

In the Name of Allah, the Most Gracious, the Most Merciful

Islamic Last Will and Testament

OF _____

RESIDING AT _____

COUNTY _____ DATE OF BIRTH _____ TELEPHONE _____ TODAY'S DATE _____

ARTICLE I: PREAMBLE

The Prophet Muhammad (may peace be upon him) ordered all Muslims to prepare a Last Will & Testament. Abdullah bin 'Umar narrated that the Prophet (pbuh) said, "It is not permissible for any Muslim who has something to will to stay for two nights without having his Will and Testament written and kept ready with him." (Sahih Al-Bukhari).

While being in full mental capacity and good health, I, _____, a Muslim, do hereby declare and certify this as my Last Will and Testament. I also do hereby declare that this document revokes any and all former wills and codicils that I may have previously written.

I bear witness that there is none worthy of worship except Allah (God), and I bear witness that Prophet Muhammad (pbuh), is His servant and Messenger. I ask my relatives, friends and anyone reading this will, whether or not they believe as I do, to respect my beliefs and wishes. Please do not obstruct or alter this document. Rather, ensure that I am buried as I ask, and that my property is divided as I ask.

I also say to my relatives and friends what the prophets Ibrahim and Ya'cob (Peace be upon them) said to their sons: "*O my sons, indeed God has chosen for you this religion, so do not die except while you are Muslims.*" (Surat-ul-Baqarah, 2:132).

Distribution of Inheritance According to the Quran

Allah (SWT) says in the Quran in Sura (verse) An-Nisaa: 7-14

7. For men is a share of what parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share.

8. And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [i.e., the estate] and speak to them words of appropriate kindness.

9. And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate kindness.

10. Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e. Hellfire].

11. Allah instructs you concerning your children [i.e. their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. (Literally, "that which is left.") And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children, and the parents [alone] inherit for him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, (Although the siblings themselves do not inherit in this case.) after any bequest he [may have] made or debt. Your parents or your children – you know not which of them, are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.

12. And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one is a sixth. But if they are more than two, they share a third, (these shares are divided equally between males and females), after any bequest which was made or debt, as long as there is no detriment [caused]. (This is a condition for any bequest. If it has been violated by the deceased, his bequest is not to be honored, or it may be adjusted by the executor). [This is] an ordinance from Allah, and Allah is knowing and Forebearing.

13. These are the limits of Allah, and whosoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.

14. And whosoever disobeys Allah and His Messenger, and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.

Initials: _____ Date

ARTICLE II: MY IMMEDIATE FAMILY

A. I am married to _____ and all references in this Will to my husband/wife (s) are references to this person.

B. I am the father/mother of the following children whose names and dates of birth are:

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

ARTICLE III: EXECUTOR

A. I hereby appoint the person named below to serve as the executor of my will. I thereby entrust control of my entire estate (cash, bank accounts, real property, shares in any business, and any other property not mentioned in this Will), to the person named below, who shall distribute it according to my wishes and Islamic law.

1. _____, or, if he/she fails to survive me by 45 days, 2. _____, or, if he/she fails to survive me by 45 days, 3. _____, or, if he/she fails to survive me by 45 days, 4. _____, or, if he/she fails to survive me by 45 days, the Imam of the local Sunni Muslim community.

B. I direct that my executor takes all actions legally permissible to execute the distribution of my estate as simply and as expeditiously as possible.

C. I give my executor power to sell my property, real, personal or mixed, without a court order and without bond.

D. I give my executor power to settle any claim for or against my estate.

ARTICLE IV: ARBITRATION

Any disputes regarding this Will shall be adjudicated via private, binding Arbitration by a neutral Arbitrator. I hereby appoint _____ to serve as the Arbitrator. If he/she/it is unable or unwilling to serve as Arbitrator, I direct that _____ be appointed. The Arbitrator shall use his/her/its judgment and knowledge to resolve any and all disputes regarding this Will while adhering strictly to the directions contained therein as well as Islamic law. The judgment of the Arbitrator shall be final and legally enforceable, no matter whether the disputing parties consider his/her/its judgment imperfect.

ARTICLE V: BURIAL ARRANGEMENTS

I ordain that my body be prepared for burial in keeping with the Sunni Muslim Law (Shariah). I ask that under no circumstances shall my body be voluntarily turned over for an autopsy, or embalming, or organ donation. My body must be prepared for burial, and buried, according to the Shariah. Absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body, or at the grave site. No pictures, symbols, or music should be involved at any stage of my burial.

My body may not be transported over any unreasonable distance from the locality of my death unless necessitated by the circumstances or consensus of my Muslim family members. My grave should face in the direction of the Ka'aba in Makkah, Saudi Arabia. My body must be buried without casket or any other encasement that separates the shroud from the surrounding soil. My grave must be covered with dirt only. My burial must take place as soon as possible, preferably before sunset on the day of my death or the following day.

ARTICLE VI: CUSTODY OF MINOR CHILDREN AND GUARDIAN

If, at my death, any of my children are minors, I recommend that my husband/wife _____ be appointed guardian of my minor children, provided he/she is a Muslim. If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ be appointed guardian of my minor children. If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ be appointed guardian of my minor children. If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ be appointed guardian of my minor children.

In all cases, I urge that all my minor children be raised as practicing Sunni Muslims and not in any way be indoctrinated into any other faith, religion, or sect of Islam. I direct that no bond be required of any personal guardian. Any property or other inheritance that this Will gives to any of my minor children shall be administered by their guardian in their best interest.

ARTICLE VII: DEBTS AND EXPENSES

I direct my executor:

- A. Return to the rightful owners all trust and property that are in my care at the time of my death.
- B. To first apply the assets of my estate to the payment of all my legal debts, including such expenses incurred by my last illness and burial as well as the expenses of the administration of my estate.
- C. To pay any outstanding "obligation due to God" binding on me, including unpaid zakat, kaffaraat of unperformed pilgrimage (Hajj), etc.

ARTICLE VIII: BEQUESTS

I direct my executor pay the following amount from any remainder of my estate to the people or groups listed below. The following entities are not already guaranteed a portion of my estate, and the total must not exceed 33 percent (one third) of the remainder of my estate.

- 1. _____ % of the total remainder
- 2. _____ % of the total remainder
- 3. _____ % of the total remainder
- TOTAL BEQUESTS (must not be more than 33%) _____ % of the total remainder

ARTICLE IX: DISTRIBUTION OF THE REMAINDER OF MY ESTATE

- 1. Distribute the residue and remainder of my estate strictly in accordance with the tenets of Sunni Muslim law of inheritance.
- 2. In case of any difficulty or disputes in distributing my estate according to this Will, the matter should be referred to the previously declared Arbitrator.
- 3. The residue and remainder of my estate after the execution of Articles I to VII and Article VIII sections 1 to 6 above be donated to the following person/s or organization/s for the advancement of Islam. _____
- 4. Any portion of my estate disclaimed or refused to be received by any of the legatee’s names or referred to in this document be donated to the following person/s or organization/s for the advancement of Islam. _____

ARTICLE X: SEPARABILITY

If any part of this will is determined invalid by a court, the other parts shall remain valid and enforceable.

ARTICLE XI: CONCLUSION

This concludes my Last Will and Testament. *“Then, whoever alters it [i.e. the bequest] after he has heard it - the sin is only upon those who have altered it.” (Surah al-Baqarah 2:181).*

I subscribe my name to this Will this day _____ of _____, 2019 at _____ am/pm and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am of age or otherwise legally empowered to make a Will, under no constraint or undue influence.

Signature, Date and Time

WITNESSES

On this day, _____ date of _____, the undersigned declared to us that this instrument was his/her Will and requested us to act as witnesses to it. He/She thereupon signed this Will in our presence, all of us being present at the same time. We now, at his/her request, in his/her presence, and in the presence of each other, subscribe our names as witness and declare that we understand this to be his/her Last Will, and that, to the best of our knowledge the testator is of the age of majority, or is otherwise legally empowered to make a Will, and under no constraint or undue influence.

Witness 1. _____
Name and Signature Date and Time

Witness 2. _____
Name and Signature Date and Time

Initials: _____ Date

OPTIONAL

HEALTH CARE PROXY, LIVING WILL & NOTARIZATION

If the time comes when I am incapacitated and can no longer actively take part in decisions for my own life and am unable to direct my physician as to my own medical care, I wish this statement to stand as a testament of my wishes.

I, _____
hereby appoint the following individual as my health care agent.

Name: _____
Phone# _____

Address: _____

This health care proxy shall take effect if and when I become unable to make my own health care decisions. In respect of each decision made for me by my agent, it is my wish and direction that my agent be guided solely by Islamic Shariah as to what my own decision would have been in the same circumstances. Without limiting the unrestricted scope of my agent's authority hereunder, I expressly authorize my agent to direct that no treatment be conducted or withheld from me if to do so is against the teachings of Islam, to the best of understanding of my agent. I direct that medication be judiciously administered to me to alleviate pain. I do not intend any direct taking of my life. I also direct that "life support systems" may be used in a judicious manner and its use discontinued, just like any other medicine, if it becomes reasonably apparent that it has no curative value. The "life support systems" include but are not limited to artificial respiration, cardiopulmonary resuscitation, artificial means of providing nutrition and hydration, and any pharmaceutical drugs. I direct that my family, all physicians, hospitals and other health care providers and any court or judge honor the decision of my agent/alternate agent. This request is made, after careful reflection, while I am of sound mind.

Name: _____ Signature: _____

Witness 1. _____
Name and Signature

Witness 2. _____
Name and Signature

*****OPTIONAL*****

Subscribed and sworn to before me this _____ day of _____,

Notary Public _____ Signature & Seal

In case of emergency, contact (include phone numbers):

We hope this will benefit you and your family. For a will to be legal in most states, you have to be at least 18 years old and of sound mind. The will must be signed by you and witnessed by two people who will not receive anything from your estate. However, please consult with an Islamic scholar and/ or an attorney for legal advice. Please also feel free to pass or share this information with your friends and other Muslims.

Pray for the people at The Islamic Bulletin who prepared the original form of this sample will, which was subsequently edited by the Islamic Community Center of Atlanta, 442 14th St NW, Atlanta, GA 30318. Jazakum Allah Khairan (May God Reward You). If you have further questions, contact:

Tawheed Center of Detroit,

18640 W Warren Ave, Detroit, MI 48228

Phone: (313) 271-0731 - www.masjiddawheed.org

OPTIONAL

DETAILED DISTRIBUTION OF MY ESTATE

I again direct executor of my Will to strictly adhere to the Islamic law governing the distribution of estate. I further direct that previously named Arbitrator _____ be consulted for interpretation of the Islamic Law governing estate distribution, prior to the distribution of estate applicable in this section. Should any of my heirs who are not Muslims at the time of execution of this Will, accept Islam prior to my death they shall become eligible heirs and receive inheritance according to the Islamic law. Adopted children and their heirs are not to be considered as my heirs in all of the distributions below.

It is preferred to contact the Islamic authority listed above, especially if the following condition exist:

- ❖ If I am not survived by sons, daughters, grandsons, father and brother with same biological mother or father as mine
- ❖ If all the applicable shares below amount to a total of more than one (100%)

The following is a summary of the Islamic law governing the distribution of estate; this is neither to be construed as being complete nor does it exclude all the other Islamic Law governing the distribution of estate.

SPOUSE

- If the surviving spouse is **husband**, he is to be given from my estate:
One fourth (1/4), if I am survived by sons, daughters, grandsons or father
One half (1/2), if none of the above survives me, but survived by brothers or sisters with same biological mother or father as mine
The full amount of the estate, if I'm not survived by son, grandson, daughter, father, mother, brother or sister.
- If the surviving spouse is **wife**, she is to be given from my estate:
One eighth (1/8), if I am survived by sons, daughters, grandsons or father
One fourth (1/4), if none of the above survives me but survived by my mother or brothers/sisters with same biological mother or father as mine. (This amount is to be shared equally if more than one wife).
The full amount, if I'm not survived by son, grandson, daughter, father, mother, brother or sister.

At the time of writing this Will, my spouse is _____ whose date of birth is __/__/__ and social security number is ____-____-____. contact info: _____

FATHER

- My father, if he survives me, is to be given from my estate as follow:
One sixth (1/6), if I am survived by sons or grandsons
One sixth (1/6) of the estate plus residual estate after distributing shares as per guidelines to surviving daughters, granddaughters, spouse, mother or grandmother

My father is _____ whose date of birth is __/__/__ and the social security number is ____-____-____, contact info if alive: _____

MOTHER

- My mother, if she survives me, is to be given from my estate as follow:
One sixth (1/6) of the estate, if I am survived by sons, daughters, grandsons, granddaughters', husband, father or brothers with same biological mother or father as mine.
One third (1/3) of the estate, if my wife or father survives me but none of the above survives me.
One third (1/3) of the estate, if none of the above survives me.
The full amount, if none of the above survives me.

My mother is _____ whose date of birth is __/__/__ and the social security number is ____-____-____ contact info if alive: _____

CHILDREN

- If at least one of my sons survives me, all **remaining estate after executing** Section A of Article V and Section B Item 1, 2 and 3 of Article V, is to be distributed among my children, with sons inheriting double the share of daughters.
- If none of my sons survive me and one daughter survives me, she inherits one half (1/2) of the estate.
- If none of my sons survive me, and more than one daughter survives me, two thirds (2/3) of my estate is distributed equally among them.

At the time of writing this Will, I have the following biological children:

1. _____, who is my _____ (son/daughter), whose date of birth is __/__/__ and the social security number is ____-____-____. contact info: _____
2. _____, who is my _____ (son/daughter), whose date of birth is __/__/__ and the social security number is ____-____-____. contact info: _____
3. _____, who is my _____ (son/daughter), whose date of birth is __/__/__ and the social security number is ____-____-____. contact info: _____
4. _____, who is my _____ (son/daughter), whose date of birth is __/__/__ and the social security number is ____-____-____. contact info: _____

If additional children, attach a separate sheet with all the information and refer to the above section.

As used in writing this Will, the words “my children” shall mean the biological sons and daughters listed above, and any others hereafter born to me.

BROTHERS AND SISTERS (sharing my biological mother or father)

In presence of father or one or more of my sons or grandsons, the surviving brothers or sisters are **not given any share**.

In the presence of mother or daughter(s), **only brother(s) from the same father will get share**, which is remainder of my estate after executing Section A of Article V and Section B Item 1, 2, 3 and 4 of Article V, to be distributed equally among all my brothers from same father.

If I'm **NOT** survived by sons, daughters, grandsons, father or mother, **remainder of my estate after executing** Section A of Article V and Section B Item 1 of Article V, is distributed in the following manner:

- Maternal Brothers and Sisters (from my mother but different father than mine) will each receive one sixth (1/6) of my estate, will total of all this to not exceed one third (1/3) of the total estate.
- Paternal Brothers and Sisters (from my father with same mother or different mother) will share the remainder of the estate with brother inheriting double the share of sisters.
- If no brother survives me and if one sister survives she gets half (1/2) and if more than one sister survives then the remainder is to be equally divided.

At the time of writing this Will, I have the following siblings from my biological father and/or mother (Paternal: from same father, Maternal: if from same mother but different father):

1. _____, who is my _____ (paternal/maternal) _____ (brother/sister), whose date of birth is __/__/__ and the social security number is ____-____-____ contact info: _____
2. _____, who is my _____ (paternal/maternal) _____ (brother/sister), whose date of birth is __/__/__ and the social security number is ____-____-____. contact info: _____
3. _____, who is my _____ (paternal/maternal) _____ (brother/sister), whose date of birth is __/__/__ and the social security number is ____-____-____. contact info: _____

If additional siblings, attach a separate sheet with all the information and refer to the above section.

Remainder from the all of the above percentage based calculation, if any, shall be applied to the closest male heir(s) or distributed between heir(s) in proportion to their shares listed in the sections above.

In the case, that any of my heirs, predecease me or is ineligible for inheritance, I direct that their share be distributed among the eligible heirs **in proportion to their shares** listed in the instructions in this sections above. In the case that all of my heirs predecease me or ineligible, I direct that the remainder of my estate, after executing Article III and Section A of Article V, be distributed to the following individuals and/or organizations:

1. _____, whose address is _____, an amount equal to _____ percent (___%) of my remaining estate.
2. _____, whose address is _____, an amount equal to _____ percent (___%) of my remaining estate.