

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

## Islamic Last Will and Testament

OF \_\_\_\_\_

RESIDING AT \_\_\_\_\_

COUNTY \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ TELEPHONE \_\_\_\_\_ TODAY'S DATE \_\_\_\_\_

### ARTICLE I: PREAMBLE

The Prophet Muhammad (may peace be upon him) ordered all eligible Muslims to prepare a Last Will & Testament. Abdullah bin 'Umar narrated that the Prophet (pbuh) said, "It is not permissible for any Muslim who has something to will to stay for two nights without having his Will and Testament written and kept ready with him." (Sahih Al-Bukhari).

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 Allah (God), and I bear witness that Prophet Muhammad (pbuh), 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 Ibrahim and Ya'cob (Peace be upon them) said to their sons: **"O my sons, indeed God has chosen for you this religion, so do not die except while you are Muslims."** (Surat-ul-Baqarah, 2:132).

### Distribution of Inheritance According to the Quran

*Allah (SWT) says in the Quran in Sura (verse) An-Nisaa: 7-14*

7. For men is a share of what parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share.

8. And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [ i.e., the estate] and speak to them words of appropriate kindness.

9. And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate kindness.

10. Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e. Hellfire].

11. Allah instructs you concerning your children [i.e. their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. (Literally, "that which is left."). And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children, and the parents [alone] inherit for him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, (Although the siblings themselves do not inherit in this case.) after any bequest he [may have] made or debt. Your parents or your children – you know not which of them, are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.

12. And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one is a sixth. But if they are more than two, they share a third, (these shares are divided equally between males and females), after any bequest which was made or debt, as long as there is no detriment [caused]. (This is a condition for any bequest. If it has been violated by the deceased, his bequest is not to be honored, or it may be adjusted by the executor). [This is] an ordinance from Allah, and Allah is knowing and Forebearing.

13. These are the limits of Allah, and whosoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.

14. And whosoever disobeys Allah and His Messenger, and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.

**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. \_\_\_\_\_

**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 named below, who shall distribute it according to my wishes, as well as Islamic rules, the latter of which shall supercede in the event of conflict between the two.

1. \_\_\_\_\_, or, if he/she fails to survive me by 45 days, 2. \_\_\_\_\_, or, if he/she fails to survive me by 45 days, 3. \_\_\_\_\_, or, if he/she fails to survive me by 45 days, 4. \_\_\_\_\_, or, if he/she fails to survive me by 45 days, the Imam of the local Sunni Muslim community.

B. I direct that my executor take all actions 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.

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

**ARTICLE IV: ARBITRATION**

Any disputes regarding this Will shall be adjudicated via private, binding Arbitration by an Arbitrator. I hereby appoint \_\_\_\_\_ to serve as the Arbitrator. If he/she/it is unable or unwilling to serve as Arbitrator, I direct that \_\_\_\_\_ 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 my wishes, as well as Islamic rules, the latter of which shall supercede in the event of any conflict between the two. The judgment of the Arbitrator shall be final and legally enforceable, no matter whether the disputing parties consider his/her/its judgment imperfect.

**ARTICLE V: BURIAL ARRANGEMENTS**

I ordain that my body be prepared for burial in keeping with the Sunni Muslim Law. 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 Shariah. Absolutely no non-Islamic 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 or consensus of my Muslim family members. My grave should face in the direction of the Ka'aba in Makkah, Saudi Arabia. My body must be buried without casket or any other encasement that separates the shroud from the surrounding soil. My grave must be covered with dirt only. My burial must take place as soon as possible, preferably before sunset on the day of my death or the following day.

**ARTICLE VI: CUSTODY OF MINOR CHILDREN AND GUARDIAN**

If, at my death, any of my children are minors, I recommend that my husband/wife \_\_\_\_\_ 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 \_\_\_\_\_ be appointed guardian of my minor children. If he/she is unable or unwilling to serve as personal guardian, I recommend that \_\_\_\_\_ be appointed guardian of my minor children. If he/she is unable or unwilling to serve as personal guardian, I recommend that \_\_\_\_\_ be appointed guardian of my minor children.

In all cases, I urge that all my minor children be raised as practicing Sunni Muslims and not in any way be indoctrinated into any other faith, religion, or sect of Islam. 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 that are in my care at the time of my death.
- B. To, as needed, properly notify potential creditors of my passing, and to use the assets of my estate for 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.
- C. To pay any outstanding "obligation due to God" binding on me, including unpaid zakat, kaffaraat of unperformed pilgrimage (Hajj), etc.

**ARTICLE VIII: BEQUESTS**

I direct my executor 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, and the total must not exceed 33 percent (one third) of the remainder of my estate.

- 1. \_\_\_\_\_ % of the total remainder
- 2. \_\_\_\_\_ % of the total remainder
- 3. \_\_\_\_\_ % of the total remainder
- TOTAL BEQUESTS (must not be more than 33%) \_\_\_\_\_ % of the total remainder

**ARTICLE IX: DISTRIBUTION OF THE REMAINDER OF MY ESTATE**

- 1. Distribute the residue and remainder of my estate strictly in accordance with the tenets of Sunni 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.
- 3. Any portion of my estate remaining, disclaimed, or refused to be received by any of the legatees names or referred to in this document be donated to the following person/s or organization/s for the advancement of Islam. \_\_\_\_\_

**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.” (Surah al-Baqarah 2:181).***

I subscribe my name to this Will this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ am/pm 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. I further understand that the developers of this will recommend I consult with an Islamic scholar and an attorney before, during and after finalizing this will. By signing this will, I agree to hold its developers free of liability for any errors contained therein, as well as for any financial, legal or other consequences of such errors.

\_\_\_\_\_  
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 witness 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. \_\_\_\_\_  
Name and Signature \_\_\_\_\_ Date and Time \_\_\_\_\_

Witness 2. \_\_\_\_\_  
Name and Signature \_\_\_\_\_ Date and Time \_\_\_\_\_

**ARTICLE XII: ALABAMA SELF-PROVING AFFIDAVIT WITH NOTARIZATION**

“I, \_\_\_\_\_, the testator, sign my name to this instrument this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.”

\_\_\_\_\_

**Testator**

“We, \_\_\_\_\_ and \_\_\_\_\_, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.”

\_\_\_\_\_

**Signature of Witness #1**

\_\_\_\_\_

**Signature of Witness #2**

**\*\*\*NOTARIZATION\*\*\***

State of \_\_\_\_\_ County of \_\_\_\_\_

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the testator and subscribed and sworn to before me by \_\_\_\_\_, and \_\_\_\_\_, witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Official Capacity of Officer

**IMPORTANT NOTE:** We hope this will benefit you and your family. Please consult with an attorney in your state, and examine the laws of your state, to identify any additional, or alternate, rules or requirements necessary to make a will valid. In addition to an attorney, please also consult an Islamic scholar for legal advice before, during or after completing this will. By signing this will, you agree to hold its developers free of liability for any errors therein, as well as for any financial, legal or other consequences of such errors. Pray for the people at The Islamic Bulletin who prepared the original form of this sample will. Jazakum Allah Khairan (May God Reward You).