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YUNIBESITI YA BOKONE-BOPHIRIMA

KERNKONSEPTE / KEY CONCEPTS/ KAKANYOKGOLO

FAKULTEIT / FACULTY/ LEGORO: Regte / Law/Molao

SKOOL / SCHOOL/SEKOLO:

KONTAKPERSOON / CONTACT PERSON/ IKGOLAGANYE LE:

MODULEKODE EN -NAAM / MODULE CODE AND NAME/LEINA LE KHOUTE YA MODULE: LLBR 124 Erfreg / Law of succession/ Molao wa tatelano

Kernbegrip in Afrikaans	**Definisie/verklaring in Afrikaans**	**Key concept in English**	**Definition/explanation in English**	**Kakanyokgolo mo Setswaneng**	**Tlhaloso/Thanolo mo Setswaneng**
1. Boedel	'n Boedel is 'n **vermoënskompleks** wat bestaan uit al die toepaslike subjektiewe regte waarmee 'n regsubjek beklee is (dit wil sê sy bates) asook	1. Estate	An **estate** is an **aggregate of assets and liabilities** which consists of all the applicable subjective rights with which a subject is endowed (that	**1. Boswa**	**Boswa** ke **palogare ya letlotlo le melato** tse di dirwang ke ditshwanelo tsotlhe tsa motho ka nosi tse motho a di abelwang (ke go re, letlotlo la gagwe) gammogo le ditshwanelo tse

	alle vorderingsregte wat iemand anders teen hom het (sy laste).		is, his assets) as well as the claimable rights which somebody might have against him (his liabilities).		di kgonang go lopelwa tuelo tse motho mongwe fela a ka nnang natso (jaaka melato ya gagwe).
2. Erflater (of testateur)	Dit is 'n afgestorwe natuurlike persoon wat vermoënsbestanddele in die vorm van vererfbare bates nalaat.	2. Testator	This is a deceased natural person who leaves things or collections of things in the form of bequeathable assets.	**2. Motlogelwaboswa**	Yo ke moswi ka sebele yo o tlogelang dilo kgotsa thoto ya dilo tse e leng letlotlo le le abegang.
3. Erfenis (ook "nalatenskap" genoem)	Die vererfbare bates wat 'n oorlede natuurlike persoon nalaat, word **die erfenis** of **sy nalatenskap** genoem wanneer dit op 'n erfgenaam moet oorgaan, en **legaat** waar dit op 'n **legataris** moet oorgaan.	3. Inheritance (or bequest)	This is a deceased natural person who leaves things or collections of things in the form of bequeathable assets.	**3. Go ja boswa (go abela boswa)**	Yo, ke moswi ka sebele yo o tlogelang dilo kgotsa thoto ya dilo tse e leng letlotlo le le abegang. **NB SAME AS ABOVE CHECK PLS**.
4. Begunstigde	Die vererfbare bates wat 'n oorlede natuurlike persoon nalaat, word **die erfenis** of **sy nalatenskap** genoem wanneer dit op 'n erfgenaam moet oorgaan, en **legaat** waar dit op 'n **legataris** moet oorgaan.	4. Beneficiary	This is the person or persons to whom a testator's estate is transferred as a result of his being deceased.	**4. Moamogeladitshiamelo**	Ke batho kgotsa motho yo boswa jwa motlogelaboswa bo fetisetswang kwa go ena ka ntlha ya gore mong o sule.

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5. Erfgenaam	Dit is 'n persoon of persone wat as begunstigdes 'n erflater se **hele nalatenskap**, 'n **eweredige deel** daarvan, 'n **bepaalde deel** daarvan of die **restant** daarvan erf.	5. Heir	This is a person or persons who, as beneficiaries, inherit a testator's **entire inheritance**, an **equal portion** thereof, or an unequal portion thereof or the **residue** thereof.	**5. Mojaboswa**	Ke motho kgotsa batho ba e leng baamogeladitshiamelo, ba ja **boswa** jwa motlogelaboswa **jotlhe, karolo e e lekanang** ya teng, kgotsa karolo e e sa lekaneng ya teng kgotsa **masalela** a teng.
6. Legataris	'n **Legataris** is 'n persoon wat 'n bepaalde bate of 'n bepaalde geldbedrag (*res certa*) van 'n erflater erf.	6. Legatee	A **legatee** is a person who inherits a **specific** asset or a **specific amount** of (**res certa**) from a testator.	**6. Moamogelaboswa yo o kgethegileng**	**Moamogelaboswa yo o kgethegilewng** ke motho yo o amogelang thoto e e **kgethegileng** kgotsa mothamo o o **kgethegileng** wa ***(res certa***) go tswa go motlogelaboswa.
7. Testament	'n Testament is 'n **eensydige regshandeling** waarin 'n erflater ooreenkomstig geldende regsvoorskrifte by wyse van 'n vrye wilsverklaring bepaal op welke wyse en ten gunste van welke begunstigdes die erfopvolging by sy afsterwe moet geskied.	7. Testament (or a will)	A will is a unilateral, voluntary expression of the wishes of the testator illegally prescribed ways which determine what must happen to his property after his death.	**7. Tesetamente (kgotsa lekwalo la boswa)**	Lekwalo la boswa ke maipolelo a motho a a dirang a le nosi ka ga dikeletso tsa motlogelaboswa tse a di laotseng ntle le molao ka ga tsela e e tla tlhomamisang gore go diragale eng ka thoto tsa gagwe morago ga leso la gagwe.
8. Testate erfreg . (*successio ex testamento*)	Dit is erfopvolging ooreenkomstig die voorskrifte van 'n geldige	8. Testate law of succession (*successio ex*	This is succession in accordance with the prescriptions of a valid	**8. Molao wa tatelano ya kamogelo ya boswa *(seccessio ex***	Se ke tatelano go ya ka taolelo ya lekwalo la boswa le le netefaditsweng.

	testament.	*testamento)*	will.	***testamento)***	
9. Testeervryheid	Testeervryheid kan omskryf word as 'n **kompetensie** wat deur die **objektiewe reg** aan 'n **regsbevoegde natuurlike persoon** verleen word om deur middel van 'n **regsgeldige testament** en met inagneming van enige toepaslike **beperkende maatreëls** van die regstelsel waarbinne hy die vermelde kompetensie uitoefen, voor te skryf ten gunste van wie sy vererfbare vemoënsbestanddele na sy dood moet toeval en om verder, indien hy verkies, sodanige beskikkings in sy diskresie te koppel aan voorwaardes, termyne of lasbepalings.	9. Freedom of testation	Freedom of testation can be defined as a **competence** granted by the **objective law** to a **legally competent natural person** to, by way of a **legally valid will** and with due regard to any **limiting measures** of the legal system within which he exerts the mentioned competence, prescribe in the favour of whom his aggregates of assets should be transferred upon his death, and further, should he so desire, to link such dispositions at his discretion to conditions, terms or determinations of liability.	**9. Kgolololosego ya go ja boswa**	Kgolololosego ya go ja boswa e ka tlhalosiwa jaaka **bokgoni** jo bo rebotsweng ke **molao wa kwa ntle ga boitebo** go **mothosebele** yo o o nang le bokgoni jwa semolao ka tsela ya **lekwalo la boswa le le netefaditsweng** semolao le ka ntlha ya **ditekanyetso tse di lekanyetsang** tsa thulaganyo ya molao tse a ka gatelelang bokgoni jo bo boletsweng, bo laoletswe mo go reng palogare ya letlotlo la gagwe le tshwanelwa ke go fetisetswa go ena ka nako ya leso la gagwe, le go feta, le fa a ka rata jalo, go gokaganya tshekamelo ya gagwe ka mo a bonang dilo ka teng mabapi le maemo, melawana kgotsa ditlhotlhomiso tsa molato.
10. Boedelbereddering	Die proses waardeur 'n bestorwe boedel deur 'n eksekuteur onder toesig van die Meester van die Hoë Hof gelikwideer en onder die begunstigdes,	10. Administration of estates	The process through which a deceased estate is liquidated by an executor under the supervision of the Master of the High Court and	**10. Tsamaiso ya boswa**	Thulaganyo e boswa jwa motho yo o suleng bo phatlhaladiwang ke modiragatsi wa kabo ya boswa a le mo tlhokomelong ya Molaodi wa

	hetsy erfgename of legatarisse, verdeel word en alle administratiewe handelinge ter inisiëring en afhandeling van hierdie proses.		divided among the beneficiaries, whether heirs or legatees as well as all administrative actions aimed at initiating and completing the process.		Kgotlatshekelokgolo le go bo aroganya mo baamogeladitshiamelo, e ka nna bajaboswa kgotsa baamogelaboswa ba ba kgethegileng gammogo le ditiro tsotlhe tsa tsamaiso di ikaeletswe mo go simololeng le go fetsa thulaganyo e.
11. Eksekuteur	Dit is die persoon wat met die beredderingsproses van 'n bestorwe boedel belas is.	11. Executor	This is the person who is charged with the administration of a deceased estate.	**11. Modiragatsi wa kabo ya boswa**	Yo ke motho yo o neilweng tsamaiso ya boswa jwa motho yo o suleng.
12. Trust	Dit is `n reëling waar `n persoon sy eiendom uit hoof de van `n trustdokument aan iemand anders, die trustee, oordra om namens iemand anders, die begunstigde, te administreer.	12. Trust	This is the process whereby a testator transfers property by means of a trustdocument to somebody else, the trustee, to administer the property on behalf of someone else, the beneficiary.	**12. Terasete**	Se, ke thulaganyo e motlogelaboswa a fetisetsang thoto ka tokumente ya terasete go motho mongwe fela, motlhokomedi, go tsamaisa thoto mo boemong jwa motho yo mongwe, e bong moamogeladitshiamelo.
13. Aanwas (*ius accrescendi)*	Dit kan omskryf word as die reg van 'n erflater se begunstigdes om onder bepaalde omstandighede 'n voordeel of voordele wat 'n ander begunstigde nie kan of wil erf nie, te erf.	13. Accrual (*ius accrescendi)*	The right of a testator's beneficiaries, under specific circumstances, to inherit (an) asset(s) which another beneficiary might not want to inherit or be capable of inheriting.	**13. Go kokoanya (*ius accrescendi*)**	Tshwanelo ya baamogeladitshiamelo ba motlogelaboswa, mo mabakeng a a kgethegileng, go amogela letlotlo le moamogeladitshiamelo yo mongwe a ka nna a se batle go amogela boswa jo kgotsa

					a se na bokgoni jwa go bo amogela.
14. Inbring (*collatio bonorum)*	Eksekuteur moet in bepaalde omstandighede bvoordelings deur die erflater tydens sy lewe aan bepaalde erfgename in berekening bring by die verdeling van die boedel.	14. Collation (*collatio bonorum)*	Under certain circumstances an executor can let certain benefits which have accrued to certain heirs during his lifetime be brought into consideration in the division of assets among his heirs.	**14. Go go kopantsweng**	Mo mabakeng a mangwe modiragatsi wa kabo ya boswa a ka letla ditshiamelo dingwe tse di kokoanetseng bajaboswa ba bangwe mo nakong ya gagwe ya botshelo gore di tlhokomelwe mo karoganyong ya boswa jwa gagwe mo bajabosweng ba gagwe.
15. Adiasie	Die aanvaarding van 'n voordeel uit die boedel van 'n erflater deur 'n begunstigde.	15. Adiation	The acceptance of a benefit from the estate of a testator.	**15. Adiešene**	Kamogelo ya tshiamelo go tswa mo bosweng jwa motlogelaboswa.
16. Repudiasie	Die weiering van `n voordeel uit die boedel van `n erflater deur `n begunstigde.	16. Repudiation	The refusal of a benefit from the estate of the testator.	**16. Go kgalema**	Go gana tshiamelo go tswa mo bosweng jwa motlogelaboswa.
17. Boedelsamesmelting	Die grondidee is dat "twee of meer erflaters (in die praktyk egter byna sonder uitsondering twee eggenote) deur middel van een gesamentlike testament hul onderskeie boedels saamsmelt in een gekonsolideerde ekonomiese geheel - as't ware **saamsmelt**,	17. Massing	The basic idea is that two or more testators (in practice almost without exception two spouses) mass the whole or parts of their estates into one consolidated economic unit for the purpose of testamentary disposal.	**17. Go kopanya**	Kakanyokgolo ke gore batlogelaboswa ba le babedi kgotsa go feta (ka tota go le gantsi kwa ntle ga balekane ba babedi) ba kopanya boswa botlhe kgotsa dikarolo tsa boswa jwa bona go nna yuniti e le nngwe ya seikonomi e e kopantsweng ka maikaelelo a go phatlhalatsa botesetamente

	vandaar die benaming - en dan in die gesamentlike testament oor die hele **"massa"** beskik.				jwa boswa joo.
18. Vruggebruik (*ususfructus*)	Die erflater bemaak die eiendomsreg aan een persoon bemaak, maar die reg om die saak **te gebruik, te geniet** en die **vrugte** daarvan te trek, aan 'n **ander** persoon.	18. Usufruct (*ususfructus)*	This occurs when he bequeaths the property rights to one person, but the right to use, enjoy and take the fruits from the property to another.	**18. Usufruct *(ususfructus*)**	Se, se tlhagelela fa a abela ditshwanelo tsa boswa jwa letlotlo go motho a le mongwe, fela tshwanelo ya go bo dirisa, a itumelela le go tsaya maungo go tswa mo thotong eo go e isa kwa go e nngwe.
19. Meester	Persoon wat deur die Minister van Justisie en Grondwetlike Ontwikkeling aangestel word om toesig oor die afhandeling van boedels te hou.	19. Master	The person who has been appointed by the Minister of Justice and Constitutional Development to oversee the administration of estates.	**19. Molaodi wa kgotlatshekelokgolo**	Motho yo o tlhophilweng ke Tona ya Bosiamisi le Ditlhabololo tsa Molaotheo go okamela tsamaiso ya boswa.
20. Intestate erfreg (*successio ab intestato*)	Dit is die geheel van regsreëls of regsnorme wat voorskryf op welke wyse en ten gunste van wie erfopvolging moet plaasvind in gevalle waar 'n erflater in gebreke gebly het om die erfopvolging by sy afsterwe by wyse van 'n geldige testament te reël.	Intestate law of succession *(successio ab intestato)*	This is the complex of legal rules or legal norms which determine in what way succession should take place in cases where a testator fails to regulate succession on death by way of a legal will.	**20. Molao wa kabo ya boswa ntle le lekwalo la boswa *(successio ab intestato)***	Se, ke molao o o marara wa melawana ya semolao kgotsa ditlwaelo tsa semolao tse di tlhomamisang gore ke tsela efe e e tshwanelwang ke go tsewa mo mabakeng a fa motlogelaboswa a ka palelwa ke go rulaganya tatelano ya kamogelo ya boswa fa a swa ka go dirisa lekwalo la boswa la semolao.

~~*Loodsprojek: Potchefstroomkampus, Julie tot November 2006*~~
~~*Pilot Project: Potchefstroom Campus, July to November 2006*~~