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THE WOMEN'S LEGAL RIGHTS INITIATIVE

LAST WILL AND TESTAMENT BROCHURE: LESOTHO (LITAELO TSA HO QETELA)

2006

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THE WOMEN'S LEGAL RIGHTS INITIATIVE

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HINTS ABOUT A WILL

A Will is a legal document made by an individual or couple, describing how their property should be distributed after their death.

It must have the following:-

- Full names of the persons making a Will;
- Full and clear descriptions of the person/s making a Will, these include marital status;
- Full and clear description of property e.g. residential site registered under lease no 32333-001, situated at Lithabaneng Ha Keiso;
- Full names and clear description of the heirs. If they share the property, it should be clear how their shares differ, e.g. they can share in equal proportions or ¼ or 10%, 20% etc.;
- There must be an executor/executrix who will carry out the instructions of the owner of the Will;
- Two witnesses must sign the Will together with the owner;
- A will can be safely kept anywhere. It may be registered with the Master's office and the Master will keep the original document upon payment of M100.00;
- An heir to the Will cannot witness such a Will;
- After the death of the owner of the Will, such a death has to be reported with the Master's office within 14 days of the death. This office oversees administration of estates and gives necessary guidelines for administration process.
- Avoid ambiguous statements in your Will.

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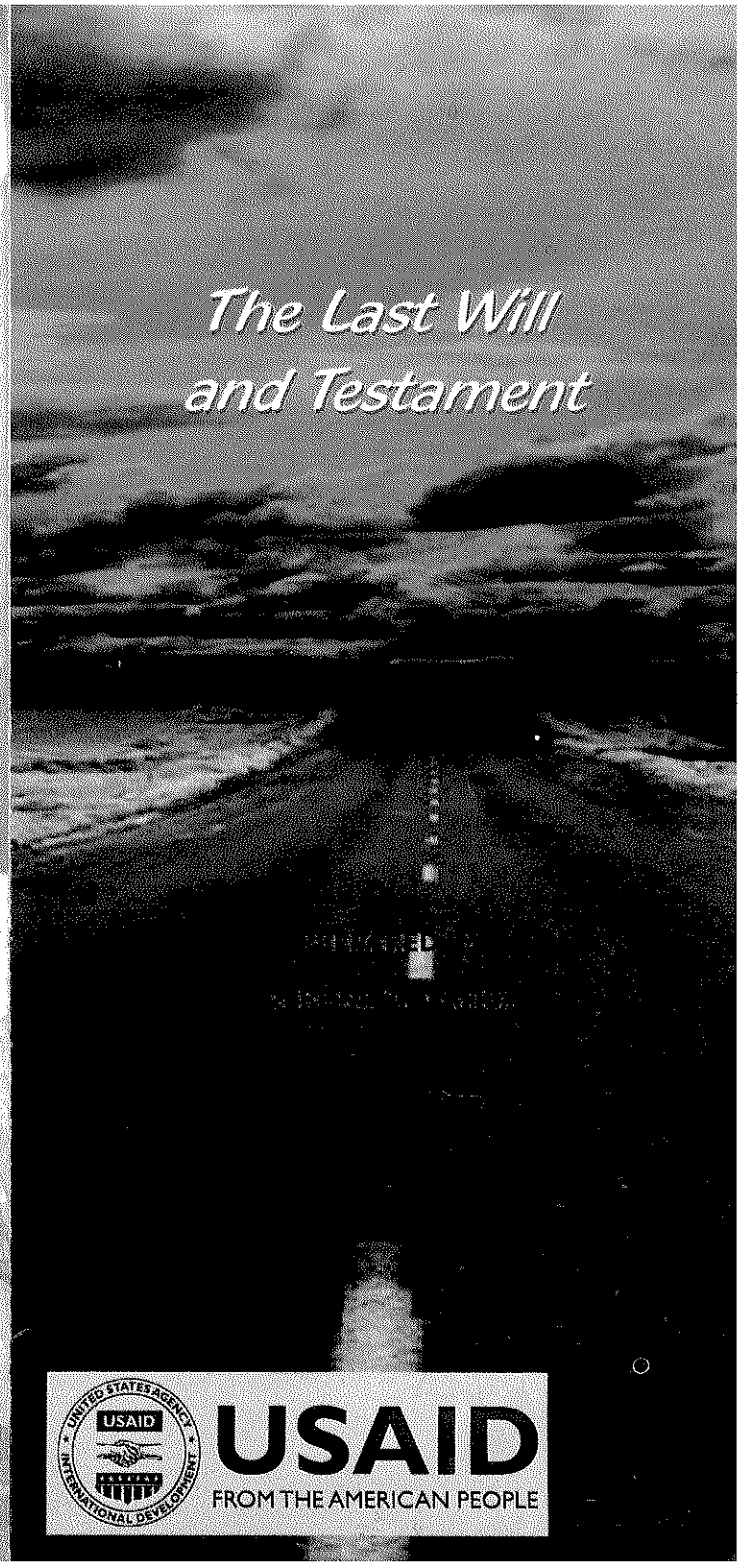

THE LAST WILL AND TESTAMENT

INTRODUCTION

A will is a legal document by which the testator or testatrix gives instructions on how his/her estate should devolve after his/her death. It is drawn by the testator or testatrix during his/her lifetime.

It has been extremely necessary for everyone to draw a will especially in the light of HIV/AIDS. Intestate succession causes a number of problems which result in endless litigation in the courts of law and unwarranted cold-blood murders.

The Basotho are not used to drawing wills. They have always had their customary law for all intents and purposes. Some of them are not even aware that there is another legal system that operates side by side with the Sesotho customary law to which they are used and believe that it is the only system that they can use. It is for this and other reasons that FIDA makes a clarion call to the Basotho nation to draw wills as in so doing, they will be able to protect their inheritances against those who are greedy. Wills are of utmost importance in protecting women's and children's inheritances.

Most people who only know about their customary law get into a dilemma of what will happen to their inheritances when they have only female children. A will is also important in such cases. If it is not drawn, a male child from the paternal family will inherit because he is the customary heir.

This Will has been tested at the support group level within the Maseru district and it is hoped that it will be beneficial to the vulnerable groups.

This is the last Will and Testament of Emelina 'Malikeleko Ncheke a single Mosotho adult aged 35 years of Litaung Ha Lesiamo.

I declare for purposes of Section 3 (b) of Administration of Estates Proclamation 19 of 1935 that:

I am a teacher by profession, and I have led a European mode of life, and I therefore consider myself entitled to make this Will.

I cancel and annul all Wills, amendments, additions and alterations made by me prior to this Will.

I now distribute my property as follows:

I have a daughter named Nicky Ncheke she is aged 9 years. I give her all my property, future and present including undeveloped site at Borokhoaneng Maseru for which a lease is already being processed.

I appoint my younger sister 'Malika Motleleng as the executrix and guardian of my daughter, and I grant unto her all power allowed her in law, including power of assumption. My executrix shall not be required to furnish security for performance of her duties.

My executrix shall sell all my movable property if I die before my beloved daughter attain age of majority, and establish a Trust Fund for Nicky which shall terminate when Nicky is 25 years old or when she gets married. All payments out of the Trust Fund shall be authorized in writing by the Master of the High Court.

Thus done and signed in Maseru on 21st October in the presence of the undersigned witnesses all signing in the presence of each other.

1. Witness _____

   Testatrix _____

2. Witness _____

LITAELO TSA HO QETELA

Tsena ke litaelo tsa ho qetela tsa 'Mina Thoko, mosali ea lilemo li 29 oa Khanyane Matebeleng ea sa kang a nyaloa.

Ke tichere, ke ithutile likolong tsa kereke, 'me ke na le tokelo ea ho etsa litaelo tsena ho latela molao oa 1935 oa Tsamaiso ea Mafa.

Ke hlakola litaelo tseo ekabang ke ile ka li etsa pele ho tsena. Ke aba lefa la ka ka mokhoa o latelang:

Ke bile le ngoana a le mong e leng Tankiso Emma Thoko.
Ke fana ka thepa eohle ea ka ho eena Tankiso a le mong, eona ke likoloi tse peli, Toyota Hilux le Mercedes Benz, ntlo ea bolulo, thepa eohle ea ntlo, le liphahlo tsa ka.

Haeba nka hlokahala Tankiso a eso ho be lilemong, malom'ae Ts'along Thoko a mo hlokomele, a moholise a be a 'maballele thepa eohle ea hae a be a bone hore thepa eohle e fetela ho Tankiso ha a se a le lilemong.

Likoloi tsa ka tse boletsoeng ka holimo, li rekisoe haeba Tankiso a le ka tlaase ho lilemo tse 18 'me chelete ea tsona e kopangoe le ea matsete a mang a ka Tankiso a etsetsoe letlole ke malom'ae le tla bitsoa Tankiso Thoko Fund. Letlole lena le tla felisoa ha Tankiso a le lilemo li 25 'me litefo tsohle tse tla etsoa tlasa letlole lena li shebisanoe le ho lumellanoa le ofisi ea Master of the High Court, 'me ofisi e fane ka tumello e joalo ka mongolo ka mehla ha feela e lumellana le tefo e joalo.

Litaelo tsena li entsoe tsa ba tsa tekenoa ka la 16 Pulungoana 2005.

1. Paki _____

   Mofani _____

2. Paki _____

LINTLHA TSA BOHLOKOA KA LITAELO TSA HO QETELA (WILL)

Litaelo tsa ho qetela (Will) ke tokomane ea molao eo ka eona motho a abang lefa la hae hore na le tle le fuoe bo mang ha eena a se a hlokahetse.

Litaelo li lokela ho ba le tse latelang:-

- Lebitso kapa mabitso a feletseng a ea abang lefa;
- Tlhaloso e hlakileng ea eo ea abang lefa, ke hore ho hlakisoe hantle hore na ke mohlolo kapa mohlolohali, o nyetsoe kapa ha a nyaloa/nyala;
- Thepa e fanoang le eona e hlalosoe hantle, mohlala sets'a se ngolisitsoeng ka Form C sa bophara boitseng le bolelele boitseng, le hore na se sebakeng sefe;
- Mojalefa kapa bajalefa ba hlakisoe hantle, haeba ba arolelana ho hlakisoe hore na ba arolelana lefa joang;
- Motsamaisi ea tlang ho bona hore lefa le fetela ho ba le abetsoeng (e ka ba akhente kapa motho feela);
- Li pakoe ke lipaki tse peli li be li tekenoe ke mong a (ha ale mong) kapa beng ba tsona, ho be le letsatsi leo li tekennoeng/entsoeng ka lona;
- Litaelo li ka bolokoa kae kapa kae ha li nepahetse, kapa tsa lefelloa M100.00 ofising ea Master of the High Court tsa bolokoa teng;
- Motho ea filoeng letho (mojalefa) ka litaelo a ke ke a ba paki ea litaelo tseo tse mo fang lefa.
- Ka mor'a lefu la motho ea abileng lefa la hae. Lefu le joalo le lokela ho tlalehoa ofising ea molao ea Master of the High Court pele matsatsi a 14 a feta lefu le joalo le hlahile, 'me eona e tla fana ka tataiso ho ba amehang hore na ho lokeloa ho sebetsoe joang.

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LITAELO TSA HO QETELA (WILL)

SELELEKELA

Litaelo tsa ho qetela (will) ke tokomane ea molao eo ka eona motho a abang lefa la hae a sa phela, ele hore ho tle ho hlake hore na lefa la hae le abeloe mang kappa bo-mang ha eena a se a hlokahetse.

'Will' ha e ka ba ea tloaeleha har'a Basotho kaha ban a le molao oa moetlo, empa matsatsing a kajeno ho se ho hlokahal hore batho ba etse li-will ele ho aba mafa a bona kamoo le bona bat la khotsofala. E thusa ho felisa likhang tse bakoang ke hore ba bang ba ee ba ikhabe ha ho uoa lefeng le sa ajoang, 'me ho qetelloe ka mahloeo a nang le ts'ollo ea mali kahare. Ke ka lebaka lena FIDA e khothaletsang batho ho etsa li-will e le ho ts'ireletsa ba malapa a bana ba eeng ba fetohe liphofu moo lefa le sa abuoang, haholo tsena li hlahela bana le bo-'m'e. Boemo bona bo mpefatsoa haholo ke boteng ba lefu lena la HIV/AIDS.

Batho ba bang ba ee ba be tsietsing ea hore na ekaba joale ha ba ena le bana ba basetsana feela lefa la bona joale e tla ba la mang. Lefa le joalo le lokela ho ajoa ka will ke mong'a lona hobane ha le sa ajoe, mojalefa ho latela molao oa moetlo, e tla ba ngoana e motona ea hlahang lapeng le leng hona kahar'a leloko. Tsebo e molemo e le hore batho ba tsebe ho ikhethela seo ba se batlang ba bile ba utloisisa khetho ea bona.

LITAELO TSA HO QETELA

Tsena ke litaelo tsa ho qetela tsa 'Mamatseliso Mokopu, mosali oa mohlolohali ea lilemo li 31 oa Ha Ntsi Nazaretha.

Ke hlalosa mona bakeng sa karolo ea 3 (b) ea khoelehetso ea Tsamaiso ea Thepa ea Batho ea Nomoro ea 19 ea 1935 hore:

a) Ke ne ke nyalane le mofu Makhebesela Mokopu ka lenyalo la sekhooa ka 1974;

b) Ke kene likolo tsa kereke 'me re phetse bophelo ba rona re tsamaisa litaba tsa rona ka sekhooa eseng ho latela molao oa sesotho.

Ke hlakola limpho tsohle tsa kabo ea lefa tseo ke li entseng pele ho litaelo tsena, ekaba ka mongolo kapa ka molomo.

Ke tsoela-pele joale ho aba thepa ea ka ka tsela e latelang:

-1-

Mor'a ka Ntili Mokopu, ke mo abela koloi ea Mazda ea nomoro ena E1724.

Morali'a ka Ntsoaki Mokopu (ea seng a nyetsoe 'me a bitsoa Marorisang Kopocha) ke mo abela Terekere ea ka ea nomoro E1503. Ba na ba boletsoeng ka holimo ke bona bana ba ka.

Ntlo ea ka ea bolulo e maheising ke e fa setloholo sa ka Kholokoane Mokopu eo e leng mor'a Ntsoaki pele a nyaloa.

Matsete a ka a Molula Insurance a linomoro tse latelang:-
06066000 le 12101776, ke a fa Ntili le Ntsoaki ka ho latellana. Letsete la Mengala Bank le bukana ea Mengala Bank, ke li abela kholokoane Mokopu. Policy ea ka ea "Group Scheme" ea M.S.P e tla sebelisoa ho etsa tsa mosebetsi oa lepato la ka, 'me bajalefa ba ka

1. Paki _____

Mofani _____

2. Paki _____

ba bararo ba boletsoeng kaholimo ba tla sebetsa ha mmoho ho mpata. Haeba ba sa lumellane ka hore na ke patoe kae, qeto e joalo e etsoe ke Ntili a le mong.

Sets'a sa ka sa bolulo se Maseru East sa nomoro ea 12345-005 e tla ba lehae la bajalefa ba ka ba bararo ba boletsoeng ka holimo 'me ho se ke ha rekisoa hohang. Thepa e abetsoeng bajalefa ba ka ba seng ba boletsoe, e tla ba thepa ea bona ka bomong e seng karolo ea kopanelo ea thepa le balekane ba bona lenyalong la bona. Bajalefa ba ka ha ba hlokahala (ba e-shoa) ba e so be le bana, lefa la bona leo ba le abetsoeng ka litaelo tsena le tla aroloa ke bajalefa ba ka ba salang ba phela ka ho lekana. Haeba mojalefa a eshoa a e na le bana, lefa la hae leo a le abetsoeng ka litaelo tsena e tla ba la bana ba hae ka likarolo tse lekanang.

-2-

Ke khetha Nkalai Nkalai oa liakhente tsa Mokopu & Associates ho ba motsamaisi oa litaelo tsena, ke mofa matla ohle a ho etsa mosebetsi ona ntle ho tefo ea ts'ireletso (Security) ho Master of the High Court.

Litaelo tsena li entsoe ka la 26 Loetse 2005, Maseru, tsa tekenoa boteng ba lipaki tsena tse peli ebile bohle re tekena hammoho.

1. Paki _____

Mofani _____

2. Paki _____

LITAELO TSA HO QETELA TSE KOPANETSOENG TSA NTS'OERENG LEKENA LE 'MAHALIEO LEKENA BA KHOKHOTSANENG ROMA

Re bolela mona hore re na le tokelo ea ho etsa litaelo tsena ho latela karolo ea 3 (b) ea molao oa Tsamaiso ea Thepa/Mafa a Batho oa 1935. Re hlakola litaelo tsa mofuta ofe kapa ofe tseo re lientseng pele ho tsena.

-1-

Re na le bana ba babeli eleng 'Nyalleng le Nyakallo, 'me re ba abela thepa eohle ea rona hohle moo eleng teng ka likarolo tse lekanang. Ba ka rekisa ba arolelana chelete ka ho lekana kapa ba arola thepa ka bo eona.

-2-

Bajalefa ba na ba rona ba tla nka thepa eo ba e abetsoeng ka litaelo tsena ha re se re shoele re le babeli. Molekane (e mong oa rona) ea tlang ho shoa morao, o tla sebelisa thepa eohle hantle ka paballeho.

-3-

Re fa 'Nyalleng matla ohle a ho bona hore thepa e fetela ho eena le moen'ae Nyakallo ka ts'oanelo.

-4-

Ho se be mang kapa mang ea tla kena-kenana le bana baka ka tsela efe kapa efe. Ofisi ea Kabo ea Mafa (Master of the High Court e se ke ea batla ts'ireletso le eona (Security).

Litaelo tsena li entsoe tsa ba tsa tekenoa kajeno la 16 Mphalane, 2005.

1. Paki _____

Mofani _____

2. Paki _____