

# LAST WILL AND TESTAMENT OF

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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 follow the instructions in the attached document "Funeral Guidelines", as well as the following practices at my funeral and burial:

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## 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.

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.

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(Testator)

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*, *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. One dollar (\$1), for those heirs excluded due to the provisions in Article IV.
2. \_\_\_\_\_, whose address is \_\_\_\_\_, a amount equal to \_\_\_\_\_ percent (\_\_\_%) of my total estate.
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. A Inheritance Schedule is attached to this document for reference.

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

- ❖ If I am not survived by sons, grandsons, father or brother and with same biological mother and father as mine
- ❖ If the all the applicable shares below amount total to 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.

**Item 1. SPOUSE**

- The surviving spouse, if **husband**, if he survives me, is to be given from my estate:
  - One fourth (1/4), if I am survived by sons, grandsons, father, brother or sisters with same biological mother and father as mine
  - One half (1/2) of the estate after distributing the appropriate share of my mother, if none of the above survive me, but if survived by grandfather and mother.
  - One half (1/2), if none of the above survives me.
- The surviving spouse, if **wife**, if she survives me, is to be given from my estate:
  - One eighth (1/8), if I am survived by sons, grandsons, father or brother/sisters with same biological mother and father as mine
  - One half (1/2) of the estate after distributing the appropriate share of my mother, if none of the above survive me, but if survived by grandfather and mother.
  - One fourth (1/4), if none of the above survive me. (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, if he survives me, is to be given from my estate:
  - One sixth (1/6), if I am survived by sons, grandsons or brothers with same mother and father as mine.
  - One sixth (1/6) plus residual estate after distributing shares as per guidelines to surviving daughters, granddaughters and sisters, if I am survived only by daughters, granddaughters or sisters,
  - One sixth (1/6) plus residual estate after distributing shares as per guidelines to surviving spouse, mother or grandmother, if none of the above survives me.

\_\_\_\_\_  
(Testator) \_\_\_/\_\_\_/\_\_\_  
Dated

My father is \_\_\_\_\_ whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.

**Item 3. MOTHER**

- My mother, if she survives me, is to be given from my estate:
  - One sixth (1/6), if I am survived by sons, daughters, grandsons, granddaughters or brothers with same biological mother and father as mine.
  - One third (1/3) of the estate after distributing the appropriate share of my mother, if my father survives me but none of the above survives me.
  - One third (1/3) of the entire estate, if none of the above survives 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:

- 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.
- 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.
- 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 biological children:

1. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
2. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
3. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
4. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
5. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
6. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
7. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), whose date of birth is \_\_/\_\_/\_\_ and the social security number is \_\_\_\_\_.
8. \_\_\_\_\_, who is my \_\_\_\_\_ (son/daughter), 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 (with same biological mother and father as mine)**

In presence of father or one or more of my sons or grandsons, the surviving brothers or sisters are **not given any share**. Otherwise **remainder of my estate after executing** Section A of Article V and Section B Item 1, 2, 3 and 4 of Article V, is distributed in the following manner:

- Brothers inheriting double the share of sisters, if a brother survives
- If no brother then if one sister survives she gets half (1/2) and if more than one sister survive then the remainder is to be equally divided.

At the time of writing this Will, I have the following siblings from my biological brothers and sisters:

1. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), whose date of birth is \_\_\_/\_\_\_/\_\_\_ and the social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_.
2. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), whose date of birth is \_\_\_/\_\_\_/\_\_\_ and the social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_.
3. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), whose date of birth is \_\_\_/\_\_\_/\_\_\_ and the social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_.
4. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), whose date of birth is \_\_\_/\_\_\_/\_\_\_ and the social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_.
5. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), whose date of birth is \_\_\_/\_\_\_/\_\_\_ and the social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_.
6. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), whose date of birth is \_\_\_/\_\_\_/\_\_\_ and the social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_.
7. \_\_\_\_\_, who is my \_\_\_\_\_ (brother/sister), 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 and shall be recognized by the Superior Court of the state of Georgia and the county where the arbitration was held.

**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)

\_\_\_\_\_  
(Testator)

\_\_\_\_\_  
Dated

## Funeral Guidelines

I, \_\_\_\_\_, instruct my survivors and community members to avoid all kinds of innovation that are prevalent in regard to funeral arrangements and use following as guidelines:

### Ghusl:

1. My body should not be moved to another town or country for burial, even if willed previously.
2. My body should be buried in a Muslim cemetery avoiding special place, house or a pre-designated grave. No embalming shall be performed on my body unless required by law.
3. Sons (daughters, if female), close relatives and righteous brothers (sisters, if female) should wash my body. I prefer that my privacy be maintained by limiting the number of participants at my ghusl.

### Salat-ul'janazah

1. After ghusl and shrouding, Salat-ul'janazah should be performed as soon as possible without waiting for a huge crowd or delayed due to arrival of relatives or friends.
2. Salat-ul'janazah should be performed by Ameer, Qadi or Imam of \_\_\_\_\_, in that order. If none of the above are present, then Imam of local Masjid, my father, sons, etc may lead the Salah. A rightful person has the permission to designate someone else. Salat-ul'janazah should not be repeated unless my rightful survivors want to repeat because of violation listed above. No Salat-ul'janazah in absentia should be offered, unless
3. I declare that the ritual of showing the face after shrouding is bida'l and proclaim that this should not be observed in my case. No photography of my face or body is permitted.
4. No woman should accompany my Janazah to the cemetery.

### Burial:

1. No adhan should be called at the grave and no Quranic verses; instructions, etc shall be put in my grave. No flowers or decorative cloth, etc should be put on my grave.
2. My grave should not be paved or fenced with permanent structure. No writing of Quranic verses, poems, etc should be on my headstone, with the exception of minimal information to identify my grave such as name, date of birth and death.
3. No eulogy (especially one describing untrue qualities) in the Mosque or at the grave should be held. People after burial should stay at the grave for a very short while and make dua and talqeen.

### Misc:

1. No formal gathering or ritual for isaal-e-thwab including ritual group finishing of Quran, etc. No formal meeting for condolence.
2. Any outstanding loan and bills should be paid out of my estate.
3. Any amount spend in fidya for missed salah, fast, nadhr, etc must not exceed one third (1/3) of my estate. Fidya is equal to the value of 4 lbs of grains such as wheat, rice, etc.

\_\_\_\_\_  
(Testator)

\_\_\_\_\_  
Dated

# LIST OF DEBTS AND ASSETS AS OF \_\_/\_\_/\_\_

for \_\_\_\_\_

## Debts:

	Type of debt	Name of individual or company	Address,	Account number	Amount
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

## Assets:

	Type of asset	Name of individual or company	Address,	Account number	Value
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

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

\_\_\_\_\_  
Signature of Testator

## Notary:

Subscribed and sworn to and affirmed before me at \_\_\_\_\_ on this the \_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_

\_\_\_\_\_  
(Signature of Notary)