

WEEKEND ARGUSNEWS

Inheritance of multi-million-rand estate turns into a nightmare for Cape Town man

By Nathan Adams Mar 22, 2021

Cape Town - A Cape Town man is in a David versus Goliath battle to get what is due to him after he claims he was duped out of the money and property in a multi-million rand deceased estate.

Mfuneko Matyobeni is listed as the sole beneficiary in the last will and testament of Edmund George De Beer, who died on August 7, 2017.

De Beer was an advocate who worked at the offices of the long-term insurance ombudsman in Claremont. He died of a heart attack. He owned a property in High Level Road Sea Point, which is a property listed in his last will and testament.

In his will, De Beer stated: "I bequeath the residue of my estate to my son Mfuneko Michael Matyobeni ... to the exclusion of his descendants should he predecease me."

He also requested that: "If the above provisions for the redistribution of the residuary estate fail then I bequeath the residue of my estate to my godson Mhlahli Mavumengwana ... should Mhlahli not have attained majority, his inheritance will be held in trust by the Trustees subject to the trust provisions below."

Mavumengwana is Matyobeni's son and is the only other person listed as a beneficiary in De Beer's will.

De Beer took Matyobeni in as a son when he was finishing high school and helped him through college while raising him as his own, alongside Matyobeni's mother. De Beer never adopted or had legal custody of Matyobeni, but they had a close bond and referred to each other as dad and son, as stated in De Beer's will.

For nearly four years, Matyobeni has been struggling to finalise the deceased estate, and in the process he says, the Master of the High Court and the first appointed executor of the estate, sold the property in Sea Point for much less than it is worth.

Matyobeni has been in a legal battle with Standard Trust (a division of Standard Bank) who were appointed as the initial executors of De Beer's estate. The heir claims that the executor was insistent that he approve the sale of the Sea Point property.

Matyobeni said he never approved the sale, but in April 2019, the house was sold by private treaty.

He said: “They went into an agreement with the buyer, but they cannot sell the house because they are no longer the executors, and they can no longer evict me, they do not have the authority to do that. The sale in itself is also questionable because it requires my consent as the heir.”

A letter dated October 22, 2020, shows that the Master of the High Court removed Standard Trust’s nominee as an executor and subsequently in January appointed Matyobeni as the executor. This has brought him little joy though as he claimed Standard Trust was unwilling to now assist him to wind up the estate.

“I am the executor of the estate now and now Standard Trust doesn’t want to give the file of the deceased estate so I can see what is in the estate. They don’t want to hand over this file.”

Matyobeni said he has no idea the value of the estate, what assets and policies there are because Standard Trust has been unwilling to assist him.

In the interim, Nedbank who held the bond for the Sea Point property has sued the executors of the estate and this is now a case that Matyobeni said he had to account for.

“The case that I had to answer to from Nedbank is the case that they had against Standard Trust as the executor of the estate because they did not lodge the final liquidation and distribution account and there were delays and creditors wanted them to lodge that account.”

Standard Trust would not directly comment on the matter or explain why they have not handed over the documents to Matyobeni.

Standard Bank spokesperson Ross Linstrom said: “One of the first responsibilities of an executor before the distribution of the assets and ensuring that the deceased wishes are met is to ensure that the estate is liquid and that any creditors are paid to ensure that there are no outstanding monies owed by the estate. This is in accordance with the Administration of Estates Act as it applies to the administration of deceased estates in SA.”

He added that: “In this matter, attempts to finalise the estate were being frustrated, so Standard Trust approached the necessary authorities for relief to ensure that the obligation to creditors was met in order to fulfil the wishes of the deceased.”

Linstrom said selling the property was above board: “This relief was granted by the Master of the High Court by consenting to the sale of the property and Standard Trust proceeded accordingly in line with Administration of Estates Act. The further issues raised in the query is *lis pendens* and, therefore, we are not at liberty to further comment further. Lastly, Standard Trust Limited is engaging directly with the Master regarding the executorship.”

Matyobeni said he was still living at the property and that he has no idea who the buyer was, but they have no right to transfer the property onto their name. He adds that the municipal bills including water and rates have not been paid for months and services to the property had been suspended.

Matyobeni is back in the Western Cape High Court on May 6 to answer the case brought by the creditor Nedbank against De Beer’s estate.