

## FORM 2: INSTRUCTION FOR A MAINTENANCE CLAIM

**For a divorced spouse and/or minors who received maintenance from the deceased**

*These items are usually required to formulate a claim in situations where the deceased paid maintenance at the time of his death. Often other aspects need to be considered, but it is not practical to cover all possibilities in these guidelines, please detail any other relevant information in the last paragraph or in a separate document. **You are welcome to write or type the information on these pages and e-mail it to us.***

### DECEASED

1. Full Name  Surname:

2. Date of Birth:  3. Date of Death:

### BENEFICIARIES

4. Who is the claim for? Divorced spouse?  *Each claimant's relation with the deceased*  
Only minor(s)?

5. Original amount of maintenance. (Provide a copy of the maintenance award or divorce order and all later orders and agreements). **Detail of all increases and decreases in the maintenance amount (by agreement, order or voluntary).** Last amount of maintenance paid and the date from which this was agreed on. Please provide the reasons if maintenance was not increased. *If the deceased had no maintenance liability before his death, this form is inappropriate. We then also require information regarding the deceased's income and the situation of the family before and after the time of his or her death. Please then use Form 1.*

### MINOR(S) – for each minor

6. Full Names and Surname:

7. Date of Birth:

8. Current grade or standard at school:

9. State of Health:   
*If not normal*

10. Maintenance for a minor is usually included up to **age 18**. If documentation to the effect that the deceased agreed or were compelled to provide for tertiary education is available, this should be detailed, else we shall assume that the maintenance would have ceased on the date(s) on which each minor is expected to leave school.

11. **In whose care** were the minors, before and after the death of the deceased?

## DIVORCED SPOUSE, PARENT or GUARDIAN

**12. Name and relation** with the deceased:

**13. Date of birth** if the claimant is claiming for own maintenance:

### GENERAL

**14. Copy of will** (or the full detail of the entitlement of each heir and beneficiary)

**15. Did the deceased pay maintenance to any other party?** (Provide full detail, including amounts, divorce or maintenance order and detail of each beneficiary of such payments)

**16. Any other regular payment or contribution** paid by the deceased for the benefit of the claimant(s), in terms of the divorce order or voluntarily. (E.g. medical or school fees, tertiary education, pocket money, clothing, etc.)

**17. All benefits not forming part of the estate** that the spouse or minors received or may receive. (Pension fund, policies, retirement annuities or other.) ***NB : This is vital information, state 'none' where relevant. Please hold this instruction back until this information is available.***

**18. Were the claimant(s) members of a medical fund?** How did this change after death?

**19. Net amount of the estate.** (Draft L&D accounts are preferable, but an estimate of the net number is normally sufficient)

**20. Who is administering the deceased estate and who is paying for our report?**

### 21. BASIS OF THE CALCULATION

We calculate and formulate the claim on the basis that the reasonable liability of the estate is to ***put the beneficiary of the maintenance in the same financial position he or she would in if the deceased had not died.*** If there are any aspects which might influence this basis, or any further information that might influence the claim, please bring this to our attention.