

In the Name of Allāh, the Most Gracious, the Most Merciful

Islāmic Last Will and Testament

OF _____ ID No.: _____

RESIDING AT _____

DATE OF BIRTH _____ TELEPHONE _____ TODAY'S DATE _____

ARTICLE I: PREAMBLE

While being in full mental capacity and good health, I, _____, a Muslim, do hereby declare and certify this as my Last Will and Testament. I also do hereby declare that this document revokes any and all former wills and codicils that I may have previously written.

I bear witness that there is none worthy of worship except Allāh, and I bear witness that Prophet Muḥammad ﷺ is His servant and Messenger. I ask my relatives, friends and anyone reading this will, whether or not they believe as I do, to respect my beliefs and wishes. Please do not obstruct or alter this document. Rather, ensure that I am buried as I ask, and that my property is divided as I ask.

I also say to my relatives and friends what the Prophets Ibrāhīm and Ya‘qūb ﷺ said to their sons: ***“O my sons, indeed Allāh has chosen for you this religion, so do not die except while you are Muslims.”*** (Sūrah al-Baqarah, 2:132)

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 dates of birth are:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

ARTICLE III: EXECUTOR

A. I hereby appoint the person named below to serve as the executor of my will. I thereby entrust control of my entire estate (cash, bank accounts, real property, shares in any business, and any other property not mentioned in this Will), to the person/s named below, who shall distribute it according to my wishes and Islāmic law.

1. _____ ID No.: _____

2. _____ ID No.: _____

or, if he/she/they fail to survive me by 45 days,

3. _____ ID No.: _____

4. _____ ID No.: _____

or, if he/she/they fail to survive me by 45 days,

The *qāḍī* (Islamic judge) _____ of the community.

Otherwise, the 'Imām of the local Sunnī Muslim community at _____ Masjid.

B. I direct that my executor takes all actions Islāmically and legally permissible to execute the distribution of my estate 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, in accordance with the laws of *Shari'ah*.

D. I give my executor power to settle any claim for or against my estate.

E. In the event of any one or more of the executors dying during the term of office, or declining to act for any reason whatsoever, then the remaining or surviving Executor(s) shall be authorised to act on my behalf.

F. If all decline to act, then I declare that the *Dārul Qaḍā'* _____ or other competent *Dārul Iftā'* _____ shall be authorized to appoint one or more executor/s.

ARTICLE IV: ARBITRATION

Any disputes regarding this Will shall be adjudicated via private, binding Arbitration by a neutral Arbitrator. I hereby appoint _____ ID No.: _____ to serve as the Arbitrator. If he/she/it is unable or unwilling to serve as Arbitrator, I direct that _____ ID No.: _____ be appointed. The Arbitrator shall use his/her/its judgment and knowledge to resolve any and all disputes regarding this Will while adhering strictly to the directions contained therein as well as Islāmic law. The judgment of the Arbitrator shall be final and legally enforceable, without regard if the disputing parties consider his/her/its judgment imperfect.

NOTE:

I hereby direct that the executor/s of my estate apply the assets in my estate in the following order of priority as required by Islāmic law.

- A. First to the payment of my funeral expenses.
 - B. Second to the payment of all my debts.
 - C. Third to the payment of the bequests as set out in terms of Islāmic law.
 - D. Fourth to the distribution of the remainder of my estate to my Islāmic heirs.
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ARTICLE V: BURIAL ARRANGEMENTS

I ordain that my body be prepared for burial in keeping with the Sunnī Muslim Law (*Sharī'ah*). I ask that under no circumstances shall my body be voluntarily turned over for an autopsy, or embalming, or organ donation. My body must be prepared for burial, and buried, according to the *Sharī'ah*. Absolutely no non-Islāmic religious service or observance shall be conducted upon my death, or on my body, or at the grave site. No pictures, symbols, or music should be involved at any stage of my burial.

My body may not be transported over any unreasonable distance from the locality of my death unless necessitated by the circumstances. My grave should face in the direction of the *Ka'bah* in Makkah, Saudi Arabia. My body must be buried without casket or any other encasement that separates the shroud from the surrounding soil if the local law allows. My grave must be covered with dirt only. My burial must take place as soon as possible.

ARTICLE VI: CUSTODY OF MINOR CHILDREN AND GUARDIAN

If, at my death, any of my children are minors, I recommend that my husband/wife _____ ID No.: _____ 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 _____ ID No.: _____ be appointed guardian of my minor children. If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ ID No.: _____ be appointed guardian of my minor children. If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ ID No.: _____ be appointed guardian of my minor children.

In all cases, I urge that all my minor children be raised as practicing Sunnī Muslims and not in any way be indoctrinated into any other faith, religion, or sect of Islām. 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 VII: DEBTS AND EXPENSES

I direct my executor:

- A. Return to the rightful owners all trust and property (Annexure C) 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 (Annexure B), including such expenses incurred by my last illness and burial as well as the expenses of the administration of my estate.
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ARTICLE VIII: BEQUESTS

A. I direct my executor to pay any outstanding ‘obligation due to Allāh’ binding on me:

- A.1 Unpaid Zakāh _____
- A.2 Unaccomplished Ḥajj _____
- A.3 Unkept Ṣawm (Fasts) _____
- A.4 Unperformed Ṣalāh (Prayers) _____
- A.5 Unfulfilled Kaffārah _____
- A.6 Undischarged Qurbānī (ʿUḍḥiyah) _____
- A.7 Undischarged Vows _____
- A.8 Interest [impermissible income] _____

Accordingly, I hereby direct that such amounts shall be paid to such persons or institutions as my executor/s in their absolute discretion, shall determine to be entitled there to according to the laws of Islām.

B. I direct my executor to pay the following amount from any remainder of my estate to the people or groups listed below. The following entities are not already guaranteed a portion of my estate.

- 1. _____ % of the total remainder
- 2. _____ % of the total remainder
- 3. _____ % of the total remainder
- 4. _____ % of the total remainder
- 5. _____ % of the total remainder

Note: The total amount payable under this clause (ARTICLE VIII: BEQUESTS) shall not, however, exceed 33.33% (one third) of the net value of my estate after the payment of my entire lawful obligation and all debts contracted by me during my lifetime, including funeral expenses.

Should any Bequest of mine as described above be in conflict with Islāmīc law, then the *Dārul Qaḍāʾ* _____ or other competent *Dārul Iftāʾ* _____

shall have the power to adjust/modify such a bequest in order that it complies with Islāmīc law.

ARTICLE IX: DISTRIBUTION OF THE REMAINDER OF MY ESTATE

I direct my executor:

1. To distribute the residue and remainder of my estate to the rightful heirs strictly in accordance with the tenets of Sunnī Muslim law of inheritance.
 2. In case of any difficulty or disputes in distributing my estate according to this Will, the matter should be referred to the previously declared Arbitrator.
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ARTICLE X: SEPARABILITY

If any part of this will is determined invalid by a court, the other parts shall remain valid and enforceable.

ARTICLE XI: CONCLUSION

This concludes my Last Will and Testament. ***“Then, whoever alters it [i.e., the bequest] after he has heard it - the sin is only upon those who have altered it.” (Sūrah al-Baqarah, 2:181)***

I subscribe my name to this Will this day ____ of _____, 20__ at _____ a.m./p.m. 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.

_____	_____
Full Name and Signature	Date and Time

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

Witness 1. _____ ID No.: _____
Full Name

_____	_____
Signature	Date and Time

Witness 2. _____ ID No.: _____
Full Name

_____	_____
Signature	Date and Time

ANNEXURE C
Trusts/Amānāt

ITEM	OWNER