan submitted within 21 days of the advertisement publication must be addressed.
 1. Responses by the Executor to objections to the plan must be filed within 14 days of receipt of the copy of the objection from the Master.
 2. Where there are no objections, the executor must seek written approval from the Master to allocate property and pay debts according to the account.
- File receipts, certificates, motor vehicle registration books, title deeds, affidavits and other documents confirming distribution of the assets to the lawful heirs and creditors and request permission to be released as executor by the Master.

Who is eligible?

- Individuals and organizations related to or controlled by the deceased persons are affected by this process.
- Next of kin consist of close relatives (siblings, parents and children).
- Organizations affected will include those owned by the deceased person at the time of death.

How do I get this service?

- The death of the person in question must be reported to the Masters office in the high court locations in either Gaborone or Francistown (addresses provided below) within 14 days of the death.
- Once the death is registered, the individual's will is to be executed by the appointed individual from the next of kin meeting (the executor) or as per the will and presided over by Masters Office in the High Court.
- The role of this executor is to work under the supervision of the Master of the high court to ensure that the terms of the deceased's will and the provisions of Administration of Estates Act [Cap 31:01] are complied with.

What supporting documents are required?

The documents necessary to report a death include:

- A death certificate for the deceased person.
- A filled Death Notice form.
- A filled Provisional Inventory Form.
- If the individual was married:
- A marriage certificate must be provided.
- A relevant married persons' property form (Form A or B identifying a couple's marriage or common law relationship).
- Original copy of the person's will if applicable.

How long will this service take?

Six (6) months from the time of application.

How much does it cost?

- A nominal charge of BWP20.00 applies.
- Additional costs will include the price of advertising the estate's dissolution in a newspaper which circulates in the deceased person's area and in the Government Gazette.

Where can I get more information on this Service

The Registrar and Master

High Court - Gaborone

Private Bag 00220

Gaborone

Botswana

Tel: (+267) 3718000 / (+267) 3971706

Fax: (+267) 3915119

The Deputy Registrar

High Court - Francistown

Private Bag F13

Francistown

Botswana

Tel: (+267) 2412125 / (+267) 2416378

Fax. (+267) 2416378

Opening Hours: 07:30 to 12:45 and 13:45 to 16:30, Monday to Friday,
except public holidays