



IHN Konsult Trust, a division of IHN Konsult, is an independent fiduciary services company and offers the following services:

- Estate planning to structure a client's financial matters in respect of his will, property, trusts and insurance
- Evaluation of existing estate planning structures
- Drafting of wills
- Drafting and registration of inter vivos trusts
- Deceased estate administration
- Advice regarding the drafting of financial statements for inter-vivos trusts
- International estate planning
- Registration of offshore trusts and companies
- Drafting of agreements related to estate planning
- Corporate trusteeship

ESTATE PLANNING

The process whereby a client's financial affairs in respect of his will, property, trusts, insurance and tax are restructured to achieve certain objectives.

Key Components

The following aspects must be covered in the estate plan:

Wills	Trust Formation	Asset Restructuring
Drafting of a legally binding Will to ensure a practical and equitable distribution of assets to heirs and minimising the death duties	To serve as a vehicle to own assets with the view of pegging the growth potential thereof and to protect the assets against the claims of creditors	To separate business interests from personal investments
Buy and Sell Agreements	Succession Planning	Offshore Structures
Protecting partners in the event of a disability or death of one partner	What will happen to the business interests of a sole proprietor?	The use of offshore structures for Namibian residents

WILLS

Why is a will important?

- To avoid the application of the laws pertaining to intestate succession
- To allow the client to choose his / her heirs
- To prescribe the conditions upon which an asset is to be inherited
- To appoint executors and trustees who are responsible for the smooth and efficient transfer and / or administration of assets on the death of a client
- To apply safeguards to protect an heir's inheritance
- To avoid lengthy delays in the administration of an estate and transfer of assets

Can anyone draft a will?

Each individual over the age of 16 years can draft a will to ensure that his/her deceased estate is liquidated in terms of the Deceased Estates Act and not in terms of the provisions of the Law of Intestate Succession. We are of the opinion that this should be the final step in a holistic estate planning exercise to ensure that the estate planner enjoys all the available Income Tax and Estate Duty concessions.

We require a complete personal and financial profile before the Will is prepared, so that all important aspects are taken into account.

The following aspects should be considered:

Foreign Estate	Burial Requests	Maintenance Commitments
Care must be taken to avoid conflict should you have foreign assets and a separate Will dealing with onshore and offshore assets as probate formalities differ from country to country	This can be expressed as a wish in your Will, although your relatives should be aware of your specific wishes in this regard	These could lead to substantial claims against your estate if not adequately provided for. The creation of a dedicated testamentary trust can be most effective in such instances
Substitution	Business Interests	
Should a beneficiary predecease you or die simultaneously with you, who should benefit in his or her stead?	Provisions should be made for the disposal of your interests as a going concern. Determine reasonable funding arrangements for your business partner so that he or she can pay the purchase consideration to your estate and beneficiaries with relative ease	
Equalisation	Awards to Minor Beneficiaries	Age Restrictions
Make use of the principle of a bequest price if an asset bequeathed to one beneficiary is worth more than the share of another beneficiary	In the case of movables, provide for a hand-over to their guardian until they attain their majority, in the case of cash awards, provide for a testamentary trust	A beneficiary can only receive his or her inheritance upon attaining majority (currently 18 years of age) – some clients stagger the distribution, e.g. 50% at age 21 and the balance at age 25
Guardianship		Inter Vivos Trust
Where children are minors, this nomination must be carefully considered – also provide for substitution in case the nominee cannot accept the appointment for whatever reason		The existence of such a trust and any loan owing to you must be taken into account

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IHN Konsult Trust, 'n divisie van IHN Konsult, is 'n onafhanklike fidusiëre maatskappy en bied die volgende dienste:

- Boedelbeplanning ten einde 'n kliënt se geldsake ten opsigte van sy testament, eiendomstrusts en versekering
- Waardebepaling van bestaande boedelbeplanningstruktuur
- Opstel van testamente
- Opstel en registrasie van inter vivos trusts
- Gestorwe boedeladministrasie
- Advies rakende die opstel van finansiële state vir inter vivos trusts
- Internasionale boedelbeplanning
- Registrasie van buitelandse trusts en maatskappye
- Opstel van ooreenkomste rakende boedelbeplanning
- Valutabeheer
- Aansoeke om belastingklaringsertifikate
- Registrasie van maatskappye en beslote korporasies
- Korporatiewe kuratorskap

BOEDELBEPLANNING

Die proses waartydens 'n kliënt se geldsake ten opsigte van sy testament, eiendom, trusts, versekering en belasting gestruktureer word ten einde sekere doelwitte te bereik.

Slutelkomponente

Die volgende aspekte moet aangespreek word in die boedelbeplanning:

Testamente	Bate-herstrukturering	Trustopstellings
Die opstel van 'n wettige testament sal 'n praktiese en regverdige verdeling van bates aan erfgename verseker en sterfregte verminder	Om sakebelange van persoonlike beleggings te skei	Om te dien as 'n werktuig om bates te besit met die doel om die groeipotensiaal daarvan vas te pen en die bates te beskerm teen die eise van krediteure
Koop- en- Verkoop-ooreenkomste	Opvolgerskap-beplanning	Buitelandse Strukture
Beskerm vennote in geval van ongeskiktheid of dood van 'n vennoot	Wat sal gebeur met die besigheidsbelange van 'n eenmansaak?	Die gebruik van buitelandse strukture vir Namibiëse burgers

TESTAMENTE

Hoekom is 'n testament belangrik:

Om te verhoed dat die wette van intestate-erfopvolging toegepas word
Sodat die kliënt sy/haar erfgename kan kies
To prescribe the conditions upon which an asset is to be inherited
Om die eksekuteurs en trustees aan te stel wat verantwoordelik is vir die vlot en doeltreffende oordrag en/of administrasie van bates na die dood van 'n kliënt
Om voorsorg te tref dat 'n erfgenaam se bates beskerm word
Om uitgerekte vertragsings in die administrasie van 'n boedel en die oordrag van bates te verhoed

Enigeen kan 'n testament opstel

Elke individu wat ouer as 16 is, kan 'n testament opstel ten einde te verseker dat sy/haar gestorwe boedel gelikwider word in terme van die Gestorwe Boedel Wet en nie in terme van die Wet op Intestate Erfreg nie. Ons is van mening dat hierdie die finale stap in 'n holistiese boedelbeplanning behoort te wees ten einde te verseker dat die boedelbeplanner al die beskikbare inkomstebelastingvrystellings geniet en dat erfgename hulle erfporsies op die belastingvriendelikste wyse ontvang.

Ons benodig 'n volledige persoonlike en finansiële profiel, alvorens 'n testament voorberei kan word sodat al die belangrikste aspekte in ag geneem word.

Die volgende aspekte is van belang:

Buitelandse boedel	Begrafnisversoeke	Onderhoudsverbintenisse
Voorsorg moet getref word om konflik te vermy as jy buitelandse bates en 'n aparte testament het wat die binnelandse en buitelandse bates hanteer siende dat verifikasieprosedures van land tot land verskil.	Dit kan as 'n wens in jou testament gestel word, alhoewel jou naasbestaandes bewus moet wees van jou spesifieke wense in hierdie verband	Dit kan lei tot wesenlike eise teen jou boedel indien daar nie voldoende voorsiening gemaak is nie. Die opstel van 'n toegewyde testamentêre trust kan baie effektief wees in sulke omstandighede
Substitusie	Besigheidsbelange	
Wie gaan begunstig word in sy/haar plek indien 'n begunstigde voor jou of saam met jou te sterwe kom?	Voorsiening behoort gemaak te word ten opsigte van die beskikking oor jou belange in 'n lopende besigheid. Bepaal redelike finansieringsmetodes vir jou besigheidsvennoot sodat hy/sy jou belange op 'n billike en gemaklike wyse kan oorneem	
Gelykstelling	Toekennings aan minderjarige begunstigdes	Ouderdomsbepaling
Benut die beginsel van 'n bemakingsprys wanneer 'n bate, wat aan een begunstigde nagelaat word, meer werd is as die deel van 'n ander begunstigde	In geval van roerende bates, maak voorsiening vir oorhandiging aan hul voogt tot dat hulle meerderjarig is. Maak voorsiening vir 'n testamentêre trust in die geval van kontantbemakings	n Begunstigde kan sy/haar erfporsie slegs ontvang sodra hulle meerderjarige ouderdom bereik (tans 18 jaar) – sommige kliënte versprei die nalatenskap, byvoorbeeld 50% op ouderdom 21 en die balans op ouderdom 25
Voogdyskap	Inter Vivos Trust	
In geval van minderjarige kinders moet hierdie benoeming sorgvuldig oorweeg word. Maak ook voorsiening vir plaasvervanging in geval die benoemde om die een of ander rede nie die aanstelling kan aanvaar nie	Die bestaan van so 'n trust en enige lening aan jou verskuldig, moet in ag geneem word.	

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