



Johann Jacobs

Consultant


Johann Jacobs is an Consultant in our Trusts & Estates practice. Johann has practiced exclusively and specialises in work relating to the law of succession, and estate and trust administration. This entails estate planning, the drafting of wills, deceased estate administration, advising parties in contentious estates, curatorship administration, drafting and registration of trust deeds and trusteeship and trust administration.


Practice areas

Trusts & Estates

Contact Details

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Career

Johann began his career as a secondary school teacher. After further post-graduate studies he lectured at tertiary level in Educational Psychology and Sociology. Whilst studying law part-time, Johann completed his articles at Macintosh Cross and Farquharson in Pretoria, whereafter he moved to Cape Town and was appointed as a Professional Assistant at Walkers. After three years he founded and remained a partner at Jacobs and Pieterse for six years, then returned to Walkers as a Director for a period of six years. After a short period in New Zealand as a senior advisor at a large trust company, he returned to South Africa in August 2008 to take up an appointment as a Director and the National Practice Head at Cliffe Dekker (now Cliffe Dekker Hofmeyr). Johann retired from directorship at Cliffe Dekker Hofmeyr with effect from 31 March 2019, when he took up the position of Consultant.

Johann was appointed as an examiner for the Attorneys Admission examination in August 2011, and was appointed as a member of the FISA Disciplinary Committee in 2013. He became Chairman of the Disciplinary Committee in 2014 and remained in office until his retirement from the Disciplinary Committee at the end of March 2019.

Experience

Johann has extensive experience in litigation and dispute resolution pertaining to matters relating to succession, estates, trusts and curatorships. Johann presented the estates administration course to Candidate Attorneys at the UCT Practical Legal School and at the Law Society of South Africa, for a period of 11 years.

Johann is often appointed as a discretionary executor in terms of Section 18 of the Administration of Estates Act by the Master in problematic and disputed estates and as a Trustee in terms of Section 7(2) of the Trust Property Control Act. He has acted as an expert witness in relation to fiduciary matters before the Court. Johann has cross-jurisdictional experience and has appeared in the Probate Courts in Jersey, the Isle of Man and the Commonwealth of the Bahamas. He has published articles in De Rebus and

Without Prejudice and in the general press, in respect of matters relating to deceased estates, and has appeared as a guest speaker on radio, television and at various conferences, in respect of matters relating to the law of succession. Johann has also acted in a number of matters or been a party *nomino officio* leading to case law in this field.

Johann's experience includes:

- Estate planning and drafting of antenuptial contracts, wills and trust deeds.
- Liquidation of deceased estates.
- Administration of testamentary and inter vivos trusts.
- Curatorship applications.
- Administration of curatorship estates.
- Johann is a qualified mediator and arbitrator.
- Court applications and actions in respect of matters dealing with succession and estate and trust administration.
- Resolving problematic and contentious estates.
- Forensic enquiries into actions of erstwhile executors, curators or trustees.
- Johann has been involved in the following reported cases:
 - Thesnaar v Die Meester 1997 (3) SA 169 (C)
 - Jacobs NO v Central Retirement Annuity Fund and Another [2001] 1 BPLR 1488 (PFA).
 - Ndelbele v The Master 2001 (2) SA 102 (C)
 - Jacobs v Braaff 2007 4 All SA 966 (SCA)
 - Hassam v Jacobs 2008 4 All SA 356 (C)
 - Hassam v Jacobs 2009 (5) SA 572 (CC)
 - Henriques v Giles 2010 (6) SA 51 (SCA),(2009) 4 All SA 116 (SCA)
 - Commissioner for the South African Revenue Service v Short and Another 2018 (3) SA 492 (WCC) (7 February 2018)

Market Recognition

- Listed as an Expert in "The Premium Guide to the leading wills, trusts and estate lawyers" publication.
- Certificate of acknowledgement from the Law Society of South Africa's Legal Education And Development (LEAD) program (2004)

Education

- BA HdipEd (PG), University of the Witwatersrand
- BEd MEd BProc, Post-graduate paper on estate duty, donations tax and transfer duty, University of South Africa
- Estates and Trust paper (Equity) of the New Zealand Law and Practice admission exam
- Recognised as an Education, Training and Development practitioner by LEAD in 2004
- Year of admission as an attorney: 1992
- Qualified as a mediator: 1993
- Year of admission as a conveyancer: 1998
- Qualified as an arbitrator: 1999
- Enrolled with the Legal Practice Council

Languages

English,Afrikaans