

LAST WILL AND TESTAMENT OF

I, _____, residing at _____, City
_____, County _____, in the State of
_____, being of sound mind and memory do hereby revoke any and all former Wills,
Testament and Codicils and declare this to be my Last Will and Testament.

I bear witness that there is no deity worthy of worship except Allah, and Prophet Muhammad, may peace and blessing be upon him, is His Servant and last Messenger. I ask my relatives and friends, whether they believe as I believe or not, to honor my right to these beliefs. I ask them to honor this document and not to obstruct it or change it in any way. Rather, let them see that I am buried as I ask and let my properties be divided as I express in this document.

Article I. FUNERAL AND BURIAL RITES

I ask that no autopsy be done to my body unless required by law. I ask that under no circumstances my body be turned over for an autopsy, or embalming or for organ donation. I ask that my body be washed, wrapped in cloth free of any ornaments or articles, prayed for and buried in accordance with Islamic traditions. I ask that all attempts be made to bury me in a Muslim's cemetery. I ask that my burial take place as soon as possible, preferably before sunset on the day of my death or the following day, without any undue delay.

I hereby nominate and appoint _____, to execute these and other necessary provisions for my proper Islamic funeral and burial. In the event _____ shall be unable or unwilling to execute, I hereby nominate and appoint _____ to execute these provisions.

I direct the executor of my funeral and burial rites to avoid the practice of constructing concrete structure on the grave, laying wreath on the grave or burying Qur'an in the grave, as well as the following practices at my funeral and burial:

Article II. EXECUTOR AND GUARDIAN

I hereby nominate and appoint _____ to be the executor of my Will. In the event that _____ predeceases me or shall be unable or unwilling to act as my executor, I nominate and appoint _____ to act as my executor. I direct that no bond or surety for any bond be required for my executor in performance of his or her duties.

(Testator)

I give the executor the power to settle any claim for or against my estate, and for this purpose he has the power to sell, lease, mortgage or otherwise encumber any property, real or personal, that may be included in my estate, with or without an order of the court, without bond, with due notice to all the heirs.

In the event that the mother/father of any of my children predeceases me and I should die prior to said child or children having reached the age of majority, I appoint _____ to be sole custodian of said minor child or children. As said custodian _____ shall be responsible for cherishing, educating and nurturing said child or children in an Islamic environment.

_____ is responsible for deciding an appropriate school. _____ is also responsible for providing spiritual guidance. If _____ is unable or unwilling to serve as primary caretaker and custodian then said responsibilities should be given to _____. If _____ is also unable or unwilling to act as primary caretaker and custodian, then the Imam or a person authorized by _____ located at _____, city of _____, county _____, in the state of _____ shall be authorized to appoint another Muslim as a caretaker.

It is paramount that the primary caretaker provides an Islamic environment within which said child or children may be raised.

Article III. DEBTS AND EXPENSES

I direct that all properties shall be returned to the rightful owners. I also direct that my executor 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.

I direct that all inheritance and estate taxes, which are due and payable upon my death for the year, shall be paid out of and charged against the principal of my estate. I direct that any outstanding Dower (*Meher*) towards surviving wife (if spouse is wife) be paid out of and charged against the principal of my estate. I direct that any outstanding "obligations to Allah" (*Huquq Allah*), which are due and payable upon my death, such as unpaid *Zakat*, outstanding Dower towards surviving wife (if spouse is wife), *kaffaraat* or unperformed pilgrimage (*Hajj*), be paid out of and charged against the principal of my estate.

Article IV. IMPEDIMENTS TO SUCCESSION

- I direct and ordain that any heir, declared as non-Muslim at the time of my death, be disregarded and disqualified in the application of Section B of Article V.
- Should I die as a result of murder, I direct that the adjured murderer, principal or accessory in the murder, shall be disqualified to receive any part of my estate.

Article V. DISTRIBUTION OF PROPERTY

I direct that the remaining of my estate after executing Article III, be disposed of in the following proportions:

Section A. CHARITABLE CONTRIBUTIONS

I direct my executor to pay the following charitable contributions, not to exceed one third (1/3) of my remaining estate after executing Article III, to the named persons and organizations:

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

(Testator) _____
Dated

- 3. _____, whose address is _____, a amount equal to _____ percent (___%) of my total estate.
- 4. _____, whose address is _____, a amount equal to _____ percent (___%) of my total estate.

Section B. DISTRIBUTION OF REMAINDER OF MY ESTATE

The following section relates to my remaining estate after execution of Article III and Section A of Article V. I direct executor of my Will to strictly adhere to the Islamic law governing the distribution of estate. I further direct that the Imam or a person authorized by _____ located at _____, 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.

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.

Item 1. SPOUSE

- The surviving spouse, if husband, is given one half (1/2) of wife’s estate if she dies childless, and one-fourth (1/4) if she left children.
- The surviving spouse, if Wife, is given one fourth (1/4) of husband’s estate if he dies childless, and one-eighth (1/8) if he left children (this amount is to be shared equally if more than one wife).

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

Item 2. FATHER

- My father is to be given one sixth (1/6) of the estate if any of my children are alive at the time of my death, and two thirds (2/3) if no children survive me.

My father is _____ whose date of birth is ___/___/___ and the social security number is ____-____-_____.

Item 3. MOTHER

- My mother is to be given one sixth (1/6) of the estate if any of my children survive me, and one third (1/3) if none of my children survive me.

My mother is _____ whose date of birth is ___/___/___ and the social security number is ____-____-_____.

Item 4. CHILDREN

- The remainder of my estate after executing Section A of Article V and Section B Item 1, 2 and 3 of Article V, will be distributed in the following manner:

1. If at least one of my sons survives me, all of my remaining estate is to be distributed among my children, with sons inheriting double the share of daughters.

(Testator) ___/___/___
Dated

2. If none of my sons survive me and one daughter survives me, she inherits one half (1/2) of the remaining estate and for the distribution of the remainder one half (1/2) of my estate refer to applicable Islamic estate distribution criteria.
3. If none of my sons survive me and more than one daughter survives me, two thirds (2/3) of my remainder estate is distributed equally among them and for the distribution of the remainder one third (1/3) of my estate refer to applicable Islamic estate distribution criteria.

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

1. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
2. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
3. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
4. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
5. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
6. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.

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

1. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
2. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
3. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
4. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
5. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.
6. _____, whose date of birth is __/__/__ and the social security number is ____-____-_____.

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.

Item 5. BROTHERS AND SISTERS

- In presence of parents or one or more sons, the brothers or sisters are not given any share.
- In presence of one or more daughters and no sons refer to the Islamic law on distribution of estate for applicable distribution criteria.
- If only sister she is given one half of the estate.
- If two or more sisters they will share two thirds (2/3) of the estate.
- Brothers when present will be given double the share of sisters.
- If the deceased is a female and left only a brother he shall inherit her estate.

At the time of writing this Will, I have the following brother(s):

1. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.
2. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.
3. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.
4. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.

At the time of writing this Will, I have the following sister(s):

1. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.
2. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.
3. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.
4. _____, whose date of birth is __/__/__ and the social security number is
____-____-_____.

In the case, that any of my heirs, predecease me or is ineligible for inheritance as per the requirement as stated in Article IV, I direct that their share be distributed among the eligible heirs. In the case that all of my heirs are ineligible or predecease me, I direct that the remainder of my estate, after executing Article III and Section A of Article V, be distributed to the following to the named persons and organizations:

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

Article VI. TRUSTEE FOR MINOR CHILDREN

The share of my estate, which any child of mine takes while still under _____ years of age, shall be held in a separate trust for such child. I appoint _____ as trustee of each trust hereby established. If _____ is unable or unwilling to serve as trustee, I appoint _____ to serve as trustee.

The trustee of each trust may distribute proceeds from the trust to or for the beneficiary at any time and from time to time for the educational benefit, comfort, health, and general well being of the beneficiary. Each trust shall endure until the _____ birthday of the beneficiary. If a beneficiary of a trust should die intestate and without descendants prior to the expiration of such trust, said beneficiary’s interest in the trust shall vest in my children who survive such beneficiary and shall be distributed in the same proportion as mentioned above.

Article VII. ARBITRATION

In case of dispute, in executing this Will, I appoint and nominate _____ as the arbitrator, who shall strictly adhere to the Islamic Law in resolving the dispute. If _____ predeceases me or is unable or unwilling, I nominate and appoint _____ as the arbitrator. If _____ also predeceases me or is unable or unwilling, I nominate and appoint the Imam or a person authorized by the Islamic organization

_____ located at _____ as the arbitrator. The decision of the arbitrator shall be binding on all the disputed parties.

Article VIII. SEPARABILITY

I direct that if any part of my last Will and Testament is determined invalid by a court of competent jurisdiction, the other parts shall remain valid and enforceable.

Thus done, read and signed at _____ on this the ____ day of _____, year _____, with Allah as my witness and in the presence of the witnesses and the Notary Official.

Signature of Testator

This Will was received, read and signed by the testator and the undersigned witnesses at one time, without interruption and without turning aside to any other act.

Witness 1

(Signature)

(Name)

(Address)

(City, State, Zip)

Witness 2

(Signature)

(Name)

(Address)

(City, State, Zip)

Witness 3 (Optional)

(Signature)

(Name)

(Address)

(City, State, Zip)

Notary:

Subscribed and sworn to and affirmed before me at _____ on this the ____ day of _____, year _____

(Signature of Notary)