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POSSIBLE DELAYS AT THE MASTER'S OFFICE AND ITS EFFECT ON THE SALE OF PROPERTY

Even before the Covid era, the Master's Office grappled with inefficiencies in service delivery. Tasks that should have been processed within weeks lingered for months, even extending into years. This prompted the Law Society of South Africa (hereafter referred to as the LSSA) to propose several solutions to the Chief Master, yielding minimal success. The suggested remedies from the LSSA included embracing electronic mail for communication, addressing staff vacancies, securing a permanent Chief Master appointment, and providing comprehensive training for all officials. Unfortunately, the challenges were exacerbated by the impact of Covid-19 and load shedding, further hindering any improvement in the situation.

The primary responsibility of the Master's Office is to oversee the administration and registration of deceased estates and trusts. This crucial role is aimed at efficiently concluding the financial affairs of the deceased whilst safeguarding the interests of beneficiaries. This responsibility holds immense significance, as it directly influences individual lives. The Master's Office currently falls short of meeting expectations, leaving a pervasive sense of unreliability. The process of winding up a deceased estate, comprised of fifteen steps, ideally should conclude within six to eight months, according to the Fiduciary Institute of South Africa (FISA). Regrettably, this is not the reality. Nationally, the Master's Office is withholding millions of Rands from beneficiaries, resulting in an economic impact as these funds remain untapped in South Africa. The necessity of resorting to court applications to compel a government institution to fulfil its duties has become an unwelcome and crucial step in the overall process.

Despite efforts to expedite processes through digitization, the Master's Office still heavily relies on in-person visits, with the online system susceptible to frequent fraudulent attacks, leading to periodic shutdowns.

Other significant challenges include a shortage of staff, instances of corruption and bribery, loss of files and documents, and ineffective communication.

Addressing these issues is imperative to reinstate a sense of urgency and proactiveness within the Master's Office. This, in turn, is essential for rebuilding trust between the public and the legal system.

Real estate agents entrusted with a mandate from an executor to market a property should be mindful of the potential delays from the Master's Office, as these delays could significantly impact the sale of property.

The Gauteng Attorneys Association has regular meetings with the Pretoria Master's Office and the Master has communicated proposed measures and escalation processes to reduce the delays. We will keep you updated.

MC van der Berg will gladly assist with the winding up of deceased estates. Contact Mariska of our offices at mariska@mcvdberg.co.za for any assistance with deceased estates.