



Master of the High Court

Standard Operating Procedures



STANDARD OPERATING PROCEDURES

OFFICE OF THE MASTER OF THE HIGH COURT





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FOREWORD

The **Constitution of Zimbabwe** places an obligation on the Judiciary of Zimbabwe to expeditiously and efficiently dispense justice to all manner of people irrespective of status. The same Constitution charges the Judicial Service Commission with the responsibility of promoting and facilitating the independence and accountability of the Judiciary. Most importantly, it mandates the Judicial Service Commission to ensure the efficient, effective and transparent administration of justice in Zimbabwe. These values have been inculcated into our Vision and Mission, as aptly captured in our 2021-2025 Strategic Plan and its two predecessor Plans.

The ability of the Judicial Service to meet its constitutional and strategic obligations lies in operational readiness, responsiveness and aptitude within all levels of the Judicial Service Commission.

These standard operating procedures (SOPs) seek to train, mentor, develop, guide and assist all members of the Judicial Service working in different capacities on the methods, policies and procedures to be followed in executing functions. They are designed to reinforce professionalism by ensuring a standardised work process and uniformity in the manner work is done to achieve efficiency and effectiveness.

These SOPs are also meant to enlighten our stakeholders and members of the public on our operations so as to promote transparency and accountability within the Judicial Service.

I am exhorting each member of staff to closely look at, and internalise the areas relating to their duties as captured in the SOPs, but at the same time keeping abreast with what is generally happening in other areas and what the organisation is doing as contained in these SOPs.

I hope you find the SOPs a valuable tool as you do your day to day work.

W.T. Chikwana

SECRETARY OF THE JUDICIAL SERVICE COMMISSION OF ZIMBABWE

1. ASSISTANT MASTERS

1.1. DECEASED ESTATES DIVISION

PROCESS	PROCEDURE
Registration of a Deceased Estate	<p>This is done by way of completion of the death notice form and the inventory form.</p> <p>Client to submit the following to the Assistant Master:-</p> <ul style="list-style-type: none"> • Duly completed death notice form (see form "A" in the Second Schedule of the Administration of Estates Act [Cap 6:01]; • Duly completed inventory form; • Copy of death certificate or burial order, if available; • Copy of Marriage Certificate, if available. • Assistant Master shall check that the forms have been correctly and sufficiently completed to the best of the knowledge of the client. • It is important to note that there is no need to insist on precise details, e.g. actual amount in the bank, full description of properties etc., as the law places such duty upon the Executor to provide correct and accurate information to the Master. (See sections 6, 38 and 39 of the Administration of Estates Act [Cap 6:01]). • Once the Assistant Master is satisfied with the completion of the forms, he/she shall endorse that he/she has checked the forms for compliance by affixing their full names, date and signature on the top right corner of the death notice form. • Thereafter, the Assistant Master shall refer the forms to the Records and Information Assistant for registration (allocation of a file number).
Convening of edict meetings for the appointment of an Executor Dative	<ul style="list-style-type: none"> • Before proceeding to convene an edict meeting, the Assistant Master shall first determine the law applicable in the Deceased Estate by considering the following:- <ul style="list-style-type: none"> i. The type of marriage that the deceased had during his lifetime. ii. If deceased was single, then check the type of marriage that the parents of the deceased had, same shall apply to the deceased. iii. Whether deceased died <i>testate</i> or <i>intestate</i>. • If General Law applies to the estate, the Assistant Master shall proceed to convene the edict meeting in terms of Section 25 of the Administration of Estates Act [Cap 6:01];



<p>Handling of edict/ special meetings</p>	<ul style="list-style-type: none"> • The Assistant Master shall write a letter advising the informant (the person who registered the estate) to attend to payment of an edict meeting fee. • The fee shall be equivalent to the current cost of advertising for the meeting in the Government Gazette. • Once payment has been made, the Assistant Master shall immediately allocate a date and time for the edict meeting by checking the next available slot in the Edict Meetings Register. <ul style="list-style-type: none"> • If Customary Law applies to the estate, the Assistant Master shall convene the edict meeting in terms of Section 68B of the Administration of Estates Act [Cap 6:01]; • The Assistant Master shall, soon after registration of the estate, allocate a date and time for the meeting by checking the next available slot in the Edict Meetings Register and shall thereafter notify interested parties of the date and time of the meeting. <p>At the meeting, the Assistant Master shall proceed as follows:</p> <ul style="list-style-type: none"> • Introduce him/herself and advise parties in attendance of the purpose of the meeting. • Record the names of all persons in attendance as well as their ID numbers and their relationship to the deceased on the relevant forms under Annexure “E” attached hereto. • Give all persons an opportunity to make submissions and/or nominations on the appointment of the Executor. The submissions should be clearly and legibly recorded. • Give clarity, where possible, on issues raised in the meeting and record the same. • Advise parties on the decision taken, stating the reasons thereof. • Any timelines should be clearly highlighted to the parties.
<p>Appointment of Estate Administrators</p> <p>Appointment of a <i>curator bonis</i></p>	<p>Appointment of a <i>curator bonis</i> is done in terms of Section 22 of the Administration of Estates Act [Cap 6:01]. The appointed person is issued with Letters of Confirmation in the form attached as Annexure “A”.</p> <ul style="list-style-type: none"> • The Assistant Master shall receive the following from the Applicant: <ul style="list-style-type: none"> • The application for appointment of a <i>curator bonis</i> which should clearly highlight the interest of the Applicant in the estate and the reasons for the application. • Security for the appointment, usually in the form of a bond of security. • Supporting submissions from other interested parties, e.g. surviving spouse and/or other beneficiaries. This may be in the form of written submissions or sworn affidavits.

	<ul style="list-style-type: none"> • The Assistant Master shall consider the following in order to determine whether or not to appoint the <i>curator bonis</i>:- <ul style="list-style-type: none"> • The urgency of the matter, i.e., whether it cannot wait until the appointment of the Executor. • Whether the appointment would advance the interests of the estate or beneficiaries. • If satisfied that all is in order, the Assistant Master shall draft Letters of Confirmation, in the form provided, highlighting the following details:- <ul style="list-style-type: none"> • File number. • Name and contact address of the appointed person. • Name of the deceased person. • Date and place of death. • Assistant Master shall refer the draft to the Principal Assistant Master for approval.
<p>ii. Appointment of an Executor, where there is no will</p>	<p>In this case, the appointment comes after the convening of an Edict Meeting in terms of Section 25 or 68B of the Administration of Estates Act, depending on whether the estate is being administered in terms of Customary Law or General Law.</p> <ul style="list-style-type: none"> • The Assistant Master shall check and ensure that the following is on file:- <ul style="list-style-type: none"> • Minutes of the Edict Meeting, which should indicate the details of the nominated Executor. • Requirements for the issuance of the Letters of Administration which should be indicated on the minute sheet. <p>Such requirements shall include:</p> <ul style="list-style-type: none"> • A bond of security form duly completed by the Executor; • A waiver of security form completed by each beneficiary; and • Any other additional documents as may be necessary depending on the circumstances of each case. <ul style="list-style-type: none"> • Once satisfied that all the requirements are on record, the Assistant Master will proceed to draft the Letters of Administration. The Letters of Administration shall be in the format provided for in the Second Schedule of the Administration of Estates Act [Cap 6:01]. • The Assistant Master shall then refer the draft Letters of Administration to the Principal Assistant Master for approval.
<p>iii. Appointment of Executor, where there is an accepted will</p>	<p>No Edict Meeting would have been convened in this case, as the will would have nominated an Executor.</p>

iv. Appointment of an Executor, where there is an accepted will

- The Assistant Master shall check that the will was indeed accepted for administration purposes.
- The Assistant Master shall then proceed to write a letter to the nominated Executor inviting him/her to file requirements for issuance of Letters of Administration. The letter shall be in the form of **Annexure "B"**, attached hereto.
- The nominated Executor shall file the following correctly completed forms:
 - Acceptance of Trust;
 - Bond of Security;
 - Waivers of security from the beneficiaries, if the will does not exempt the filing of security for inheritance.
- Upon receipt of the forms, the Assistant Master shall check, from the acceptance of trust form, whether the nominated Executor has indicated that he/she permanently resides in Zimbabwe.
- If so, then Assistant Master shall proceed to draft the Letters of Administration and refer to the Principal Assistant Master for approval.
- ii. If the nominated Executor does not permanently reside in Zimbabwe, he/she should do the following in terms of section 24(3) of the **Administration of Estates Act [Cap 6:01]** before the matter can proceed:
 - Accept *domicilium citandi* in Zimbabwe by way of a sworn affidavit;
 - Nominate and appoint a person under power of attorney to act for him/her in the administration;
 - File security for his/her administration of the estate.
 - Once the above has been duly complied with, the Assistant Master shall proceed to draft the Letters of Administration in favour of the nominated Executor Testamentary.

Where the following circumstances arise, the Assistant Master shall make recommendations for the appointment of an independent Estate Administrator in terms of section 26 of the **Administration of Estates Act [Cap 6:01]**:

- Where parties have failed to agree on whom to appoint as an Executor, following an edict meeting;
- Where, from the assessment of the facts on record, it is in the interests of the estate to appoint an independent Estate Administrator;
- Where parties have agreed that an independent Estate Administrator be appointed.
- Upon making a determination that an estate warrants the appointment of an independent Estate Administrator, the Assistant Master shall make such recommendations to the Additional Master, or, in the absence of the Additional

	<p>Master, the Deputy Master or the Master, in the form annexed hereto as Annexure “C”.</p> <ul style="list-style-type: none"> • Upon approval of the recommendations by the Additional Master or by any such person as aforementioned, the Assistant Master shall invite the recommended person to take up appointment by filing the following duly completed forms within five (5) days of the invitation: <ul style="list-style-type: none"> i. An acceptance of trust form; ii. A bond of security form. <p>The invitation letter should indicate that the failure to lodge the required forms within the stipulated time will result in another person being invited to take up the appointment.</p> <ul style="list-style-type: none"> • Should the nominated person fail to meet the deadline for lodging the completed forms, the Assistant Master shall request for another person to be nominated by the Additional Master and shall invite the person so nominated to take up the appointment. • Upon receipt of the duly completed forms, the Assistant Master shall proceed to draft the relevant letters of appointment in favour of the nominated person. • The Assistant Master shall refer the draft letters to the Principal Assistant Master for approval.
<p>Handling sale of Estate Property</p>	<p>Authorisation of sale of Estate Property is done in terms of Section 120 of the Administration of Estates Act [Cap 6:01] only if the property is to be sold by private treaty, otherwise the Master's consent is not necessary if the sale is by public auction. In the strict sense, the Master is not making a decision on whether or not the property should be sold as such decision is made by the Executor. The Master is, under Section 120 of the Act, called upon to authorise the mode of selling.</p> <ul style="list-style-type: none"> • The application for consent to sell is made by the Executor to the Master. • The Assistant Master is required to carry out an inquiry into the sale. The Act does not specify how the inquiry should be conducted. Thus the Master can consider written and/or oral submissions depending on the circumstances of the matter. • The purpose of the inquiry shall be to establish the following:- <ul style="list-style-type: none"> • Whether it would be advantageous to the interested persons to sell the property by private treaty. This usually entails comparison of market prices between private sales and public auctions to ascertain which one is likely to realise more money;

	<ul style="list-style-type: none"> • For the protection of estate property against unnecessary sale of property by the Executors, the Assistant Master also establishes the reasons for the sale of the property and whether the interested parties have consented or have been made aware of the need to sell; • If there is no consensus on the sale, the Assistant Master should ascertain whether there are no other available options besides selling the property, for example, buy-out options or reasonable payment plans if the purpose of the sale is to pay off death duties only; • Regard should also be had to the provisions of Section 5 of the Deceased Estates Succession Act [Cap 6:02] which provides that a written directive to the Executor, by one or more heirs, that they want the property sold and proceeds shared amongst the heirs, is binding on the Executor and all the heirs. • Once the inquiry has been made and the Assistant Master is of the view that the sale should be authorised, he/she shall draft the consent to sell in the form attached hereto as Annexure "D". If more than one property is to be sold, then the Assistant Master shall draft the consent to sell separately, each on its own separate page. • The Assistant Master shall draft the consent to sell and refer same to the Principal Assistant Master who shall consider the above information obtained from the inquiry before authorising the typing of the consent to sell.
Auditing of Liquidation and Distribution Account	<ul style="list-style-type: none"> • This is done in terms of Section 52 (10) of the Administration of Estates Act [Cap 6:01]. • The Executor shall lodge the Liquidation and Distribution Account with the Master, and the account shall be referred to the Assistant Master for auditing. • Upon receipt of the estate account, the Assistant Master shall verify that the following has been complied with:- <ul style="list-style-type: none"> • That the heading of the estate account is correctly captured and that it refers to the correct Deceased Estate and correct reference number; • That all compulsory headings are appearing in the account, i.e. assets, liabilities, distribution plan, Executor's certificate etc.; • That the assets, liabilities and expenses paid are accompanied by supporting vouchers such as bank statements (as at date of death), title deeds, proof of adverts, receipts for any payments made from the estate etc.;

- That the figures in the estate account are correct;
- That distribution is being done in terms of the correct law, ie in terms of a valid Will, or in terms of the provisions of the relevant Statutes;
- That the account is on a certificate signed and dated by the Executor;
- Where there has been litigation that has an effect on the distribution plan; that there is proof of the court's outcome and that the estate account conforms to the order by the court.
- The Assistant Master shall audit the account within five (5) days of receipt and advise the Executor on the next step to take.
- After assessment by the Assistant Master:
 - If the account is in order, the Assistant Master shall immediately advise the Executor to advertise same as lying for inspection;
 - If there is need for correction of the account, the Assistant Master shall advise the Executor to amend the estate account by specifying the areas that require attention.
- Once all the requirements have been met and the estate account has been advertised, the Assistant Master shall ensure that all death duties have been paid in full before referring the account to the Principal Assistant Master for confirmation of the account.

1.2. INSOLVENCY AND MINORS DIVISION

PROCESS	PROCEDURE
Raising requisitions for minors.	<ul style="list-style-type: none"> After receiving the request form from the Guardian through the Records and Information Officer, the Assistant Master checks whether there is a birth certificate, death certificate in respect of the deceased, a copy of the National I.D of the minor's parent/ Guardianship Certificate and a receipt indicating that the money has been deposited into the Guardian's Fund Account for the minor. Annexure "F" shows the request form. For new records, the Assistant Master attaches a face sheet on the front page of the file and enters the minor's name, date of birth, file number and ticks the appropriate boxes for documents attached, i.e. birth certificates, National I.D/Guardianship Certificate and death certificate. For records already in circulation, the Assistant Master checks whether the minor's funds are from ZESA, NRZ, CAI or some other source of funds. The Assistant Master then checks whether the minor's account is up to date, i.e. all pension funds for the previous months have been credited into the account and updates the account, if need be. If the above requirements are met, the Assistant Master then checks if the Guardian of the minor is the one who requested the funds. Funds may only be disbursed to the Guardian of a minor. Before raising the requisition, the Assistant Master checks whether there are sufficient funds in the account of the minor. Where the money in the account is insufficient to cover the request, only the money in the account is disbursed. The Assistant Master then checks all the supporting documents attached to the request forms. If satisfied, he/she then raises the requisition and submits the file to the Senior Assistant Master for authorisation. <p>When raising requisitions for final inheritance, the Assistant Master checks the record to ensure that the following documents are filed:-</p> <ul style="list-style-type: none"> a final inheritance form duly completed and signed before a Commissioner of Oaths; a copy of the National I.D of the minor who has turned major; a duly completed request form clearly showing the bank account and National I.D of the requestor. <p>If the above requirements are met, the Assistant Master checks the I.D to ensure that the minor has indeed turned 18.</p> <p>The Assistant Master then checks whether the account is up to date, i.e. all pension funds from the previous months have been credited into the account and updates the account, if need be.</p> <p>The Assistant Master then verifies with the Accounts Department whether the available balance on record concurs with the Accounts Department. Where there is interest or any corrections that need to be done, the Assistant Master corrects before raising the requisitions.</p> <p>If satisfied that all is in order, the Assistant Master raises the requisition clearly showing that the reason of payment is for final inheritance then submit the file to the Senior Assistant Master for authorisation.</p>
Final inheritance	

Updating files	<p>Every month end ZESA, NRZ and CAI pension funds deposit money into the Guardian's Fund Account. The Assistant Master has to update all files that receive money from the pension funds.</p> <p>The Assistant Master may proceed as follows:</p> <ul style="list-style-type: none"> • Check whether the minor's account is up to date i.e. if it was updated the previous months; • Check whether there are two or more minors in the file. Where there are two or more minors with the same initials, check the EC number of each minor before crediting the minor's account; • Check if the minor receives more than one pension. <p>After verifying the above, the Assistant Master then enters the receipt number and amount received. He/she then adds to the available balance and submits the file to the Examiner for verification.</p>
Appointment of Insolvency Practitioners	<p>For the appointment of insolvency practitioners, the Assistant Master, after receiving a provisional/final order placing a company under liquidation/Corporate Rescue or resolutions by the board of directors placing the company under Corporate Rescue Proceedings in terms of section 122 of the Insolvency Act [Cap 6:07], will request the following to enable the issuance of Certificates of Appointment. (See Annexures "G", "H" and "I" respectively, attached hereto.)</p> <ul style="list-style-type: none"> • The Assistant Master requests for the submission of a statement of affairs for the determination of the bond of security. • When the statement of affairs has been lodged, the Assistant Master liaises with the Principal Assistant Master for the determination of the quantum of bond of security done in terms of Section 41(3) for liquidation and Section 131(1)(f) for Corporate Rescue Proceedings. • The Assistant Master writes to the practitioner to lodge a bond of security underwritten by an insurance company unless it is a nominal bond. • In case of nominal bonds, the Practitioner's company may act as a surety. <p>When the above requirements have been met, Certificates of Appointment are drafted stating the following:</p> <ul style="list-style-type: none"> • file number; • name of the company; • name and contact address of the Practitioner. <p>The Certificates of Appointment should clearly state whether the appointment is provisional or final.</p> <p>After drafting the Certificates of Appointment the Assistant submits them to the Principal Assistant Master for signing.</p>

Appointment of <i>curator bonis</i>	<p>For the appointment of <i>curator bonis</i> for Law Firms under distress, the Assistant Master, after receiving a letter from the Law Society of Zimbabwe requesting for the placement of the law firm under curatorship, will write to request the following:</p> <ul style="list-style-type: none"> • A letter or acceptance from the nominated <i>curator bonis</i>; • A duly completed bond of security. <p>When the above requirements have been met, Letters of Confirmation are drafted stating the following:</p> <ul style="list-style-type: none"> • File number; • Name of the law firm under curatorship; • Name and contact address of the appointed <i>curator bonis</i>. <p>The Letters of Confirmation are submitted to the Principal Assistant Master for signing.</p> <p>ii. For the appointment of a <i>curator bonis</i> for individuals, the Assistant Master checks whether the following have been submitted before drafting letters of confirmation:-</p> <ul style="list-style-type: none"> • Affidavits from at least three relatives of the incapacitated person stating the reason for the application and the name of the nominated <i>curator bonis</i>, signed and commissioned by a Commissioner of Oaths; • Copies of National IDs for each individual who would have submitted an affidavit; • Medical report; • A duly completed bond of security; • Bank statement where necessary. <p>When the above requirements have been met, Letters of Confirmation are drafted, clearly stating the reason for the appointment, for example, <i>these are to certify that ABC has been duly appointed the curator bonis of DEF for the sole purpose of administering his father's estate under reference number ADM 1/20.</i></p> <p>The following should be stated on the Letters of Confirmation:-</p> <ul style="list-style-type: none"> • File number; • Name and National I.D number of the incapacitated person; • Name, National I.D number and contact address of the appointed <i>curator bonis</i>. <p>The Letters of Confirmation are submitted to the Principal Assistant Master for signing. (See Annexure "J" attached hereto.)</p>
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Duties associated with creditors meetings	<ul style="list-style-type: none"> • The Assistant Master prepares the court roll a week before the meeting, clearly stating the name of the company, file number, name of insolvency practitioner, and purpose of the meeting, as well as the type, place and time of the meeting. • Compiles a list of the claims submitted 48 hours before the meeting and checks whether proof of advert for the meeting, practitioner's report and certificates of appointment are filed on record then submits file to the Principal Assistant /Additional Master. • Prepares court room and takes down minutes during the meeting. <p>After the meeting the Assistant Master prepares the minutes and submits them to the Principal Assistant/ Additional Master for signing.</p> <ul style="list-style-type: none"> • The Assistant Master then issues one copy to the practitioner and retains another for the record.
Auditing liquidation accounts	<ul style="list-style-type: none"> • When account has been lodged, the Assistant Master checks if the account is on a sworn affidavit by the liquidator and whether it has been submitted in duplicate. • When auditing the account, the Assistant Master does the following:- • Checks if the account is a free residue or an encumbered asset account and whether it is an interim or a final account; • Confirms if all compulsory headings are appearing in the account, i.e. gross proceeds, liquidation expenses, Master's fees, Council of Estate Administrators fees; • Confirms all receipts, sales and expenses with their supporting vouchers; • Recalculates figures to confirm accuracy. • After auditing the account, if the Assistant Master is satisfied that the account is in order, he/she grants permission to the liquidator to advertise the account as lying for inspection within five (5) days, being guided by Section 91 of the Act. • When there are corrections that need to be done, the Assistant Master instructs the liquidator in writing to make the necessary corrections. • Once the account has been amended and the Assistant Master is satisfied, he/she grants permission to the liquidator to advertise the account as lying for inspection. • The Assistant Master will then request for the proof of payment of the Master's fees and the Council of Estate Administrators fees. • Upon receipt of the proof of advert of the account lying for inspection, the Assistant Master forwards the record to Records and Information, while the account lies for inspection.

File closing	<p>Upon receipt of a letter requesting for the retirement of the liquidator's bond of security, the Assistant Master checks whether the following are filed on record:-</p> <ul style="list-style-type: none"> • All accounts are confirmed and that a final account was submitted and confirmed in cases where more than one account was lodged; • Acquittances; • Proof of publication for the payment of dividend. <p>When fully satisfied that all the statutory requirements have been met, the Assistant Master writes a letter to be issued in triplicate to the liquidator granting him/her permission to retire the bond of security.</p>
General queries	<p>The Assistant Master receives letters from creditors, insolvent Practitioners and guardians either complaining or giving a general update.</p> <p>The Assistant Master will invite submissions in writing from all parties concerned in case of a complaint before giving the final determination in writing.</p>
Inspections in loco	<p>Compiles the list of files for the visit and submits it to the Additional Master for authorisation.</p> <p>During the visits, writes minutes at every household visited</p> <p>Prepares the minutes and submits them to the Principal Assistant Master.</p>

2. PRINCIPAL ASSISTANT MASTERS

2.1. DECEASED ESTATES

PROCESS	PROCEDURE
Acceptance of Wills	<ul style="list-style-type: none"> The Records and Information Assistant shall place the Deceased Estate record together with the record of the Will before the Principal Assistant Master. The Principal Assistant Master double checks to ensure that the Deceased Estate record and the Will record both relate to one and the same person by comparing the details in the two records. If satisfied:- The Principal Assistant Master proceeds in terms of Section 8 of the Wills Act [Cap 6:06] by checking the following requirements:- <ul style="list-style-type: none"> That the Will is signed by the testator on each page of the Will, as closely as may be to the end of the writing on the page concerned; That the testator's signature is witnessed by two or more witnesses. The witnesses should have signed each page of the Will. If the above requirements are present, the Principal Assistant Master then proceeds to stamp the last page of the Will and fills in the gaps on the relevant stamp by indicating that the Will has been accepted. If the document does not meet any or all of the above-mentioned requirements, the Principal Assistant Master may hold an inquiry in terms of Section 8(5) of the Wills Act to ascertain whether the document was intended to be the deceased person's Will or an amendment thereof. This is a discretionary decision which should be exercised diligently depending on the facts of the matter at hand. The above inquiry entails obtaining submissions, whether orally or written, from the deceased's family on whether the document could have been written by the deceased and that he intended it to be his last Will. Guidance can be sought from the case of <i>Mujuru N.O & Others v Master of the High Court N.O & Another</i> HH112-2008 which dealt with the application of section 8(5) of the Wills Act [Cap 6:06]. After the inquiry, the Principal Assistant Master should then proceed to stamp the last page of the Will and fill it in accordingly, indicating whether same has been accepted or not accepted. The above procedure also applies when dealing with a codicil.

	<ul style="list-style-type: none"> • That indeed an Edict Meeting was convened; • That the persons who attended the meeting are the required people, i.e. the deceased's close family and/or any other interested parties; • That the person being issued with Letters of Administration is indeed the person who was nominated at the meeting; • That all the requirements as may be indicated on the MHC15 form are on record. Such requirements shall include: <ul style="list-style-type: none"> • A Bond of Security Form duly completed by the executor; • A Waiver of Security Form completed by each beneficiary, and; • Any other additional documents as may be necessary, depending on the circumstances of each case. • Once satisfied that all the requirements are on record, the Principal Assistant Master can then authorise that the draft be typed in duplicate. • Upon correct typing of the document, the Principal Assistant Master shall proceed to sign and stamp the Letters of Administration.
vii. Appointment of an Executor, where there is an accepted Will	<p>No Edict Meeting would have been convened in this case, as the Will would have nominated an Executor Testamentary.</p> <ul style="list-style-type: none"> • The Assistant Master shall draft the Letters of Administration and refer same to the Principal Assistant Master for approval. • The Principal Assistant Master shall verify the following:- <ul style="list-style-type: none"> • That the Will was indeed accepted for administration purposes; • That the nominated Executor has filed the following correctly completed forms:- <ul style="list-style-type: none"> • Acceptance of Trust; • Bond of Security; • Waivers of Security from the beneficiaries, if the Will does not exempt the filing of security for inheritance. • The Principal Assistant Master shall also check, from the Acceptance of Trust Form, whether the nominated Executor has indicated that he/she permanently resides in Zimbabwe. • If so, the Principal Assistant Master shall proceed to authorise the typing of the Letters of Administration, which shall be signed and stamped, once correctly typed in duplicate. • If the nominated Executor does not permanently reside in Zimbabwe, the Principal Assistant Master should check whether the nominated Executor has done the following in terms of Section 24(3) of the Administration of Estates Act [Cap 6:01]:- <ul style="list-style-type: none"> • Accepted <i>domicilium citandi</i> in Zimbabwe by way of a sworn affidavit; • Nominated and appointed a person under power of attorney to act for him/her in the administration;

	<ul style="list-style-type: none"> Filed sufficient security for his/her administration of the estate. <p>If the above has been duly complied with, the Principal Assistant Master shall proceed to authorise the typing of the Letters of Administration and thereafter proceed to sign and stamp the correctly typed documents in duplicate.</p>
viii. Appointment of an independent Estate Administrator (independent <i>curator bonis</i> or Executor)	<ul style="list-style-type: none"> Upon making a determination that an estate warrants the appointment of an independent Estate Administrator, the Principal Assistant Master shall make such recommendations to the Additional Master, or, in the absence of the Additional Master, the Deputy Master or the Master, in the format of the form annexed hereto as Annexure "K". Upon approval of the recommendations by the Additional Master or by any such person as aforementioned, the Principal Assistant Master shall refer to the approved list of independent Estate Administrators on the Master's Panel and appoint the next person due for appointment on the roster. Names are recorded in alphabetical order. Unless there are compelling reasons warranting departure from following the list, the next person on the list should be appointed. Any departure shall be authorised by the Additional Master, Deputy Master or the Master, as the case may be with reasons thereto being highlighted. The Principal Assistant Master shall then invite the recommended person to take up appointment by filing the following duly completed forms within five (5) days of the invitation:- <ul style="list-style-type: none"> An Acceptance of Trust Form; A Bond of Security Form. The invitation letter should indicate that the failure to lodge the required forms within the stipulated time will result in another person being invited to take up the appointment. Should the nominated person fail to meet the deadline of lodging the completed forms, the Principal Assistant Master shall invite the next person on the list to take up the appointment. Upon the timeous receipt of the duly completed forms, the Principal Assistant Master shall proceed to issue the relevant letters of appointment in favour of the nominated person.
Authorisation of sale of Estate Property	<p>Authorisation of sale of estate property is done in terms of Section 120 of the Administration of Estates Act [Cap 6:01] only if the property is to be sold by private treaty. Otherwise the Master's consent is not necessary if the sale is by public auction. In the strict sense, the Master is not making a decision on whether or not the property should be sold as such decision is made by the Executor. The Master is, under Section 120 of the Act, called upon to authorise the mode of selling.</p> <ul style="list-style-type: none"> The application for consent to sell is made by the Executor to the Master.

	<ul style="list-style-type: none"> • The Assistant Master is required to carry out an inquiry into the sale. The Act does not specify how the inquiry should be conducted. Thus the Master can consider written and/or oral submissions depending on the circumstances of the matter. • The purpose of the inquiry shall be to establish the following:- <ul style="list-style-type: none"> • Whether it would be advantageous to the interested persons to sell the property by private treaty. This usually entails comparison of market prices between private sales and public auctions to ascertain which one is likely to realise more money; • For the protection of estate property against unnecessary sale of property by the Executors, the Assistant Master also establishes the reasons for the sale of the property and whether the interested parties have consented or have been made aware of the need to sell; • If there is no consensus on the sale, the Assistant Master should ascertain whether there are no other available options besides selling the property, for example, buy-out options or reasonable payment plans if the purpose of the sale is to pay off death duties only; • Regard should also be had to the provisions of Section 5 of the Deceased Estates Succession Act [Cap 6:02] which provides that a written directive to the Executor by one or more heirs, that they want the property sold and proceeds shared amongst the heirs, is binding on the Executor and all the heirs. • Once the inquiry has been made and the Assistant Master is of the view that the sale should be authorised, he/she shall draft the consent to sell. If more than one property is to be sold, then the Assistant Master shall draft the consent to sell separately, each on its own draft. • The draft consent to sell shall be referred to the Principal Assistant Master who shall consider the above information obtained from the inquiry before authorising the typing of the consent to sell. • Once same has been correctly typed in duplicate, the Principal Assistant Master shall proceed to sign and stamp the consent to sell for issuance to the Executor.
Approval of liquidation and distribution account	<ul style="list-style-type: none"> • This is done in terms of Section 52 (10) of the Administration of Estates Act [Cap 6:01]. • Once a liquidation and distribution account has been audited by the Assistant Master and all requirements have been met, the Assistant Master shall refer the record to the Principal Assistant Master for approval/confirmation of the account for purposes of distribution of estate assets. • Upon receipt of the record, the Principal Assistant Master shall verify that the following has been complied with before authorising the account:-

	<ul style="list-style-type: none"> • That the heading of the estate account is correctly captured and that it refers to the correct Deceased Estate and correct reference number; • That all compulsory headings are appearing in the account, i.e. assets, liabilities, distribution plan, Executor's certificate etc.; • That the assets, liabilities and expenses paid are accompanied by supporting vouchers such as bank statements (as at date of death), title deeds, proof of adverts, receipts for any payments made from the estate etc.; • That the figures in the estate account are correct; • That distribution is being done in terms of the correct law, i.e. in terms of a valid Will, or in terms of the provisions of the relevant Statutes; • That the account is on a certificate signed and dated by the Executor; • Where there have been queries raised by the Assistant Master; that the queries have been fully addressed; • Where there has been litigation that has an effect on the distribution plan, that there is proof of the court's outcome and that the estate account conforms to the order by the court; • Where there has been an objection to the confirmation of the account, in terms of Section 52 (8) of the Administration of Estates Act [Cap 6:01]; that the objection has been dealt with and concluded upon; • Where the account is supposed to be advertised as lying for inspection; that the Records and Information Assistant has confirmed, by way of a stamp, and duly endorsed, to the effect that the account has finished lying for inspection. • Once all the above has been verified to the satisfaction of the Principal Assistant Master, he/she shall proceed to stamp the page where the distribution account is shown, using the relevant stamp and, thereafter, complete the details as required on the stamp. Only one page is stamped and signed. • Upon doing so, confirmation of the Liquidation and Distribution Account will have been completed.
Adjudication of disputes and complaints raised in Deceased Estates	<ul style="list-style-type: none"> • In adjudicating over these disputes and complaints, the Master will be doing so as an administrative authority, thus the rules of administrative justice, as provided for in the Administrative Justice Act [Cap 10:28], shall apply, as read with the relevant Statutes that deal with inheritance issues.

	<ul style="list-style-type: none"> • The Principal Assistant Master shall therefore proceed as follows:- <ul style="list-style-type: none"> • Read and understand the issues being complained of or disputed against; • Determine whether the issues are within the jurisdiction of the Master, if not, then notify the complainant without delay; • If the issues are within the Master's jurisdiction: <ul style="list-style-type: none"> • Determine whether the issue can be dealt with without necessarily hearing the other parties. For example, there may be no need to hear the other party in a dispute where the complainant is misguided on the applicable law, in such a case, the Principal Assistant Master may simply advise the complainant on the correct legal provisions; • In disputes where there are allegations against other parties, the Principal Assistant Master shall hear the other party first before making a decision on the complaint/ dispute; • Where there is need to hear the other party first, the Principal Assistant Master shall determine the mode of handling the complaint or dispute, i.e., whether by way of oral or written submissions; • If there is need for oral submissions, the Principal Assistant Master shall set down the matter for hearing within 14 days of receipt of the complaint, unless otherwise the parties have agreed on a later date; <ul style="list-style-type: none"> • The Principal Assistant Master shall give adequate notice of the nature and purpose of the hearing to enable parties to prepare; • On the day of the meeting, the Principal Assistant Master shall give each party an opportunity to make submissions and shall take down such submissions; • The oral submissions together with any written submissions shall be considered, vis-à-vis the law in determining the merits of the complaint or the dispute. • If the matter can be dealt with without necessarily hearing parties, the Principal Assistant Master shall:- <ol style="list-style-type: none"> i. Acknowledge receipt of the complaint and advise on the action being taken to deal with the complaint; ii. Write a letter(s) to the other interested party(ies) and request for their submissions with regards the issues at hand. Parties should be given a reasonable deadline within which to respond, preferably within seven (7) days of receipt of the letter;
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	<p>iii Upon receipt of the written submissions, the Principal Assistant Master shall consider the complaint together with the written submission <i>vis-à-vis</i> the law when making a determination on the complaint or dispute.</p> <ul style="list-style-type: none"> • After having taken a position on the complaint or dispute, the Principal Assistant Master shall communicate the decision and the reasons thereof to all interested parties in writing within seven (7) days of making the decision.
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2.2. INSOLVENCY AND MINORS DIVISION

PROCESS	PROCEDURE
Compilation of Master's Reports	<p>Rule 249 (1) (b) of the High Court Rules, 1971 (as amended) provides that a copy of any application involving a minor child, or where a <i>curator ad litem</i> must be appointed to represent the interests of the minor, shall be served on the Master and further obliges the Master, upon receipt of the process, to prepare a report and lodge it with the Court.</p> <p>Upon receipt of the process, the Additional Master does the following:-</p> <ol style="list-style-type: none"> a. Peruses the application and the founding papers to appreciate the nature of the application and the relief being sought; b. Examines and analyses the application to get an appreciation of the issues before the court, analysing whether the application is for the appointment of: <ol style="list-style-type: none"> 1. the <i>curator ad litem</i>; 2. guardian; 3. sale of a minor's property; <p>In the case of guardianship, he checks whether the proposed guardian is suitable, since guardianship is not transferrable if either of the parents is still alive;</p> <p>If the application is for the appointment of a <i>curator ad litem</i>, check if the proposed <i>curator</i> is not disqualified to take the appointment in that he/she is of sound mind, and is fit and proper;</p> <p>In the case of an application for sale of a minor's property, check if the <i>curator ad litem</i> has been appointed and if the sale of the property is in the best interests of the child.</p> <p>After the above interrogation, the Principal Assistant Master must:</p>

	<ol style="list-style-type: none"> 1. prepare the report; 2. raise a fee note and advise the parties; 3. lodge the report with the Registrar within 48 hours of compiling it. <p>The Principal Assistant Master maintains a register of all the Master's Reports he prepares.</p>
Presiding over Creditors' Meetings	<p>Sections 50 and 140 of the Insolvency Act [Chapter 6:07] provides that immediately following appointment of a liquidator or corporate rescue practitioner, the Master must convene a meeting of the creditors, members or affected persons.</p> <p>There are three types of meetings, namely the first creditors' meeting (for proof of claims), the special meeting (for further proof of claims or any other business, as may arise) and the <i>ad hoc</i> meeting (for the transaction of any urgent matter that arises during the process).</p> <p>The role of the Master is to preside over the business of such meetings. The major purpose of the meetings is for proof of claims against the company under liquidation or corporate rescue.</p> <p>Before the date of the meeting, the Principal Assistant Master ensures that:</p> <ol style="list-style-type: none"> 1. Due notice has been given to all affected persons through the Government Gazette and at least one widely circulated newspaper; 2. The notice clearly specifies the date and venue of the meeting; 3. The notice spells out the business of the meeting; 4. The proof of the advertisement is filed with the Master; 5. Creditors have lodged claims with the Master. <p>It should be noted that the conduct of the meeting may differ, depending on whether the company is under corporate rescue or in liquidation. For a company under corporate rescue the procedure is as follows:-</p> <ol style="list-style-type: none"> a. The Principal Assistant Master makes some introductory remarks that set the tone and state the purpose of the meeting; b. The Principal Assistant Master receives, considers and provisionally accepts claims. NB: in terms of Section 66 (1) of the Act, only liquidated claims

can be accepted by the Master. Liquidated claims are claims based on liquid documents such as acknowledgments of debt or R/D checks, that is, claims that are easily ascertainable from the face of the supporting voucher.

On the other hand, an unliquidated claim requires further proof; an example is a claim for damages which requires the leading of evidence in a court of law. For unliquidated claims, the Master can only take note, but not accept, not even provisionally.

To be able to properly consider a claim, the Principal Assistant Master peruses the claim form, checks if it relates to the company in question, checks the value of the claim and its basis, checks if there are genuine, supporting vouchers and checks the currency of discharge. If the Master is satisfied that there exists a *prima facie* basis for the claim, he must provisionally accept the claim. Provisional acceptance of the claim entails further verification and computation by the insolvency practitioner.

- c. The Principal Assistant Master invites the Insolvency practitioner to present his interim report to the meeting. The report must deal with the current financial position of the corporate, including a projection and fair assessment of the prospects of recovery;
- d. The Principal Assistant Master expresses his/her own opinion regarding whether or not, in his/her view, there are any real prospects of the recovery of the business;
- e. He/She oversees the election and composition of the Creditor's Committee;
- f. He/She presides over the ratification by the creditors and members of the interim appointment of the corporate rescue practitioner;
- g. He/She adjourns the meeting.

After the meeting, he/she receives a draft of the minutes of the meeting from the Assistant Master, who is charged with minuting, and checks them for accuracy before appending his/her signature

	<p>thereon. The minutes are shared with the corporate rescue practitioner or any other interested person.</p> <p>For a company in liquidation, the procedure at the meeting is the same, except that before the meeting, the Master must go through the liquidator's report to appreciate the state of the finances of the company as well as its assets. Further, there is no question of assessing the prospects of recovery in a company that is being wound-up.</p>
Authorisation of disbursements from the Guardian's Fund	<p>The Minor's Section deals with the administration of the property belonging to minors, including monies kept and maintained in the Guardian's Fund established by Section 97 of the Administration of Estates Act. The Master of the High Court administers this Fund.</p> <p>The Principal Assistant Master generally handles applications and considers requisitions for monies to be paid to guardians on behalf of the minors.</p> <p>The Principal Assistant Master takes the following steps:-</p> <ol style="list-style-type: none"> Peruses the ADM File to check if indeed there are monies due to the minor in question; Scrutinizes the requisition form to ensure accuracy of the computation of the sum due; If satisfied, authorises payment by appending his/her signature in the space provided and date-stamping the form. <p>The Principal Assistant Master must maintain a register of all authorisations done. A speedy processing and authorisation of requisitions submitted on behalf of minors is always in the best interests of the minor as it ensures a timeous access to resources for the welfare of the child.</p>
Issuing Authority Documents	<p>On receiving a provisional order for liquidation, the Principal Assistant Master must issue a provisional certificate of appointment to the proposed liquidator</p> <p>Issuing involves:-</p> <ol style="list-style-type: none"> Checking if the proposed liquidator is not disqualified in terms of Section 74 of the Act; If not disqualified, whether he has furnished a Bond of Security to the satisfaction of the Master; Checking there is a valid court order; Checking if the Assistant Master has entered all the correct information on the standard form;

	<p>5. If all is correct, appending signature on the space provided;</p> <p>6. Handing the certificate to the practitioner or his delegate.</p> <p>The same procedure is followed for corporate rescue and for final liquidation appointment.</p> <p>For legally disabled persons, the Principal Assistant Master issues a certification of confirmation to a <i>curator bonis</i> in the form (Annexure “J” attached hereto) upon request via MHC 5.</p> <p>The Principal Assistant Master does the following:</p> <ol style="list-style-type: none"> Checks whether the MHC 5 form has been completed; Checks whether there is medical confirmation of the disability; Checks whether there are three affidavits deposed to by three relatives of the disabled person; Checks whether they have furnished copies of their identity documents; <p>After the above steps, the Principal Assistant Master signs the standard form after completion of relevant details by the Assistant Master.</p>
<p>Dealing with queries and objections in Liquidation Accounts</p>	<p>After auditing the Liquidation and Distribution Account, it lies for inspection for 30 days. During this period, any interested or affected persons may lodge objections with the office against the whole account or any portion thereof.</p> <p>In dealing with objections, the Principal Assistant Master is guided by the rules of natural justice such as the <i>audi alteram partem</i> rule which obliges him to always hear the other party before making a decision on a dispute.</p> <p>On receiving the objection, the Principal Assistant Master does the following:-</p> <p>Reads through the objection to ascertain the following:-</p> <ol style="list-style-type: none"> Whether the person objecting has any interest in the account; If it is a creditor, whether their claim was accepted; If it is a shareholder; whether indeed they are a member of the company concerned.

	<p>If the person has no legal interest in that they are neither a creditor nor a shareholder, the Principal Assistant Master writes to the person indicating that their objection cannot be entertained as they have no legally recognisable interest in the account.</p> <p>If the objector has a clear interest, the Principal Assistant Master writes to the practitioner inviting a response from them and drawing their attention to the relevant parts of the objection.</p> <p>On receiving the response from the practitioner, the Principal Assistant Master examines the account in light of the particulars of the objection and the Practitioner's response.</p> <p>The Principal Assistant Master hands down a determination on the objection and communicates same to the objector within 14 days of the lodging of the objection.</p> <p>If the objection relates to the accuracy or otherwise of a calculation, and the objector is found to be correct, the necessary amendments and adjustments are made to the account.</p>
<p>6. Inspections in loco</p>	<p>The Principal Assistant Master conducts inspections <i>in loco</i> by paying visits to homes of minors who receive monies from the Guardian's Fund to assess whether there is any possible abuse of the monies. The steps followed are as indicated below:</p> <ol style="list-style-type: none"> i. Identify the ADM files which are the subject of suspicion of abuse, normally with usually numerous withdrawals; ii. Organise the logistics involved in the impending visits, including seeking authority from the Master; iii. Set out on the trips; iv. On arrival at the residencies, conduct brief investigations and minute the proceedings; v. Compile reports for each visit; vi. Submit the reports to the Additional Master.

3. ADDITIONAL MASTERS

3.1. DECEASED ESTATES DIVISION

PROCESS	PROCEDURE
<p>Handling litigation matters</p>	<p>In terms of rule 248 of the High Court Rules of 1971 as amended, it is a requirement that all applications involving Deceased Estates must be served on the Master in order for him to consider whether or not to issue a report. This therefore means that any document lodged with the Registrar of the High Court in such matter is also served on the Master.</p>
<p>Preparation of Master's Reports</p>	<ul style="list-style-type: none"> • Upon receipt of any court application or summons involving a Deceased Estate, the Additional Master shall proceed as follows:- <ul style="list-style-type: none"> • Peruse the application as a whole in order to determine its nature and the relief being sought; • Determine whether the matter is one which is within the Master's scope of work in order to determine whether or not to issue a Master's Report; • There may be no need for a Master's Report in the following instances:- <p>Where firstly the Master has no jurisdiction over the matter and, secondly, the Master's report would not add value to the court and lastly, where there is no order of costs against the Master. Examples would be in matters involving the upliftment of a caveat, the challenging of the validity of a will or applications for condonation or rescission of judgment.</p> <ol style="list-style-type: none"> 1. In such cases, the Additional Master should indicate, on a pre-typed standard form which is then attached to the application/summons, that he/she has perused the application and that the Master's report is not necessary. The pre-typed form is attached hereto as Annexure "L". 2. The record is then sent back for filing. <ul style="list-style-type: none"> • Where the Additional Master is of the view that a Master's Report is necessary, same shall be

<p>Perusal of litigation documents</p>	<p>issued within a reasonable time in which case it shall be not more than 14 days of receipt of the application.</p> <ul style="list-style-type: none"> • The Additional Master shall cause a copy of the Report to be lodged with the Registrar of the High Court within 48 hours of preparation of same. • The Additional Master shall also raise a fee note for the preparation of the Report, which fees shall be communicated to the parties. The fees shall be paid before upliftment of a copy of the Report by any party to the Application. A copy of the fee note is as per Annexure “M” attached hereto. • The Additional Master shall be obliged to prepare a Master’s Report in matters where: <ul style="list-style-type: none"> a. The Master is being ordered to pay costs of suit, in which case the Additional Master shall oppose the order of costs; b. The relief sought is a review of a decision made by the Master; c. The court requires such a report from the Master. • The Additional Master shall keep a register of all such applications and summons served on the Master. <p>It shall be the responsibility of the Additional Master to peruse all court process served on the Master and to make notes to that effect on the record.</p> <ul style="list-style-type: none"> • Where necessary, upon perusal of the documents served on the Master, the Additional Master may prepare a supplementary report in order to comment on any issue raised in the documents. The supplementary report should be lodged with the Registrar of the High Court within 48 hours of its preparation. • Completion of the form under Annexure “L” shall be regarded as proof of perusal. • The Additional Master shall keep a register of all such perused documents.
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Approval of recommendations for the appointment of an independent Deceased Estate Administrator	<ul style="list-style-type: none"> • The Additional Master receives a completed form with recommendations for the appointment of an independent professional Executor from the Principal Assistant Master or Assistant Master, as the case may be. • Upon receipt of the recommendations, the Additional Master shall consider the reasons for the recommendations before making a decision to approve or disapprove same vis-à-vis the law. • Upon making a decision, the Additional Master shall append his/her name, signature and date stamp on the form and return same to the Principal Assistant Master for further actioning. • Where the Additional Master disapproves of the recommendations, he/she shall provide the reasons thereof and give directions on the way forward.
Handling of complaints	<ul style="list-style-type: none"> • In handling complaints the Additional Master, upon receiving the complaint, shall proceed as follows:- <ul style="list-style-type: none"> • Read through the complaint to appreciate its nature and content; • Invite a response from the person whose conduct is being complained of; the response must be submitted within seven (7) days; • Investigate the complaint by perusing the file together with submissions from the person complained against, and any other relevant information; • Respond to the complaint and communicate final position on same to the complainant within 14 days of the lodging of the complaint.

3.2. INSOLVENCY AND MINORS DIVISION

PROCESS	PROCEDURE
Handling Litigation Matters	Rule 248 of the High Court Rules, 1971 (as amended) provides that a copy of any application involving the appointment of a liquidator shall be served on the Master and further obliges the Master, upon receipt of the process, to prepare a report and lodge it with the Court.

There are, however, instances where a matter does not necessarily involve the appointment of a liquidator but where a report must still be prepared, for example where the Court itself directs that a report be compiled, where an order for costs is being sought against the Master, or where, in the Master's view, a report ought to be prepared and lodged with the court.

In other assignments such as corporate rescue in terms of Section 121 of the Act, there may be a need to prepare a Master's report depending on what the Master, in the exercise of his wide discretion, considers expedient and necessary regard being had to the peculiar circumstances in each case.

Upon receipt of the process, the Additional Master does the following:

- a. Peruses the application and the founding papers to appreciate the nature of the application and the relief being sought;
- b. Examines and analyses the pleadings to get an appreciation of the issues before the court;
- c. Examines the statement of financial affairs to determine whether the company is indeed insolvent in terms of Section 3 of the **Insolvency Act**;
- d. Checks the profile of the proposed insolvency practitioner to determine whether he is not disqualified in terms of Section 74 of the Act;
- e. Examines the pleadings and attachments to ascertain whether the company's financial distress is attributable to any fraud or impropriety on the part of the company's directors.

After the above interrogation, the Additional Master must:

1. Prepare the Report;
2. Raise a fee note and send it out to the parties;
3. Lodge the report with the Registrar of the High Court within 48 hours of compiling it.

The Additional Master must maintain a register of all the Master's Reports he prepares.

Handling Complaints	<p>Complaints are part and parcel of the job of the Additional Master who is the supervisor of all insolvency practitioners as well as all the officers in the Division. In handling complaints against a practitioner or member, the Additional Master, upon receiving the complaint, sets out to do the following:-</p> <ol style="list-style-type: none"> 1. Read through the complaint to appreciate its nature and content; 2. Invite a response from the practitioner or member whose conduct is being complained of; the response must be submitted within seven (7) days; 3. Investigate the complaint by perusing the file or inviting representations from other relevant quarters such as the Council for Estate Administrators, if necessary; 4. Consider the responses; 5. Compose a response to the complaint and communicate it to the complainant within 14 days of the lodging of the complaint.
Handling objections to distribution accounts	<p>After auditing a liquidation and distribution account, it lies open for inspection for 30 days. During this period, any interested or affected persons may lodge objections with the office against the whole account or any portion thereof.</p> <p>In dealing with objections, the Additional Master is guided by the rules of natural justice, such as the <i>audi alteram partem</i> rule which obliges him to always hear the other party before making a decision on a dispute.</p> <p>On receiving the objection, the Master does the following:-</p> <p>Read through the objection to ascertain the following:-</p> <ol style="list-style-type: none"> a. Whether the person objecting has any interest in the account; b. If it is a creditor, whether their claim was accepted; c. If it is a shareholder, whether indeed they are a member of the company concerned.

	<p>If the person has no legal interest in that they are neither a creditor nor a shareholder, the Additional Master writes to the person indicating that their objection cannot be entertained as they have no legally recognizable interest in the account.</p> <p>If the objector has a clear interest, write to the practitioner inviting a response from them and drawing their attention to the relevant parts of the objection;</p> <p>On receiving the response from the practitioner, the Additional Master examines the account in light of the particulars of the objection and the Practitioner's response;</p> <p>The Additional Master hands down a determination on the objection and communicates same to the objector within 14 days of the lodging of the objection.</p> <p>If the objection relates to the accuracy or otherwise of a calculation, and the objector is found to be correct, the necessary amendments and adjustments are made to the account.</p>
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4. RECORDS AND INFORMATION ASSISTANTS

4.1. DECEASED ESTATES DIVISION

PROCESS	PROCEDURE
Registration of Deceased Estate	<ul style="list-style-type: none"> The Records and Information Assistant receives the registration forms, the death notice, the inventory and a copy of death certificate, if any, at the time of registration. Check in the index book and index card to ensure the estate was not registered before. If there is an existing record then there is no need to proceed with the registration. Give the client the existing reference number and take the new forms and file them in the existing file to avoid double registration. Advise the client of the existing record. If the estate is not registered, proceed to register the estate. The Records and Information Assistant enters the deceased's name in the Deceased Estates Register. He/she enters relevant details such as full names of the deceased starting with the surname and date of registration. Allocate file reference number and give the client the same. Check for a live will on the Wills Index Card. If any, advise the client of the existing Will. Enter the Will in the Deceased Will Register.
Opening of a record	<ul style="list-style-type: none"> Write the names of the deceased, file reference number and the date, then allocate a number. Enter the deceased Will number in the Estate Registration Register against the name of the deceased. The Records and Information Assistant opens an index card and enters the same on the index card, the reference number and the name of the deceased, starting with the surname, and the deceased's Will number. File the index card in the cabinet.
Opening of Deceased Wills cover	<ul style="list-style-type: none"> The Records and Information Assistant enters deceased's names, reference number and the deceased Will number on the record cover.

Transfer of records to other courts

- Puts all the registration forms that is, the death notice and the inventory in the cover and the Records and Information Assistant enters deceased's names, reference number and the deceased Will number on the record cover.
- Puts all the registration forms in the cover namely the death notice, inventory and copy of the death certificate.
- Fastens them in the cover to make a record.
- The Records and Information Assistant endorses the Deceased Will reference number, name of the deceased and file reference number on the Wills cover.
- Files the original Deceased Will in the cover.
- Combines the Deceased Record and the Will Record then refers to the Principal Assistant Master for determination of the Will. When the record is returned he will remove the Wills Record from the Deceased Record.
- Makes a copy of the Will and puts in the file then refers the record to the Assistant Master for actioning.
- File away the original Will in the Wills strongroom.
- Those estates without Wills will be referred to the Assistant Master immediately after registration for further actioning.
- The Records and Information Assistant pulls out the file.
- Refers the record to the Assistant Master to write a letter. When the record is returned, the Records and Information Assistant opens a dummy file.
- Enters the deceased information such as the reference number and the name of the deceased, then file the dummy on the relevant filing space.
- The record is then booked in the Transfer Record Book.
- Enters the relevant details; that is the names of the deceased, reference number and the date of transfer, as well as the court transferred to.
- The record is delivered through EMS.
- Enter the EMS number, date and office destination of delivery in the delivery book.
- Put the record in the EMS action pack and dispatch it to post for onward transmission.

Receiving records from other courts

- The Records and Information Assistant books the record in the incoming register.
- Enters the relevant details such as the reference number from office of origin, name of deceased, date of receipt and name of the office of origin.
- Enters it in the Deceased Estate register.
- Allocates a new reference number and endorses it in the incoming register.
- Opens an index card, and records full names of the deceased.
- Opens new file cover, endorses the new reference number, names of deceased and cross reference number.
- Files the received record in the new file cover and refer to Assistant Master for further actioning. The Assistant Master writes a letter to the client notifying them of the new reference number.

Live Will Registration

- The Records and Information Assistant receives the original Will from the testator/testatrix, legal practitioner, or a registered estate administrator.
- Checks if properly done, whether it is signed and the date is endorsed.
- Enters in the Live Will register and allocates the reference number.
- Gives the client the reference number and refers them to pay, if supposed to, for registration of the estate.
- Checks on the index card if there is an existing Will.
- If any, enter the details on the new index card the name of the testator/testatrix, the new reference number (cross reference).
- If it is the first Will, open an index card, enter the reference number and the name of the testator/testatrix and file the card.
- Then file away the original Live Will in a box in the Wills strong room in numerical order.

Remarriage registration

- The Records and Information Assistant receives a remarriage affidavit filled in by the client and duly commissioned by a Commissioner of Oaths and a copy of the death certificate of the deceased spouse.
- Enters the details of the deceased spouse in the remarriage register, the names and date of registration.
- Allocates a reference number and gives it to the client.
- Asks the client to pay the relevant fees.
- The Records and Information Assistant receives a receipt and attaches it to the affidavit.

Transfer of records to the Records Centre

- Makes two drafts of remarriage certificate and then sends them for typing.
- When the certificates are typed, the Assistant Master signs and stamps them.
- Gives one copy to the client and the other copy together with the affidavit are filed in the box file for future reference.
- The Records and Information Assistant identifies all records/files due to transfer and removes them from filing units.
- Three or four orderly transfers are done in a year to avoid massive and haphazard transfers.
- Checks the files to see if their reference has diminished thus if they are no longer used from day to day duties in office.
- Rearranges the files/records in chronological order to avoid misfiling.
- Removes staple pins and metal fasteners from the document because they become rusty and destroy documents.
- Lists all files to be transferred on the description list.
- Details to be entered: deposit number, cover dates, volume number, name of compiler and signature.
- Completes the transmittal list.
- Details to be completed: box, bundle or volume number, descriptions of records, reference number for each file, deposit number for each file, deposit number, date of the sender, destruction dates (if known) and page number.
- One copy of the transmittal list to be a detailed one and retained temporarily in office until a compiled copy is received from Records Centre.
- Two copies of the transmittal list are to be sent together with the consignment, one to be returned to the office after completion by Records Centre personnel, details to be completed include the box number and location number.
- Records are to be packed in archival boxes.
- A sticker to be placed in the right hand corner of the box with the details: deposit number and box number.
- Boxes to be accompanied by two Records and Information Assistants and Office Orderlies who will assist them to take the boxes to the filing room.
- One of the recipients and one Records and Information Assistant to sign for the received documents for accountability.

4.2. INSOLVENCY AND MINORS DIVISION

PROCESS	PROCEDURE
Manning the Reception	<ul style="list-style-type: none"> • The Records and Information Assistant receives clients and assists where possible. • If the client is making a request for funds, the Record and Information Assistant gives him or her an application form to complete. • The Records and Information Assistant pulls the respective file and refers the file to the Assistant Master. • If the client is making a follow-up on companies, the Records and Information Assistant receives the letter, stamps it and refers it to the Assistant Masters. • If the client intends to peruse a file, the Records and Information Assistant pulls the file and the client peruses in the presence of the Records and Information Assistant. • The Records and Information Assistant also assists clients or refers them to respective Assistant Masters on complex issues. • The Records and Information Assistant mans the switchboard and assists clients over the phone and refers complex issues to Assistant Masters.
Registration of minors' records	<ul style="list-style-type: none"> • The Records and Information Assistant receives batches from different Pension Funds with breakdown of money for each minor. • The Records and Information Assistant opens new records for new entry on the monthly batches from Pension Funds e.g. NRZ, ZESA, CAIPF, CIPF. • The Records and Information Assistant opens new records for Government Pensions which is a once-off payment. • The Records and Information Assistant opens new files from different Life Assurance Companies for Minors' Fund. • After receiving the various records, relevant information is recorded in the register as follows:- • The date, deceased's name starting with surname, guardian's name and names of beneficiaries who are minors, and the Records and Information issues a reference number e.g. Admin 1/20; • The Records and Information Assistant completes a form with the following information:- the guardian's name, deceased's name and all beneficiaries' names are entered and an index card is recorded as the reference;

Request for funds

- The Records and Information Assistant completes another form for each minor with details for the specific minor e.g. name of minor, date of birth and reference number e.g. Admin 1/20;
- The Records and Information Assistant prepares an index card and the following information is written on the card: reference number, deceased's name and all minor beneficiaries. The index cards are filed alphabetically.
- The Records and Information Assistant endorses a reference number on the file cover, surname of the deceased and that of the minor in the event that they have different surnames;
- A copy of batch with a receipt number of a letter from the Life Assurance Company and the form with deceased's name, guardian's name and minor's names are fastened into the cover to create a record. The minor's forms are attached to the cover inside the record;
- The Records and Information Assistant refers the record to Accounts so that the Information is entered into the Guardian's Fund System;
- The Records and Information Assistant files the record when it is returned;
- When the guardian visits the Master's Office, the Records and Information Assistant will inform him or her of the following requirements:-
 - Death certificate;
 - Guardianship certificate or ID's in the event the guardian is the biological parent of the minor;
 - Birth certificates.
- The Records and Information Assistant may assist clients over the phone and request the following information: the guardian's name, ID number, phone number, file reference, amount required, and purpose, name of minor from whose account funds are required and banking details.
- The Records and Information Assistant will complete an application form during the conversation.
- The Records and Information Assistant places the form into the respective record and refers same to the respective Assistant Master for requisition.
- When payment is done and the record is back, the Records and Information Assistant issues a proof of payment to guardians through email and bulk sms, while others may come in person to collect.
- If the guardian comes in person, he or she completes the form with the assistance of the Records and Information Assistant.



Monthly Payments

- The Records and Information Assistant files the record.
- When the Records and Information Assistant receives batches, they pull out records from that specific batch and refers them to respective Assistant Masters for updates.
- The Records and Information Assistant will file the record after the updates.

Transfer to Records Centre

- The Records and Information Assistant keeps records for a minimum of five (5) to 10 years, depending on the status of the records.
- When they are no longer in use the Records and Information Assistant transfers the records to the Records Centre.
- Records and Information Assistants arrange the records in archival boxes in their numerical order. Stickers with box number and deposit number are put on top right corner of the box
- Each deposit contains a maximum of 50 boxes. The Records and Information Assistants then complete three transmittal lists with details as follows:
 - Description of records;
 - File reference numbers of first and last file in each box;
 - Deposit number;
 - Name of Organisation;
 - Signature of sender and date;
 - Destruction dates (if known);
 - Page number;

Registration of Insolvent Estates

- Two copies of transmittal lists are sent together with consignment while the third is retained temporarily in the office until the Records Officer receives a completed copy from the Records Centre with location numbers and box numbers
- This process of transferring records to the Records Centre also applies to insolvent companies records.
- After receiving Court Application for Liquidation, the Records and Information Assistant opens a Miscellaneous file.
- When the provisional order is issued, the miscellaneous file is closed so that the application and the order can be used to open a CR file.

Company Registration

- The Records and Information Assistant also opens miscellaneous files for Court applications for Judicial Management, Insolvent Estates and Corporate Rescue.
- The Records and Information Assistant refers the Court applications for Judicial Management, Corporate Rescue and Insolvent estate to relevant Assistant Masters so that they prepare Master's Reports.
- The Records and Information Assistant sends the Master's Report to the High Court and file away the miscellaneous file until the provisional order is out, then they open CR file.

- The Records and Information Assistant records the company name, states whether it is under Judicial Management, business rescue, or under liquidation, the name of liquidator or Judicial Manager and issue the CR reference number, e.g. CR 1/20.

- The same process is done for the registration of Corporate Rescue and Insolvent Estate.

- In the Companies Register, after receiving provisional order, the Records and Information Assistant records the date, company name, the name of the liquidator or Judicial Manager, identity whether liquidation or Judicial Management and a reference is issued, e.g. CR 6/20.

- In the case of Corporate Rescue and Insolvent Estates, the Records and Information Assistants have separate registers but the information recorded is the same as above. As for reference numbers for Corporate Rescue it is recorded as e.g. CPR 4/20 and reference number for Insolvent Estate are written as IR 3/20.

- After the Records and Information Assistant receives the provisional order, the registration is done.

Opening of Records

- The miscellaneous file is closed and every document from the miscellaneous file together with provisional order are fastened together in a file cover. The Records and Information Assistant endorses respective reference numbers, i.e. CR 1/20, CPR 1/20, IR 1/20.

- The Records and Information Assistant writes the company name on the cover, then the record and index card with reference number, company name and file on the front cover of the filing folder.



Policy files

- The Records and Information Assistant refers the file for actioning by the officers (Assistant Masters).
- The Records and Information Assistant's main duty is to keep track of the record, ensure that all correspondence is brought to responsible officers, record all correspondence and ensure users sign for them.
- The Records and Information Assistant has a duty to stamp accounts lying for inspection as soon as proof of advertising account as lying for inspection is received.
- When the record is closed, it is transferred to the Records Centre.
- The Records and Information Assistant receives applications for guardianship, curatorship and minors' property.
- The Records and Information Assistant refers the file to the Assistant Masters for preparation of the Master's Report.
- The Records and Information Assistant dispatches the Master's Report to the High Court and the other copy is given to the client upon payment fees.

5. ACCOUNTS SECTION

5.1. PETTY CASH MANAGEMENT

PROCESS	PROCEDURE
Processing of payment requisition	<ul style="list-style-type: none"> • An officer from the Insolvent and Minors' Division submits an authorised requisition to Accounts Department for processing of payment. • The Accounting Assistant receives the requisition together with the respective file from the Insolvency and Minor's Division. • The Accounting Assistant checks if the requisition was properly filled in and all relevant details necessary to disburse funds are available, i.e. name of payee and identity particulars. • He/she also verifies the adequacy of supporting documents and approvals. • He/she checks on the availability of funds in the relevant ledger account. • He/she checks whether the balances for the manual and the electronic do tally. If he/she fails to reconcile the difference the file is referred to the Accountant.
Approval of payment	<ul style="list-style-type: none"> • The Accounting Assistant verifies the adequacy of the amount to be disbursed by comparing it against the ledger balance. • The Accounting Assistant then verifies the identity of the recipient and particulars in the presence of a witness and fills in relevant information on the disbursement. • He/she submits the disbursement form, with the requisition enclosed and particulars of the recipient to the Accountant and to either the Principal Assistant Master, Additional Master or other senior officer for authorisation.
Disbursement of funds to recipient	<ul style="list-style-type: none"> • The Accountant and the senior officer will append their signatures on the disbursement form as proof that payment has been authorised.
Recording of payment in cash book and Guardian's fund system	<ul style="list-style-type: none"> • The Accounting Assistant disburses funds to the recipient and also ensures that the recipient acknowledges receipt of funds by appending his/her signature on the disbursement form. The Accounting Assistant hands over the file to another Accounting Assistant to record the transaction in the relevant cash book.

	<ul style="list-style-type: none"> • The Accounting Assistant records the transaction electronically in the Guardian's Fund system and submits the file to the Accountant for authorisation in guardian's fund system.
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5.2. RISK MANAGEMENT

Risk Identification and analysis	<ul style="list-style-type: none"> • The Risk Management Committee communicates with the internal and external stakeholders to identify risks. • The Risk Management Committee analyses risks to determine who might be harmed or exposed to risk.
Risk Evaluation	<ul style="list-style-type: none"> • The Risk Management Committee evaluates the risks (how bad, how often) and decide on the precautions (is there a need for further action). • The Risk Management Committee uses the risk matrix/ guidance in the risk assessment <i>proforma</i> to grade the risk. • The Risk Management Committee re-evaluates the risk, assuming the precautions have been taken. • The Risk Management Committee records the findings and proposed action.

5.3. PAYMENTS MANAGEMENT

Processing of payment requisition	<ul style="list-style-type: none"> • An officer from the Insolvent and Minors' Division to submit files with authorised requisition enclosed to Accounts Department for processing of payment. • The Accounting Assistant receives files from the Insolvency and Minors' Division. • The Accounting Assistant checks if the requisitions are properly filled in and all relevant details necessary to disburse funds are available, i.e.name of payee and bank details. • The Accounting Assistant also verifies the adequacy of supporting documents and approvals. • He/she checks for the availability of funds in the relevant ledger accounts. • He/she checks whether the balances for the manual and the electronic ledger tally. If he/she fails to reconcile the differences, the files are referred to the Accountant for rectification before payment is processed.
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Approval of payment	<ul style="list-style-type: none"> • The Accounting Assistant verifies the adequacy of the amount to be paid by comparing the amounts written on the requisition against the respective ledger balances. • The Accounting Assistant prepares the payment schedule with relevant details for submission to the bank. • The Accounting Assistant submits the payment schedule, the files with the requisition enclosed to the Accountant and other senior officer for authorisation. • The Accountant and the senior officer check the accuracy of the payment schedule then append their signatures on payment schedule, as proof that payment has been authorised. • The Accounting Assistant submits the payment schedule to the bank for payment to be processed.
Recording of payment in cash book and Guardian's Fund system	<ul style="list-style-type: none"> • The Accounting Assistant hands payment schedule to another Accounting Assistant to record the transactions in the relevant cash book. The Accounting Assistant records the transaction electronically in the Guardian's Fund system and submits the payment schedule and files to the Accountant for authorisation in the Guardian's Fund system.

5.4. BUDGET FORMULATION

Obtaining estimates	<ul style="list-style-type: none"> • The Chief Accountant coordinates with Heads of Sections on provision of estimates of future conditions and activities that will have impact on operations of the Guardian's Fund. • The coordination by the Chief Accountant on the preparation of the budget should be done in accordance with management guidelines.
Evaluation of plans	<ul style="list-style-type: none"> • The Chief Accountant should obtain detailed written reports of plans from Section Heads for incorporation into the budget. • The Additional Master – Insolvency and Minors', with the assistance of the Chief Accountant evaluates different plans submitted by Section Heads and

<p>Consolidation of the budget</p>	<p>determine the potentiality of the plans to the overall interest of the fund.</p> <ul style="list-style-type: none"> • The Additional Master with the assistance of the Chief Accountant, also evaluates resources available and how the resources can be fairly allocated among the various expenditure Heads of the Guardian's Fund Budget. • The considered plans are then submitted to the Accountant for incorporation into the budget. • The Accountant consolidates all anticipated income and expenditure into various income and expenditure headings as per the Blue Book. • The Accountant should submit the consolidated proposed budget to the Chief Accountant. • The Chief Accountant checks the proposed budget and circulates it to Section Heads.
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5.5. FINANCIAL REPORTING

<p>Financial Reporting Preparation</p>	<ul style="list-style-type: none"> • The Accounting Assistant captures and records data into the various books of accounts both manually and electronically during the year. • The Chief Accountant or Accountant verifies and authorises the captured and recorded data during the year. • The Chief Accountant or Accountant posts the transactions to relevant ledgers during the year. • The Examiner checks all transactions captured and authorised for completeness and whether they were done according to the Act during the year. • The Accountant prepares various ledger accounts to ascertain the opening and closing balances at the close of the financial year by generating control accounts. • The Chief Accountant and Accountant prepare a full set of accounts for the Guardian's Fund, which includes the statement of financial position, income statement, cash flow and notes to the financial statements. • The Chief Accountant and Examiner check the full set of accounts before submission to management.
<p>Financial Reporting Approval</p>	<ul style="list-style-type: none"> • The accounts are submitted to management for discussion and approval.

Financial Reporting Submission	<ul style="list-style-type: none"> • Adjustments are made once recommendation have been done by management. • The approved complete set of accounts is submitted to the Auditor General for preparation of an audit in terms of the Act. • The audited accounts are then submitted to the Secretary.
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5.6. INSOLVENCY POLICY MANAGEMENT

Investment proposal	<ul style="list-style-type: none"> • The Accountant, with the assistance of the Chief Accountant, analyses the trend of inflows and outflows of funds in the Guardian's Fund account. • The Chief Accountant/Accountant determines whether there are funds to the credit of the Guardian's Fund, which are not required for immediate Guardian's Fund's expenditure. • The Chief Accountant/ Accountant raises a proposal to the Master to invest excess funds in the Guardian's Fund. The proposal also highlights the amount to be invested, the type of investment, the period and the institution to be invested with the indicative prevailing market rates. The Secretary should have approved the proposed institutions.
Investment approval	<ul style="list-style-type: none"> • The Master if satisfied with the proposal will approve by appending his signature on the request letter. • The Accountant instructs the bank to deduct the amount and invest with the approved institutions from the Guardian's Fund account.
Investment Confirmation	<ul style="list-style-type: none"> • The Accountant makes a follow up to obtain a deal note from the institution invested with. • The Accountant checks for amount invested, the period and rate of interest on the deal note.

5.7. RECEIPT MANAGEMENT

Receipting of funds	<ul style="list-style-type: none">• An Assistant Master from the Insolvency and Minor's Division submits to the Accounts Department proof of deposit into the Guardian's Fund account and particulars of the depositor and beneficiary of the funds.• The Accounting Assistant verifies whether the amount deposited appears on the bank statement. He/she checks the details of the depositor and beneficiary.• The Accounting Assistant issues a receipt to the depositor and captures the details of beneficiary and the file reference number on the receipt.
Recording receipt transaction	<ul style="list-style-type: none">• The Accounting Assistant records the receipt transaction in the cashbook manually and captures the transaction in the Guardian's Fund system.• The Accountant/Chief Accountant verifies and authorises the transaction recorded and captured in the system.• The Accountant/Chief Accountant posts the transactions to the respective ledgers.

ANNEXURES





M.H.C 17

MASTER OF THE HIGH COURT OF ZIMBABWE

Issued in terms of section 72 of the Administration of Estates Act [Chapter 6:01]

Letters of Confirmation

DR. No.....

These are to Certify that.....

.....

.....

..... been duly

Curator/Curatrix Bonis

appointed the

in the estate of the late.....

who died at

on the.....

.....

For: Master of the High Court

Office of the Master of the High Court of Zimbabwe,

Dated at **HARARE**, Zimbabwe thisday of.....20.....

N.B. – The Administration of Estates Act [Chapter 6:01] requires every Tutor and Curator to lodge with the Master of the High Court, within 30 days from the date of his appointment, an inventory of all property, goods and effects belonging to the persons under his guardianship or curatorship and to render on or before the 15th February in every year a just, true and exact account of his administration up to the 31st December of the preceding year. If the inventory and account are not so lodged, the Master is empowered to summon all Tutors and Curators who shall have failed to render such accounts to show cause why such accounts have not been lodged, and he is empowered to disallow the whole or any portion of the fees to which such Tutor or Curator might otherwise have been entitled.



ANNEXURE "B"

Telephone: +263 242 253083/105/123 Fax Fax +263242700937 Your Ref: Our Ref:		MASTER OF THE HIGH COURT OF ZIMBABWE MASTER'S HOUSE Cnr H. Chitepo/ S. Nujoma St, Harare P. Bag CY7780 Causeway, Harare.
--	---	---

DATE.....

Messrs/Mr/Mrs/Ms.....

.....

.....

Dear Sir/Madam

RE: ESTATE LATE.....

The above estate refers.

I am pleased to inform you that the deceased's Will has been accepted for administration purposes. From my reading of the Will, it would appear same nominates you as the testamentary executor/ executrix.

In order that I may issue you with Letters of Administration, kindly complete the enclosed Acceptance of Trust form and the Bond of Security form.

Please note that the Bond of Security form should be underwritten by two sureties (who should not have an interest in the estate) or an insurance company. The executor and the sureties should sign on the reverse side of the form and each of their signatures should be witnessed by two people. For further assistance in completing this form, you may approach our front office.

Other requirements are as follows:

1.
2.

Kindly return the forms to this office within five (5) working days to enable issuance of Letters of Administration.

Yours Faithfully

.....

For: MASTER OF THE HIGH COURT OF ZIMBABWE



**RECOMMENDATIONS FOR APPOINTMENT OF AN INDEPENDENT
DECEASED ESTATE ADMINISTRATOR**

E/L.....

FILE No.

DATE.....

Recommended for appointment of independent estate administrator
by..... Date.....

Reasons for the recommendation, in summary:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Recommendations approved by

Additional Master/Deputy Master/Master

Date Sign





ANNEXURE “D”

MASTER OF THE HIGH COURT OF ZIMBABWE

Issued in terms of section 120 of the Administration of Estates Act [Chapter 6:01]

IN THE HIGH COURT OF ZIMBABWE

DR 1995/16

In the estate of the late: **DONALD BRIAN PARADZAI MABEKA**

I CERTIFY that, in terms of Section 120 of the Administration of Estates Act [Chapter 6:01], I have authorized the Executor/Executrix Dative/Testamentary in this estate to sell, otherwise than by public auction the immovable properties described as:

1. **Half share of a certain piece of land situated in the District of Salisbury called stand number 1330 Chadcombe Township of Stand 1220 Chadcombe Township, Harare**
2. **Stand number 263, Dombotombo Township, Marondera**

.....
For: **MASTER OF THE HIGH COURT OF ZIMBABWE**

Dated at HARARE, this 29th day of July 2016





ANNEXURE “E1”

M.H.C.15

DR NO.....

In the matter of the estate of the late.....

In the office of the **MASTER OF THE HIGH COURT OF ZIMBABWE - HARARE**

This.....day of.....year.....

At a meeting of the next of kin, creditors or other persons concerned in the above estate held before me this day, pursuant to an edict published in the Gazette of..... in terms of Section 25 of the Administration of Estates Act [*Chapter 6:01*], the following persons appeared, and identified themselves, in relation to the deceased, as indicated;

NAME	ID NUMBER	RELATIONSHIP TO THE DECEASED	ATTENDEE’S SIGNATURE

(refer to annexure “A” for additional names of persons who were in attendance)

Whereupon,

Of (physical address).....

.....**contact number(s)**.....

was nominated and recommended before the Master, by the parties present, hereto subscribing, to the office of the executor/executrix dative of the said estate pursuant to the provisions of the Administration of Estates Act [*Chapter 6:01*].

Which trust he/she accepted by signing hereto;

Before me,

For: **MASTER OF THE HIGH COURT OF ZIMBABWE**







APPLICATION FOR MONIES FROM GUARDIAN'S FUND

A. PARTICULARS OF APPLICANT:	
Full names & Surname:	
ID Number	
Tel number :	Code Number
Cell number/s:	
B. PARTICULARS OF THE REQUEST/CLAIM	
Amount:	
Purpose:	
Comments/Remarks:	

* Invoice (if applicable)

C. BANKING DETAILS:	
Bank:	
Branch:	
Branch Code:	
Account Number:	
C. DECLARATION AND CERTIFICATE OF IDENTITY	
I, the undersigned confirm that I am entitled to the funds claimed herein and that the particulars stated in this application are true and correct as to the best of my knowledge and belief.	
_____	_____
DATE	SIGNATURE OF APPLICANT

	PRINT NAME AND SURNAME
D. Authorisation by Assistant Master	
I certify:	
1. That I have satisfied myself as to the identity of the applicant; 2. I confirm that the person who signed the above application is entitled to the monies which he/she now claims. 3. I confirm the account balance to be \$ _____	
_____	_____
DATE	SIGNATURE



IN THE HIGH COURT OF ZIMBABWE

Certificate of Appointment of
PROVISIONAL LIQUIDATOR

C.R. No.

.....

THESE ARE TO CERTIFY that.....

of.....

has furnished security under the provisions of Section 274 of the Companies Act [Chapter 24:03] for the performance of her duties as the duly appointed Provisional Liquidator of -----
----- with the powers contained in paragraphs (a) to (g) of subsection (2) of section 221 of the Companies Act [Chapter 24:03] .

Given under my hand at the Master’s Office, **Harare**, this day of20...

.....

Master of the High Court





IN THE HIGH COURT OF ZIMBABWE

**Certificate of Appointment of
FINAL LIQUIDATOR**
C.R. No.

THESE ARE TO CERTIFY that.....

of.....

has furnished security under the provisions of section 274 of the Companies Act [Chapter 24:03] for the performance of his duties as the duly appointed Final Liquidator of **NORTH WEST RESOURCES (PVT) LTD** with the powers contained in paragraphs (a) to (h) of subsection (2) of section 221 of the Companies Act.

Given under my hand at the Master’s Office, **Harare**, this day of**20**.....

.....
Master of the High Court





IN THE HIGH COURT OF ZIMBABWE

Certificate of Appointment
of Corporate Rescue Practitioner

C.R.P. No.

.....

THESE ARE TO CERTIFY that.....

of.....
has furnished security for the performance ofduties and is duly appointed
as Corporate Rescue Practitioners ofand has powers
to manage the company in accordance with the Provisions of Section 133 of the Insolvency
Act [Chapter 6:07].

Given under my hand at the Master’s Office, **Harare**, thisday of.....**20**.....

.....

Master of the High Court





MASTER OF THE HIGH COURT OF ZIMBABWE

Issued in terms of section 72 of the Administration of Estates Act [Chapter 6:01]

Letters of Confirmation

ADM. No

THESE ARE TO CERTIFY that.....

.....

.....

.....

has been duly appointed *Curator Bonis* of

.....

.....

For: Master of the High Court

Office of the Master of the High Court
of Zimbabwe,

Dated at **HARARE**, Zimbabwe thisday of.....**20**.....

N.B. – The Administration of Estates Act [Chapter 6:01] requires every Tutor and Curator to lodge with the Master of the High Court, within 30 days from the date of his appointment, an inventory of all property, goods and effects belonging to the persons under his guardianship or curatorship and to render on or before the 15th February in every year a just, true and exact account of his administration up to the 31st December of the preceding year. If the inventory and account are not so lodged, the Master is empowered to summon all Tutors and Curators who shall have failed to render such accounts to show cause why such accounts have not been lodged, and he is empowered to disallow the whole or any portion of the fees to which such Tutor or Curator might otherwise have been entitled.



**RECOMMENDATIONS FOR APPOINTMENT OF AN INDEPENDENT
DECEASED ESTATE ADMINISTRATOR**

E/L.....

FILE No.

DATE.....

Recommended for appointment of independent estate administrator

by..... Date.....

Reasons for the recommendation, in summary:

0.
0.
0.
0.
0.
0.

Recommendations approved by

Additional Master/Deputy Master/Master

Date **Signature**



OFFICE NOTES

In the matter between:
HC.....

DR..... E/L

PERUSED the.....received on....

NOTES:
.....
.....
.....

.....
MASTER/DEPUTY MASTER/ADDITIONAL MASTER DATE

OFFICE NOTES

In the matter between:
HC.....

DR..... E/L

PERUSED the.....received on....

NOTES:
.....
.....
.....

.....
MASTER/DEPUTY MASTER/ADDITIONAL MASTER DATE



FEES DUE FOR PREPARATION OF MASTER’S REPORT

ESTATE LATE.....

DR NO. HC NO.....

APPLICANT

RESPONDENT.....

AMOUNT DUE

REPORT PREPARED BY.....

SIGNATURE.....

DATE.....

FEES DUE FOR PREPARATION OF MASTER’S REPORT

ESTATE LATE.....

DR NO. HC NO.....

APPLICANT

RESPONDENT.....

AMOUNT DUE

REPORT PREPARED BY.....

SIGNATURE.....

DATE.....







