

Law of Succession in South Africa 2e [EPUB] - E-book viewer

107.1 / 929 Go to... Search

stirps or stirpes

A stirps is a line of descendants of common ancestry. A stirps (plural: number of stirps or *stirpes*) includes every descendant of the deceased who **survives** the deceased, or a predeceased descendant of the deceased who leaves **living** descendants. In other words, a stirps is a surviving child of the deceased and the descendants of a predeceased child.

Example of a stirps

In [Figure 2.1](#), Anne, Ben and Dan are predeceased children of Thomas and Sally, while Candy is the surviving daughter. Fred is the surviving son of Anne, and Gina and Hank are the surviving children of Dan. Thomas thus has three stirps, namely:

1. Anne and Fred form one stirps
2. Candy forms one stirps
3. Dan, Gina and Hank form one stirps.

```

graph TD
    TS[Thomas: deceased] --- SS[Sally: spouse]
    TS --- AD[Anne: predeceased daughter]
    TS --- BS[Ben: predeceased son]
    TS --- CD[Candy: daughter]
    TS --- DS[Dan: predeceased son]
    AD --- F[Fred: son]
    DS --- G[Gina: daughter]
    DS --- H[Hank: son]
  
```

Figure 2.1 Stirps include surviving children and descendants of predeceased children

All the children of a predeceased heir together form a stirps and they inherit any part of the deceased's intestate estate jointly. Within the stirps, all blood relations who are related to the deceased in the same degree will inherit equally. What this means is that, for example, should one of the children (descendants) of the deceased have predeceased the deceased, the descendants of that predeceased descendant child of the deceased constitute a stirps and they move up into the place of that predeceased heir to inherit intestate from the deceased.

succession by representation per stirpes

Succession by representation occurs when an heir inherits on the basis of his or her blood relationship with a predeceased heir of the deceased whose place he or she fills. In other words, in succession by representation a descendant of a predeceased heir moves up into the place of the predeceased heir.

03:03 PM 2015-07-18

After conversion to AZW3

Law of Succession in South Africa 2e [KF8] - E-book viewer

109.5 / 984 Go to... Search

stirps or stirpes	<p>A stirps is a line of descendants of common ancestry. A stirps (plural: number of stirps or <i>stirpes</i>) includes every descendant of the deceased who survives the deceased, or a predeceased descendant of the deceased who leaves living descendants. In other words, a stirps is a surviving child of the deceased and the descendants of a predeceased child.</p> <p>Example of a stirps</p> <p>In Figure 2.1, Anne, Ben and Dan are predeceased children of Thomas and Sally, while Candy is the surviving daughter. Fred is the surviving son of Anne, and Gina and Hank are the surviving children of Dan. Thomas thus has three stirps, namely:</p> <ol style="list-style-type: none">1. Anne and Fred form one stirps2. Candy forms one stirps3. Dan, Gina and Hank form one stirps. <p>Figure 2.1 Stirps include surviving children and descendants of predeceased children</p> <p>All the children of a predeceased heir together form a stirps and they inherit any part of the deceased's intestate estate jointly. Within the stirps, all blood relations who are related to the deceased in the same degree will inherit equally. What this means is that, for example, should one of the children (descendants) of the deceased have predeceased the deceased, the descendants of that predeceased descendant child of the deceased constitute a stirps and they move up into the place of that predeceased heir to inherit intestate from the deceased.</p>
succession by representation per stirpes	<p>Succession by representation occurs when an heir inherits on the basis of his or her blood relationship with a predeceased heir of the deceased whose place he or she fills. In other words, in succession by representation a descendant of a predeceased heir moves up into the place of the predeceased heir.</p> <p>Example of succession by representation per stirpes</p> <p>In Figure 2.2, John, Sam and Jane each form a stirps. Sam and Jane inherit equally from the deceased because they are blood relations (the children) of the deceased. The grandchildren (Tim and Tod) inherit by representation because they move up into the place of their predeceased father, John. In other words, Sam and Jane inherit one-third of the deceased estate each, while Tim and Tod share the one-third that their father, John, would have inherited if he were alive, in equal shares. Each grandchild thus receives one-sixth of the estate.</p>

03:08 PM 2015-07-18

