

LAST WILL & TESTAMENT

Today's date:

Testator:

- **My Name:**
- **Date of birth:**
- **Permanent address of residence:**
- **Country:**

Know all men by those presents that:

I, _____ as mentioned above (of me) of sound mind and memory am of the age of 18 years or above, hereby declare this instrument to be my Last Will and Testament, hereby revoking all wills made by me before this date.

Preamble

Shahadah الشهادة: I bear witness that there is no deity worthy of worship except Allah, the One, the most Merciful, Almighty God – Creator of the Heavens and the Earth and all therein – God of Ibrahim (Abraham), Musa (Moses), Isa (Jesus), Muhammad and all the other Prophets, may peace be upon them all; and I bear witness that Muhammad (peace be upon him) is His servant and His Messenger and is the last of the chain of prophets.

أشهد أن لا إله إلا الله وأشهد أن محمد رسول الله

I further bear witness that the Day of Resurrections and Judgement is the Truth and coming by the command of Almighty God Allah.

My counsel:

(To my family, relatives and friends, my Muslim brothers and sisters and all those who remain after me that:

- They should strive to be true Muslims in accordance to the Qur'an and the Sunnah. They should worship Almighty God Allah (SWT) alone as He should be worshipped and fear Him as He should be feared in conducting their affairs. They should love Him and His Prophet Muhammad (peace be upon him) with complete love. They should obey Him and hold fast to His Shari'ah. They should firmly establish His Deen of Islam, and die only in a state of complete submission to the will of Allah (SWT) as a Muslim. Allah says in the Quran:
 - *Surah Al-Baqarah 2: 132*
 - And Ibrahim instructed his sons (to do the same) and Yacoob (also did say the same), "O my sons, وَوَصَّي بِهَآ اِبْرٰهٖمُ بَنِيهٖ وَيَعْقُوْبُ يٰبَنِيَّ
 - indeed Allah has chosen for you this religion, اِنَّ اللّٰهَ اَصْطَفٰى لَكُمْ الدِّيْنَ
 - so do not die except while you are in the state of Submission (to Almighty God Allah as a true Muslim). فَلَا تَمُوْتُنَّ اِلَّا وَاَنْتُمْ مُّسْلِمُوْنَ ﴿١٣٢﴾
- Please make Du'a (supplications) for me and that may Almighty God Allah make it easy for me to provide the correct answers to the angels Munkar & Naakeer upon being questioned in the grave and on the Day of Resurrection and for my forgiveness and that I rest in peace and stay protected in my grave by Allah's Mercy.
- I ask to honor this document that I have created, and not to modify 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 according to Islamic Law.

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• *Surah Ibrahim 14: 27*

- Allah keeps firm those who believe, with the firm word,
- in worldly life (living and in the grave) and in the Hereafter (when questioned in front of Almighty God Allah).
- I also ask all my relatives, friends and all others, whether they choose to believe as I believed or not, and ask my family, relatives and friends to forgive me of my shortcomings that I may have done to any one and also please request others for forgiveness for me.
- I also ask of all my relatives, friends and all others, whether they choose to believe as I believed or not, to honor my Constitutional Rights to these beliefs.

يُثَبِّتُ اللَّهُ الَّذِينَ آمَنُوا بِالْقَوْلِ الثَّابِتِ
فِي الْحَيَاةِ الدُّنْيَا وَفِي الْآخِرَةِ

Article I

Guardian and Durable Power of Attorney

In the situation I become mentally or physically incapacitated or unable to carry out to carry out my own duties; a separate document for the power of attorney for my medical care decision making process will be used and will be provided to those whoever may need it. Such power of attorney will be given to and administered by the same as the executor of the estate unless otherwise so noted if it is different and will be noted in the respective document.

Article II

Funeral and Burial Rites

I ordain that:

- **Ghusal:** Without justified delay, my body to be washed soon as possible or within 24 hours, and then wrapped with cloths free of any ornaments and other articles,
- **Salaat-al-Janazah** by prayed and then buried as soon as possible, which should be done by Muslims in compliance with Islamic Rules, in a simple grave if possible easy access for my family.
- **No autopsy** or embalmment be done on my body unless absolutely required by the law
- **Casket:** My body shall be buried without a casket or any other encasement that separates the wrapped body from the surrounding soil. In the event that the local laws require casket encasement, I ordain that such encasement be of the most simple, most modest, and least expensive type possible.
- **My grave** be level with the ground or slightly mounded with no construction of any kind. The marking, if necessary, should be a simple rock, merely to indicate the presence of a grave.
- **After my burial** I request for attendees to stay for few more minutes longer to pray for my forgiveness and firmness in giving the correct answers to the questioning angels and for my forgiveness from Almighty God Allah.
- **Absolutely no un-Islamic religious service or observance** shall be conducted upon my death, or on my body, and that no pictures, symbols or decorations be involved with my burial or grave site.

Funeral Administrator:

I hereby nominate and appoint one of the following in the same sequence below in the order of availability and the willingness. In the event that first one is unwilling or unable to execute, then the next in order below should take over the responsibility.

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1. Name: _____
Social Security # _____ Driving License or ID # _____
2. Name: _____
Social Security # _____ Driving License or ID # _____
3. Name: _____
Social Security # _____ Driving License or ID # _____
4. And in the event that none of them are willing or unable to execute, I nominate and appoint _____
5. OR: the local Muslim community in the area where I died to execute these provisions of funeral and burial.

Funeral services to be provided by:

o **Muslim funeral services**

o **Cemetery location:**

Article II
Debts and Expenses

I direct the following to be done:

- o **Returns:** I direct that all trust properties in my possession owed to others shall be returned to the rightful owners ASAP.
- o **My Executor of the estate hereinafter** named must
 - a) First apply the assets of my estate to settle the **payment of all the expenses** incurred by my last illness and burial
 - b) Then the **legal debts**, including such, as well as the expenses of the administration of my estate.
 - c) To pay any **outstanding "obligations to Allah"** (Haqooq-ul-Allah), which are binding on me, including unpaid Zakat, Kafaara or unperformed Hajj.
 - d) Then distribute (as accurately as possible) and pay out all **applicable inheritance, estate and succession taxes** (including interest and penalties thereon) payable by reason of my death shall be paid out of and be charged generally against the principal of my residuary estate.

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Article III

Charitable Contributions and Testamentary Transfer

I direct my executor to pay the Testamentary awards and charitable contributions to the following named persons and organizations. I further direct that the combined total in these categories must not exceed one third of the net estate after deducting the payments stated in Article II above. If the award in this article exceeds one third, then each award should be reduced proportionately:

A. Name of the Beneficiary/Beneficiaries (and the approximate amount/s): _____

B. Organization/s (and the approximate amount/s): _____

Article IV

Distribution of the Remainder of My Estate

- I direct and bequeath that all of the **remainder of my estate** after the execution of Articles II and III be distributed to my following heirs with their respective shares, provided these heirs survive me.
- This document is being prepared today **but after today**:
 - a) my asset value may increase or decrease and
 - b) there could be a change in my living heirs then their share amounts may have to be re-assigned.
- **If my Will has not been updated to reflect these changes** at the time of my death, then my Executor of the Will shall have my authorization to adjust these to reflect such changes by following the table referred to as **Exhibit A** for then existing heirs.

Name	Relationship	Share
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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Name	Relationship	Share
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- Should I die as a result of 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.
- I direct 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 fetus is born alive within a maximum of 355 days of my death. I further direct 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, and distribution of the remainder of my estate be adjusted in accordance with Exhibit "A" attached herewith.
- I direct and ordain that any bequest that lapse due to the fact that a legatee predeceased me or any bequest that is disclaimed or refused by any of the legatees named or referred to in this Last Will and Testament shall be given to:

Article V 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.

Article VI Executor and Guardian

A. I hereby nominate and appoint _____

Social Security # _____ Driving License or ID # _____
to be the executor of this, my Last Will and Testament.

In the event that he/she is unwilling or unable to act as executor, I nominate and
appoint _____

Social Security # _____ Driving License or ID # _____
to be the executor of my Will.

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Name	Relationship	Share
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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Testament, and that he/she had willingly made and executed it as his/her free act and deed for the purposes therein expressed; and the said witnesses, each on their oaths stated to me in the presence and hearing of said testator, that the said testator had declared to them that the said instrument is his/her Last Will and Testament, and that he/she executed the same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said testator and at his/her request; that he/she was at the time eighteen years of age or over (or, being under such age, was or had been lawfully married, or was then a member of the armed forces of the united States or of an auxiliary thereof or of the Maritime Service) and of sound mind; and that each of said witnesses was then at least fourteen years of age.

Testator:

Today's date: _____

Witness #1:

Today's date: _____

Witness #2:

Today's date: _____

Witness #3:

Today's date: _____

Subscribed and acknowledged before me by the said Testator, and
Subscribed and sworn to before me by the said Witnesses:

This _____ day of _____, 20_____ A.D.

(Seal)

Notary Public _____ County, _____

Printed Name of Notary Public: _____

This document is made in three copies, all the same and all original. One copy is with me,

One is deposited with _____

And one is with the Executor _____.

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Exhibit A (Share allocation at the time of death and distribution)

	HEIR	SITUATION	1/2	1/4	1/8	1/6	1/3	2/3	F	ASB
1	WIFE	No Children / Children of Children		+					F	
		Children Present			+				F	
2	HUSBAND	No Children / Children of Children	+						F	
		Children Present		+					F	
3	FATHER	No Children / Children of Children	Not DF, Only Asbah after Others Paid							
		Children Present			+				F	
		None but only Father left	He takes all as Asbah							
		No Son / Son but Dr. Present	DF + As Asbah							F ASB
4	MOTHER	Child, Step/Real Br/Sist Present				+			F	
		No Children/Brother/Sister					+		F	
		Father & Wife Present		+						
		3 Siblings Present					+			
		Father & Husband Present				+				
5	DAUGHTER	One Daughter Only	+						F	
		Two or More Daughters, No Son	Equal Distribution Amongst All							
		One Daughter, One Son	The Boy: 2 Shares ; Girl: 1 Share							ASB
6	SON'S DAUGHTER	One Son's Daughter	+						F	
		Two or More Son's Daughters	Equal Distribution Amongst All							F ASB
		One Daughter + Her Daughter				+			F	
		Son's Daughters & Son's Sons +	Boy: 2 shares and Girl: 1 share							ASB
		2 Drs, Son, No Son's Son	>> As Mahjoob-will get Nothing							
7	FATHER'S FATHER	Child, Child of Child of Dec present				+			F	
		No Kids of Deceased + D + SD				+			F	ASB
		No Children of Deceased	After DF given, also gets surplus as ASB.							ASB
		Father of Deceased Present	>> As Mahjoob-will get Nothing							
8	GRAND MOTHER	One/Both GM Present: Share Equally				+			F	
		Parent/s, Children of Deceased +	As Mahjoob-will get Nothing							
		MM and No Child. of Dec.				+				
		Father's Mother+, No Parent/s				+				
9	REAL SISTER	MM and Father of Deceased Present				+				
		One Sister	+						F	
		Two or More Sisters	Equal Distribution Amongst All							
		Brother & Sister	Boy: 2 shares and Girl: 1 share							ASB
		Daughter, Son's Daughter	After DF given, surplus equally divided.							ASB
10	ALLATI Paternal SISTER (Common Father, 2nd Mother)	S, / SS, Fthr, /Fthr's Fthr Present	>> As Mahjoob-will get Nothing							
		One Present	+						F	
		Two or More Present	Equal Distribution Amongst All							F
		Brother & Sister Present	Boy: 2 shares and Girl: 1 share							ASB
		One Real Sister also Present				+			F	
		Drs, S-Drs, Stepsisters Present	After DF given, surplus equally divided.							ASB
11 & 12	AKHYAFI + Maternal BROTHER, SISTER	2 Real Sisters, S, /SS, Parents +	>> As Mahjoob-will get Nothing							
		One Present				+			F	
		Two or More Present	Equal Distribution Amongst All							F
		Children of Deceased, Parents +	>> As Mahjoob-will get Nothing							

- ASB – Asbah
- FM – Father's Mother
- MM – Mother's Mother
- S – Son
- SS – Son's Son
- SD – Son's Daughter

- FF – Father's Father
- Dr. – Daughter
- Drs. – Daughters
- DD. Daughter's Daughter
- DF – Dhul-Faroz
- Fthr. – Father
- Stepsist. – Stepsister

- Child. Children Present
- B – Brother
- Sist – Sister
- Dec – Deceased
- L – Leftover/Surplus
- Mahj. – Mahjoob, wont get anything

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List of My Assets (Real estate properties owned by me):

As of todays date _____. My name is _____

	Property location	Value	Debt/liabilities	Net owned
<u>1</u>				
<u>2</u>				
<u>3</u>				
<u>4</u>				
<u>5</u>				
<u>6</u>				

Note: For any additional list, use another sheet and attach as Exhibit B at the end of this will

	Total owned			
--	-------------	--	--	--

Others jointly owned:

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Personal Assets (name _____ today's date _____)

Financial Assets (Stocks, mutual funds etc.)

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My Name _____ **Date** _____

My Incomplete Religious Obligations

- 1. HAJJ (fard)**

- 2. COMPENSATION (penalty unpaid for mistakes done in umrah or hajj)**

- 3. ZAKAT**

- 4. SELF-IMPOSED NAZAR**

- 5. UNPAID KAFAARA**
 -
 -
 -

- 6. ANIMAL SACRIFICE (fard for hajj or eid-ul-adha)**

- 7. PROMISES MADE TO OTHERS (not fulfilled) OR OTHER OBLIGATIONS**

- 8. ITEMS BELONGING TO OTHERS (must be returned to them)**

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Bank Account(s) (names of the signatures holders)

Safety Deposit Boxes

Receivables (Due from others)

Insurance Policies

Others

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Other Assets/liabilities of_____

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List of immediate relatives' alive (today_____)

*List the names of the family members and their relationships, whether any one of them lives with you or not, have any contact with or no, likes you or not, direct full blood relation, brothers and sisters, uncles and grandmothers, (from the same father or mother), or half blood relation (from second father or mother i.e. step relations), residing any where in the world, their addresses known or unknown. Do not deny any one's due right given by Allah SWT regardless of your past or current bad experiences with any one of the them, personal differences, likes or dislike about them or their current ill behavior towards you. Have fear of Allah SWT who is watching you and them too! Each one of us will be questioned about our own individual thoughts and planned actions. So do not take any chances of failing in this last act of Ibadah, instead earn rewards for being kind, just and caring and most importantly in **obeying the command of Allah SWT, in giving their rights !***

(Names, relationship and their whereabouts)

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