

# بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

## Islamic Last Will and Testament

OF

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RESIDING AT \_\_\_\_\_

COUNTY \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ TELEPHONE \_\_\_\_\_

TODAY'S DATE \_\_\_\_\_

### ARTICLE I: PREAMBLE

The Prophet Muhammad (Pbuh) ordered Muslims to have their Last Will and Testament drawn up: Abdullah bin 'Umar narrated that the Messenger of Allah (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, request, and certify this, my Last Will and Testament. I also do hereby declare that this document revokes any and all former Wills and codicils that I have made previously.

All praise to Allah (SWT), The Creator of the heavens and the earth and all within. I believe in Him and I put my trust entirely in Him. I beg for His Help and His Forgiveness. I seek refuge in Allah (SWT) from the Shaitan (Satan) and the evils of the world and the evils of my deeds. I ask Him to Guide me; those whom Allah (SWT) Guides no one can mislead, and those whom Allah (SWT) leaves to stray, no one can guide. I believe that the paradise is true and the hellfire is true and The Hour is coming no doubt about it, and that Allah will resurrect all those who are in the graves. I testify that there is no deity except Allah, He is One and has no partners, and I testify that Mohammed is Allah's servant and last Messenger (Peace and Blessings of Allah be on him).

I request of all of my immediate relatives and closest friends, and any others involved in the procedures surrounding my death and burial, whether they be Muslims or non-Muslims, to honor my human and Constitutional right and choice to be a Muslim. I ask them to also honor the spirit as well as letter of this document and to not obstruct or change it in any way. Let them see to it that I am buried as a Muslim, and my property divided and disperse as I ordered, according to the Sunni Muslim Islamic Law (hereafter referred to Shariah). Under no circumstances does anyone have the authority to change the contents of this Will.

I request of all of my immediate relatives and closest friends, for the sake of Allah and out of fear of Him, to settle their disputes and correct their relationships among themselves according to the following orders of Allah in The Quran: **"So fear Allah and amend that which is between you and obey Allah and His Messenger if you should be believers"** (Surah al-Anfal 8: 1).

I request of all of my immediate relatives and closest friends what the prophets Ibrahim and Ya'cob (Peace be upon them) directed their sons: **"O my sons, indeed Allah has chosen for you this religion, so do not die except while you are Muslims."** (Surat-ul-Baqarah, 2:132).

I request of all of my immediate relatives and closest friends, when I am on the brink of death, that they insist that I say the Shahadah: **"La ilaha ill-Allah, Muhammadun Rasulallah** (There is no God but Allah and Muhammad is the Prophet of God) " This is in observance of the Prophet's (Pbuh) saying: "Anyone whose last words were 'La ilaha ill-Allah (There is no God but Allah) will enter Paradise". ( Ahmad, Abu Dawud, and al-Hakim - Sahih).

I insist that no one wail or slap their cheeks because of my death, as the Prophet (Pbuh) has prohibited these acts. After you have buried me, the first thing you must do is to clear me of my debts (if there are any), as the believer's soul is held back by his liabilities.

### 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.**

**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 \_\_\_\_\_ 1.

2. \_\_\_\_\_ 3.

4. \_\_\_\_\_ 5.

6. \_\_\_\_\_ 7.

**ARTICLE III: EXECUTOR AND BENEFICIARY**

A. I hereby entrust all my 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 act as my executor to serve without bond, to distribute it according to Shariah. I ordain that the executor of this Will be a Muslim.

- 1. My husband/wife \_\_\_\_\_, or, if he/she fails to survive me by 45 days, 2. \_\_\_\_\_, or, if fails to survive me by 45 days,
- 3. \_\_\_\_\_, or, if fails to survive me by 45 days, 4. \_\_\_\_\_, or, if fails to survive me by 45 days,

B. I direct that the executor take all actions legally permissible to have the probate of my estate done 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: BURIAL ARRANGEMENTS**

- 1. I instruct that all of the expenses of my burial and funeral to be first taken from my estate (Before all the debts and the wills and the distribution of the inheritance).
- 2. I ordain that my body be prepared for burial in keeping with the Sunni Muslim Law (Shariah).
- 3. Under no circumstances shall my body be voluntarily turned over for an autopsy, or embalming, or organ donation.
- 4. My body must be prepared for burial according to the Shariah
- 5. Once the body is prepared for burial there is to be no viewing of my remains.
- 6. 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, stars and crescents, decorations, crosses, flags, flowers, plants, signs, symbols, or music be involved at any stage of my burial.
- 7. 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.
- 8. My grave must be dug in complete accordance with the Shariah practice. It should face in the direction of the Qiblah (Ka'aba in Makkah, Saudi Arabia).
- 9. My body must be buried without casket or any other encasement that separates the shroud from the surrounding soil.
- 10. My grave must be covered with dirt only. The marking, if necessary, should be a simple rock with the maximum height of one span of a hand. There should be no inscriptions or symbols on it.
- 11. My burial must take place as soon as possible, preferable before sunset on the day of my death or the following day. Under no circumstances should the burial be unduly delayed.
- 12. In the event that the local laws require casket-encasement, I command that such encasement be of the simplest, most modest, and least expensive type possible, and I furthermore command that the encasement be left open during burial and filled with dirt unless prohibited by law.
- 13. No one is permitted to cry out, moan or wail. I demand that such a person leave the burial site. Only what comes from the eye is acceptable (tears).
- 14. There shall be no Quran recitation on my grave for it contradicts the Sunnah of the prophet (PBUH)

15. Muslims should say a duaa (supplication) for me and that there is a moment of silence when they pray that my grave is made spacious and comfortable.

**ARTICLE V: 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 to be 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 VI: DEBTS AND EXPENSES

I direct my executor:

- A. To 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 Allah (Huquq Allah) " which are binding on me including unpaid

zakat, kaffaraat, unperformed pilgrimage (Hajj), etc.

ARTICLE VII: BEQUESTS

I direct my executor to:

Pay the following amount from the remainder of my estate after paying all the expenses mentioned above, to the person/s or organization/s named below. Bequests can only be given to non-inheritors, ie. distant relatives or others who do not have a fixed portion of inheritance set in the Quran. This is because the Prophet peace be upon him said: "La wasseeyata lil waarith. There is no bequest for an inheritor." It is important to make this distinction since most Muslims do not know this ruling.

The total must not exceed 33 percent (one third) of the remainder of my estate.

Table with 4 columns: Item number, Description, Item number, and Percentage of total remainder. Includes a total row for bequests.

ARTICLE VIII: 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. Ensure that no part of the remainder of my estate shall be inherited by any non-Muslim, no matter how he/she is related to me.
3. Ensure that, should I die as a result of murder, no part of the remainder of my estate shall be inherited by my adjured murderer responsible for direct unlawful killing (actionable homicide), no matter how he/she is related to me.
4. Ensure that no part of the remainder of my estate shall be inherited by a person whose claimed relationship to me, ascending or descending, is the result of a non-Islamic or unlawful marriage, or through adoption, except if this relationship to me is through his/her mother who is biologically (through blood) related to me or if he/she is specifically mentioned in bequests above.
5. Regarding a fetus conceived before my death, whose relationship to me qualifies it to be an heir according to this article, if it is born alive within the limit of time specified by Shariah. The executor may delay the distribution of the residue and remainder of my estate after the execution of Articles I to VII, until the birth of the fetus. If he/she chooses to distribute the estate prior to the birth of the fetus then he must withhold a portion of the estate equal to the share of the fetus for distribution until after the birth of the fetus.
6. In case of any difficulty in distributing my estate according to this Will, the matter should be referred to a Muslim knowledgeable in Islamic Inheritance Law for advice and guidance.
7. 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 establishment of

Islamic communities and Masjid. \_\_\_\_\_

- 8. Any portion of my estate disclaimed or refused to be received by any of the legatees names or referred to in this document be donated to the following person/s or organization/s for the

establishment of Islamic communities and Masjid.

ARTICLE IX: SEPARABILITY

I direct that no part of this Will be invalidated by a court unless competent in Shariah. If any part of this will is determined invalid by a court the other parts shall remain valid and enforceable.

I insist that no one practice innovations regarding the three-day condolence period after my death, such as bringing in someone to recite excerpts from the Quran or to preparing food for guests. If you do any such innovations, I am free from that guilt and deviation, having herein charged you against it.

I declare that I forgive everyone who has backbitten me or erroneously taken anything from me. I beg of all those who knew me that they please forgive me for whatever I may have erroneously taken from them or said against them.

I request that if you differ in anything among yourselves you refer the decision to Allah and His Messenger (Pbuh), for Allah (SWT) said: ***"And know, by your Lord, they will not believe until they make you, [O Mohammed], judge in what they dispute among themselves and then find no discomfort from what you have judged and submit in full, [willing] submission"*** (Surah an-Nisa 4: 65).

My final bequest for my family and children is the same one that the Messenger of Allah (Pbuh) enjoined upon his followers: "The prayer, the prayer". I advise and implore my family to have patience and accept Allah's will. (Surah al-Baqarah: 156)

This concludes my Last Will and Testament. I am now free, in front of Allah (SWT), from any words or deeds that distort and contradict this document according to the guidance of Allah's Messenger (Pbuh), as forewarned by the Quranic verse: ***"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).

***"Exalted is your Lord, The Lord of might, above what they describe. And Peace be upon the messengers, and praise to Allah, Lord of the worlds"*** (Surah as-Saffat: 37: 180-182)

I subscribe my name to this Will this day \_\_\_\_\_ at \_\_\_\_\_ 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

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**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 maturity, or is otherwise legally empowered to make a Will, and under no constraint or undue influence.

Witness 1.

Name and Signature \_\_\_\_\_

Witness 2.

Name and Signature \_\_\_\_\_

**\*\*\*OPTIONAL\*\*\***

Subscribed and sworn to before me thisday of \_\_\_\_ ,

Notary Public \_\_\_\_\_ Signature & Seal

**In Case of Emergency Contact: (Include Mosques and all phone numbers)**

*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 won't receive anything from your estate. However, please consult with an Islamic Scholar and/ or an attorney first.*