

# Gretchen Barkhuizen-Barbosa

Practice Head, Director



Gretchen Barkhuizen-Barbosa is Director and Head of our Trusts & Estates practice. She specialises in the field of estate administration and trusts. Gretchen has extensive experience in the administration of South African and foreign deceased estates, drafting and reviewing of wills and the establishment, registration and administration of trusts.

## About Gretchen

Gretchen began her career in 2009 as a Candidate Attorney at Cliffe Dekker Hofmeyr. She was appointed as an Associate in 2011 and promoted to Senior Associate in 2013. Gretchen was promoted to Director in 2016. In 2023 Gretchen was appointed as the Head of our Trusts & Estates practice. Gretchen also serves on CDH's Social and Ethics committee.

## Credentials

### Education

- BCom (law) cum laude, LLB cum laude, LLM (corporate law) cum laude, University of the Free State
- Year of admission as an attorney: 2010
- Year of admission as a notary public: 2011
- Registered with the Legal Practice Council

## Experience

- Estate planning and advising

Gretchen's experience includes personal estate planning and advising on related tax consequences, the registration of public benefit organisations and non-profit organisations. In addition, she also has experience in the drafting of antenuptial contracts, the legal authentication of documents and the Notarial protesting of bills of exchange.

## Contact Gretchen

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[Gretchen on LinkedIn](#)

## Expertise

[Trusts & Estates Law](#)

## Location

Johannesburg

Cape Town

## Language

English

Afrikaans

- **Experience includes**

- Administration of both South African and foreign deceased estates.
- Resealing of foreign grants of probate.
- Drafting and reviewing of wills and trust deeds.
- Registration and termination of testamentary and inter vivos trusts.
- Establishment and registration of public benefit organisations.
- Estate planning.
- Advising on tax consequences relating to succession planning.
- Drafting of antenuptial contracts.
- Legal authentication of documents.
- Assisting with the institution of claims against deceased estate and the filing of objections against Liquidation and Distribution Accounts.
- Notarial protesting of bills of exchange.

## News

### [When honour crosses borders: Exporting a heritage object from South Africa](#)

Exporting culturally significant objects from South Africa – like a Victoria Cross medal – is no small feat. These medals, often highly prized by collectors and institutions, are not only valuable for their rarity, but also for their military and historical significance. They cannot simply be slipped into an envelope for shipment overseas.

### [Trust me, it's effective: A discussion of when a trustee's resignation is deemed to be effective](#)

Trust me, it's effective: A discussion of when a trustee's resignation is deemed to be effective. Trusts are often faced with trustee resignations, which can impact the remaining trustees' ability to carry out their duties and functions. Section 21 of the Trust Property Control Act 57 of 1988 affords trustees the right to resign by providing that, whether or not the trust deed provides for trustee resignations, a trustee may resign by notice in writing to the Master of the High Court (Master) and the beneficiaries who have legal capacity, or tutors or curators of the beneficiaries of the trust under tutorship or curatorship. The trust deed may also have its own resignation regime, for instance it may provide that a resignation may be affected by written notice to the co-trustees.

### [Trusts: Now an administrative nightmare?](#)

South Africa's recent greylisting has necessitated urgent changes to inter alia the Trust Property Control Act 57 of 1988 (Act). Amendments have been made to sections 1, 6, 8, 10, 11, 19, 20 of the Act, as well as the regulations thereto, and came into effect on 1 April 2023. In particular, sections 10, 11 and 19 place obligations on trustees.

### [Estate planning gone wrong: Reducing an accrual claim by establishing a trust](#)

Proper estate planning eliminates a myriad of life's "what ifs?". It involves planning well in advance to avoid a lot of uncertainty and unpleasant eventualities. When a couple contemplates getting married, it is inconceivable that a divorce could ensue. However, Statistics South Africa reports that 4 out of 10 marriages end up in divorces in less than 10 years of marriage. It is therefore crucial to have the foresight to avoid an undesired outcome.

### [Are endowments all that they're trumped up to be? - An estate duty consideration](#)

In terms of section 1 of the Long-Term Insurance Act 52 of 1998 (LTI Act), a "life policy" is defined as "a contract in terms of which a person, in return for a premium, undertakes to (a) provide policy benefits upon, and exclusively as a result of, a life event; or (b) pay an annuity for a period".

## Videos

[Emily sits down with Gretchen to discuss a critical yet often overlooked topic: Estate planning for women-owned businesses in SA](#)

Join Trusts & Estates practice Director, Emily West as she sits down with Practice Head, Gretchen Barkhuizen-Barbosa to discuss a critical yet often overlooked topic: Estate Planning for Women-Owned Businesses in South Africa.

## Podcasts

[Estate Planning for women-owned businesses](#)

Join Trusts & Estates practice Director, Emily West as she sits down with Practice Head, Gretchen Barkhuizen-Barbosa to discuss a critical yet often overlooked topic: Estate Planning for Women-Owned Businesses in South Africa.

[Exploring the Trusts & Estates Practice](#)

Director and Head of the Trusts & Estates Practice Gretchen Barkhuizen-Barbosa, together with Senior Associate Emily West on CDH Conversations podcast.

[All news by Gretchen Barkhuizen-Barbosa →](#)

## Recognition

- Chambers Global 2024 ranked Gretchen, Head of our Trusts & Estates practice, in Band 1 for Private Wealth Law.