



REPUBLIC OF SOUTH AFRICA

**APPLICATION FOR PAYMENT OF MONEY FROM THE GUARDIAN'S FUND TO NATURAL GUARDIAN FOR INVESTMENT FOR AND ON BEHALF OF A MINOR WHICH IS ENTITLED THERETO IN TERMS OF SECTION 90(2) OF THE ADMINISTRATION OF ESTATES ACT, NO. 66 OF 1965:**

When an application from the Guardian on behalf of a minor, which is entitled thereto in terms of section 90(2) of the Administration of Estates Act, No. 66 of 1965 (the Act) for the investment of funds has been received, a **confirmatory letter** is required from the Guardian confirming the following:

- (a) That the applicant is the **natural guardian of the minor(s)**.
- (b) That no allowance is required by the guardian for the minor.
- (c) That the proposed investment is of such a nature that the maintenance requirements of the minor in respect of current school fees or student fees can be paid from the income of the investment without any problems; or without making any substantial change to the nature of the investment.
- (d) The Guardian is aware that there is no financial obligation on the Guardian, should the funds be administered by the Guardian's Fund.
- (e) The Guardian is aware that should the funds be invested, a yearly premium in respect of the statutory compulsory security will be payable, which may not be paid from the funds due to the minor.
- (f) The amount of the yearly premium as well as by whom it will be paid.
- (g) Should the circumstances demand it to make funds available on an urgent basis, it is possible to do so. (The Master has to satisfy him/herself that it will be possible for the Guardian to carry urgent expenses, inter alia medical expenses, with regard to the minor.)
- (h) The withdrawal of the funds from the Guardian's Fund will not bring about any financial obligation on those funds, e.g. agent's commission, administrative fees, etc. Please note the capital amount, the interest thereon as well as the accrued interest thereon, withdrawn from the Guardian's Fund, may not be utilized for these purposes.
- (i) That the Guardian is aware the funds of the minor(s) earn a ..... % compound interest in the Guardian's Fund. (Please note the net proceeds of the proposed investment must at least equal that rate.)
- (j) The funds in the Guardians Fund, due to the minor are immediately available when legally claimable. Confirmation by the Guardian that the proceeds of the proposed investment will also be immediately available without penalties, when claimable.
- (k) Full particulars of proposed investment. (E.g. fixed investment by a Financial Institution or policy product). Please note that an investment in a speculative venture will not be approved. **SACKVILLE WEST V NAUDE 1925 AD – PARTNERSHIP.**
- (l) Any other information which may be considered of interest.
- (m) Written confirmation by the Financial Institution where the investment is to be made with regard to the following must be attached to the application of the Guardian.
  - The Amount to be invested
  - The interest rate.
  - The term of the investment.
  - It is compound or simple interest.
  - It is a fixed interest (guaranteed).

- (n) If a policy product has been chosen, proof should be lodged that the provisions of section 62 of the Long-term Insurance Act, No. 52 of 1998 have been complied with.

**PLEASE NOTE THE FOLLOWING:**

The Master of the High Court has **discretionary authority**, which will be exercised by taking all relevant facts into consideration.

Should the application be successful, payment of the money (capital amount and interest up to the date of payment) would have to be secured to the satisfaction of the Master in terms of section 43(2) read with section 90(3) of the Administration of Estates Act no 66/1965, as amended.