

# بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## LAST WILL AND TESTAMENT OF <NAME>

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ ثُمَّ إِلَيْنَا تُرْجَعُونَ

"Every soul shall taste death. Then to Us you will be returned." (Quran 29:57)

I, <name>, presently residing at <address> City of, <city> County of <county> State of <state> being of sound mind and memory hereby revoke any and all former wills and codicils by me made, and do, make ordain, publish and declare this my last will and testament.

### PREAMBLE

I bear witness that there is no deity but Allah, the One, the Merciful Almighty God, Creator of heavens and earth and all therein, God of Abraham, Moses, Jesus, Muhammad, and all the prophets, mercy and peace be upon them. He is the one God and He has no partner, and I bear witness that the Prophet Muhammad is his servant and his messenger and the last of all the prophets, mercy and peace be upon them all. I bear witness that Allah is the Truth, that His promise is truth, that the meeting with Him is truth. I bear witness that the coming of the Day of Judgment is truth. There is no doubt about it, and that Allah who is exalted above all deficiency and imperfection, will surely resurrect the dead of all the generations of mankind, first and last and those in between.

This is my counsel to my relatives and friends, my Muslim brothers and sisters, and all those who remain after me: that they strive to be true Muslims, that they submit to their Creator, may He be exalted, and worship Him as He alone is to be worshipped, fear Him as He alone is to be feared, and love Him and His Prophet Muhammad with a complete love that is rivaled by nothing besides them. Let them obey Him and hold fast to His Shari'ah. Let them spread and firmly establish His religion of Islam, and let them die only in a state of complete submission to His will.

I remind them that no man and no woman dies before his or her time. The exact duration of each life span is precisely determined before we are born, by the all-powerful Creator, may He be exalted. Death is tragic only for the one who lived out his/her life in self-deception without submitting to the Creator and preparing for the final return to Him. So, do not preoccupy yourselves with my death, but instead make the proper preparations for your own.

Maintain patience and self-composure, as the religion of Islam requires. Islam permits female relatives to mourn for no more than three days, although a widow is allowed to mourn four lunar months and ten days, until her *iddah* (period of waiting) is

completed. Wailing and excessive lamentation is forbidden by the Creator. It only reflects lack of understanding and dissatisfaction with the will of the Creator, may He be exalted.

Finally, I ask all my relatives, and all others, whether they choose to believe as I believe or not, to honor my constitutional rights to these beliefs. I ask them to honor this document which I have made, and not to try to obstruct it or change it in any way. Rather, let them see that I am buried as I have asked to be buried and let my properties be divided as I wanted them to be divided.

#### ARTICLE I - FUNERAL AND BURIAL RIGHTS

I ordain that no autopsy or embalment be done on my body unless required by law, and that without unjustified delay my body be washed, wrapped with cloth free of any ornaments or other articles, prayed for and then buried, which all should be done by Muslims in complete accordance with the religion of al-Islam.

A. I hereby nominate and appoint <appointee-name> residing at <appointee-address> to execute these and other necessary provisions for my proper Islamic funeral and burial. In the event that he/she is unwilling or unable to execute, I nominate and appoint <second-appointee-name> residing at <second-appointee-address> and in the event that he/she is unwilling or unable to execute, I nominate and appoint <muslim-community> or a muslim community in the area where I died to execute these provisions of funeral and burial.

B. I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body.

C. I ordain that no pictures, stars, crescents, decorations, crosses, flags, any symbols, Islamic or otherwise, or music be involved at any stage of the process of conducting my burial or placed at the site of my grave.

D. I ordain that my body shall not be transported over any unreasonable distance from the locality of death, particularly when such transportation would necessitate embalming, unless when long distance transportation is required to reach the nearest Muslim cemetery, or decided by my Muslim family.

E. I ordain that my body not be viewed publicly, as in an open casket. Any viewing would be by my immediate family members, my grave be dug deeply and in complete accordance with the specifications of Islamic practice and that it face in the direction of *Qiblah*.

F. I ordain that my body shall be buried with an encasement that is simple, modest, practical, and inexpensive.

G. I ordain that my grave be level with the ground or slightly mounded with no construction of any kind. The marking, if necessary, shall be simple with no symbols.

## ARTICLE II - DEBTS AND EXPENSES

A. I direct that all trust properties shall be returned to the rightful owners. I further direct my executor 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. I direct said executor to pay any outstanding "obligations to Allah" which are binding on me including unpaid Zakat.

B. I direct that all inheritance, estate, and succession taxes payable by reason of my death shall be paid out of and be charged generally against the principal of my residuary estate without reimbursement from any person: except that this provision shall not be constructed as a waiver of any right which my executor has, by law or otherwise, to claim reimbursement for any such taxes which become payable on account of property, if any, over which I have a power of appointment.

## ARTICLE III - CHARITABLE CONTRIBUTIONS AND TESTAMENTARY TRANSFER

I direct my executor to pay the following charitable contributions to the many persons and organizations.

Name of Person or Organization	Percentage of Remainder of my Estate after Execution of Article II		
	( )%:		Percent
	( )%:		Percent
	( )%:		Percent
	( )%:		Percent
	( )%:		Percent
Total	( )%:		Percent

## ARTICLE IV - DISTRIBUTION OF REMAINDER OF MY ESTATE

A. I direct, devise and bequeath all the residue and remainder of my estate after the execution of Article II and III only to my Muslim heirs whose relationship to me, whether ascending or descending, has occurred through Islamic or lawful marriage at each and every point. The distribution of the residue and remainder of my estate shall be made strictly in accordance with the schedule attached herewith.

B. I direct that no part of my estate shall be bequeathed to any non-Muslim relative whether this relative is kin or an in-law, spouse, parent, or child. I further direct and ordain that any non-Muslim relative be disregarded and disqualified in the application of the schedule attached herewith.

C. Should I die as a result of a murder, I direct that the adjudged murderer, principal or accessory in the murder, shall be disqualified to receive any part or share of my estate.

D. I further direct that no part of my estate shall be given to relatives whose relationship to me, whether ascending or descending has occurred through non-Islamic nor lawful marriage, or through adoption, at each and every point (except the following:)

1. Legatees specifically named in Article III
2. A relative who is related to me through his Biological mother.

E. I direct and devise that any fetus, conceived before my death, whose relationship to me qualifies it to be an heir according to this article shall be considered an heir if the following condition is fulfilled: the fetus should be born alive within a maximum of 365 days of my death. I further direct and devise that, whenever there exists a fetus who may become an heir according to this section, the whole distribution of the residue and remainder of my estate after the execution of Articles II and III, shall be delayed until after the birth of the fetus.

F. I direct, devise and bequeath all the remainder and residue of my estate after the execution of Articles II and III and sections "A" through "E" of Article IV to **<bequeath-recipient>** as a contribution designated to **<bequeath-organization>**. I further direct, devise and ordain that any portion of my estate disclaimed or refused to be received by any of the legatees named or referred to in this Last Will and Testament shall also be given to **<bequeath-recipient>** (named above) as a contribution for **<bequeath-organization>**.

#### ARTICLE V - EXECUTOR AND GUARDIAN

I hereby nominate and appoint **<executor-name>** of the City of **<executor-city>** County of **<executor-county>**, State of **<executor-state>** to be the executor of this, my Last Will and Testament. In the event that **<executor-name>** shall be unwilling or unable to act as executor, I nominate and appoint **<alternate-name>** of the City of **<alternate-city>** County of **<alternate-county>** State of **<alternate-state>** to be the executor of my will.

I hereby nominate and appoint **<guardian-name>** of the City of **<guardian-city>** County of **<guardian-county>** State of **<guardian-state>** to be the guardian of the persons and estates of such of my children as shall be minors at and after my death, during their minority, so long as said guardian remains an upright and practicing Muslim

of sound mind and judgment. In the event that <guardian-name> shall be unwilling or unable to act as a guardian, I nominate and appoint <alternate-guardian-name> of the City of <alternate-guardian-city> the County of <alternate-guardian-county> State of <alternate-guardian-state> to be the guardian.

ARTICLE VI - SEPARABILITY

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

In witness, I have hereunto set my hand and seal this day of <date> of the year <year>.

Seal

<signature>

<ahli-waris> / <date-signed>

We hereby certify that the foregoing instrument was the date thereof, signed, published, and declared by the testator <name> as and for his/her Last Will and Testament, in our presence, who at his/her request and in his/her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, believing said testator at the time of so signing to be of sound mind and memory.

1.     <name>
2.     <name>
3.     <name>

This document is made in three copies, all the same and all original. One copy is with me, one is deposited with the Masjid <name of Masjid> City of <city> County of <county> State of <state> and one with the executor.