

In the name of Allah the most Beneficent the Most Merciful

Last Will And Testament

I _____, presently residing at _____
_____ being of sound mind and memory, do 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 the heavens and the earth and all therein–God of Abraham, Moses, Jesus, Mohammad, and all the Prophets, mercy and peace be upon them. He is One God and He has no partner. And I bear witness that the Prophet Mohammad 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 the Truth, that the Meeting with Him is Truth. I bear witness that paradise is truth, and that Hell is truth. And 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 worshiped, fear Him as He alone is to be feared, And love Him and His Prophet Mohammad with a complete that is rivaled by nothing besides them. Let them obey Him and hold fast to His shari’ah. 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 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 yourself with my death, but instead, make the proper preparations for your own.

[First page of my Last Will and Testament _____]

Signature

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 for four lunar months and ten days until her iddah (period of waiting) is Completed. Wailing and excessive lamentation is forbidden by the Creator, and it only reflects lack of understanding and dissatisfaction with the Will of the Creator, may He be exalted.

Finally, I ask all my relatives, friends, and all others, whether choose to believe as I believed 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 1: FUNERAL AND BURIAL RITES

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

1. I hereby, nominate and, appoint _____, residing at _____ to execute these and other necessary provisions for my Islamic funeral and burial. In the event that he/she shall be unwilling or unable to execute, I nominate and appoint _____, residing at _____ and in the event that he/she shall be unwilling or unable, I nominate and appoint the local Muslim community in the area where I died to execute these provisions of funeral and burial.
2. In the event of legal difficulties in the execution of this Article, I direct the above-named persons to seek counsel from the North American Islamic Trust, Inc., of Indianapolis, Indiana.
3. I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body.
4. I ordain that no pictures, crescents and stars, decorations, crosses, flags, any symbols -Islamic or otherwise- or music be involved at any stage of the process of conducting my burial or ever be placed at the site of my grave.
5. 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 nears Muslim cemetery, or decided by my Muslim family.

[Second page of my Last Will and Testament _____]

Signature

6. I ordain that my grave be dug deeply and in complete accordance with the specifications of Islamic practice, that it face in the direction of the qiblah (the direction of the city of Mecca in the Arabian Peninsula toward which Muslims turn during prayers).
7. I ordain that my body shall be buried without casket or any other encasement that separate the wrapped body from the surrounding soil. In the event that the local laws require casket encasement I ordain that such encasement be of simplest, most modest, and least expensive type possible, and I further ordain that the encasement-be left open during burial and filled with dirt unless prohibited by law.
8. I ordain that my grave be leveled with 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. There should be no inscriptions, or symbols on the said marking.

ARTICLE II: DEBTS AND EXPENSES

1. I direct that all trust properties shall be returned to the rightful owners. I further direct that my executor hereafter named 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" (huquq Allah) which are binding on me including unpaid zakah, kaffarat or unperformed pilgrimage (hajj)
2. I direct all 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 without reimbursement from any, person, except that this provision shall not be construed as a waiver of any right which my executor has, by law, 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 named persons, and organizations:

[Third page of my Last Will and Testament _____]

Signature

Name of Person/Organization	Percent of my estate after Execution of Article II
Total	

ARTICLE IV: DISTRIBUTION OF REMAINDER OF MY ESTATE

- 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 relation 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:

**ISNA-SCHEDULE A: MAWARITH
(THE ISLAMIC DISTRIBUTION OF THE ESTATE)**

which is prepared by the Islamic Society of North America (ISNA), head-quartered at Plainfield, Indiana, and signed by me as part of this Last Will and Testament.

- I direct that no part of the residue and remainder of my estate after the execution of Articles II and III shall be inherited to any non-Muslim relative whether this relative is a 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 named schedule.
- 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.
- I direct that no part of my estate shall be given to relatives whose relationship to me, ascending or descending has occurred through non-Islamic nor lawful marriage, or through adoption, at each and every point—except the following:
 - Legatees specifically named in Article III.
 - relative who is related to me through his/her biological mother.

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Signature

5. I direct and devise that any fetus, conceived before death, whose relationship to me qualifies it to be an heir according to this Article shall be considered as an heir if the following condition is fulfilled: the fetus should be born alive within – 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.

6. I direct, devise, and bequeath all the residue and remainder of my estate after the execution of Articles II and III and sections "1" through "5" of this Article to North American Islamic Trust., Inc. of Indiana as a contribution designated to the establishment of Islamic centers and Mosques in North America. 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 the North American Islamic Trust, Inc. as a contribution for establishing Islamic centers and Mosques in North America.

ARTICLE V: EXECUTOR AND GUARDIAN

I hereby nominate and appoint _____, presently residing at _____ to be the executor of this, my Last Will and Testament. In the event that he/she shall be unwilling or unable to act executor, I nominate and appoint _____, presently residing at _____ to be the executor of this, my Last Will and Testament.

I give my executor herein named power to settle any claim for or against my estate and power to sell any property, real, personal or mixed, in which I have an interest, without court order and without bond. I direct that no bond or surety for any bond be required for my executor the performance of his/her duties.

I hereby nominate and appoint _____ residing at _____ to be the guardian of the persons and estates of such of my children as shall be minor at and after my death, during their minority, so long as said guardian remains as upright and practicing Muslims of sound mind and judgment. In the event that he/she shall be unwilling or unable to act as guardian, I nominate and appoint _____ presently residing at _____ to be the guardian.

[Fifth page of my Last Will and Testament _____]

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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 whereof, I have hereunto set my hand and seal this _____ day of _____ of the year _____.

_____(seal)
(legal Name)

(Muslim Name, if different)

We hereby certify that the foregoing instrument was on the date thereof, signed, published, and declared by the Testator _____, 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 witness thereto, believing said Testator at the time of so signing to be of sound mind and memory.

- 1. _____ of _____
- 2. _____ of _____
- 3. _____ of _____

This document is made in _____ copies, all the same and all original. One is with me, one is deposited with the Islamic Society of North America, and one is with the executor. The rest of these _____ copies are at:

- 1. _____
- 2. _____
- 3. _____

ISNA-SCHEDULE A: MAWARITH

(THE ISLAMIC DISTRIBUTION OF THE ESTATE)

I ordain and direct that this schedule be used as the only reference for distribution of the residue and remainder of my estate referred to in Article IV. This schedule must be defined as part of my Last Will and Testament.

[I] CASE ONE: SON OR MORE: (INCLUDING ANY NUMBER OF DAUGHTERS)

- [1] Surviving heirs with no other:
He or they get all remainder such that sons are equal in their class, daughters are equal in their class, and for each daughter half, as for each son.
- [2] Surviving heirs with wife :
1/8 to wife, rest-as in "I.1".
- [3] Surviving heirs with husband:
1/4 to husband, rest as in "I.1".
- [4] Surviving heirs with father and mother:
1/6 to each of father and mother, rest as in I.1".
- [5] Surviving heirs with one parent:
1/6 to parent, rest as in "I.1".
- [6] Surviving heirs with any possible combination of "I.2", "I.3", "I.4", and "I.5":
each spouse and parent takes the share mentioned above and the rest as in "I.1".
- [7] Surviving heirs with father of father (while father deceased) and mother of father (and no father or mother):
1/6 to each of father of father and mother of father, rest as in "I.1".
- [8] Surviving heirs "I.7" with wife:
1/6 to mother of father; 1/6 to father of father, 1/8 to wife, and rest as in "I.1".
- [9] Surviving heirs with husband:
1/6 to mother of father; 1/6 to father of father, 1/4 to husband and rest as in "I.1".
- [10] Surviving heirs with father of father, (no father), and mother:
1/6 to each of mother and father of father, rest as in "I.1".
- [11] Surviving heirs "I.10" with wife:
1/6 to each of mother and father of father, 1/8 to wife and rest as in "I.1".

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- [12] Surviving heirs "I.10" with husband:
1/6 to each of mother and father of father, 1/4 to husband, and rest as in "I.1".
- [13] Surviving heirs with father and mother of mother (no mother):
1/6 to mother of mother; 1/6 to father, and rest as in "I.1".
- [14] Surviving heirs "I.13" with wife:
1/6 to each of father and mother of mother, 1/8 to wife, and rest as in "I.1".
- [15] Surviving heirs "I.13" with husband :
1/6 to each of father and mother of mother, 1/4 to husband, rest as in "I.1".
- [16] Surviving heirs "I.13" more than one same-degree grandmother (i.e. mother of mother, and mother of father) in "I.10", "I.11", and "I.12" :
grandmother share equally 1/6, rest as in "I.1".
- [17] Disregard any other relatives in case one.

[II] CASE TWO: ONE DAUGHTER OR DAUGHTERS; NO SONS:

- [1] Surviving heirs with no other relatives:
if one only, she takes all remainder; if more than one, they share equally.
- [2] Surviving heirs with wife:
1/8 to wife, rest as in "II.1".
- [3] Surviving heirs with husband:
1/4 to husband, rest as in "II.1".
- [4] Surviving heirs with father:
1/2 to the one daughter, 1/2 to father; 2/3 to daughters equally if more than one and 1/3 to father.
- [5] Surviving heirs with mother :
1/4 to mother, 3/4 to daughter; 4/5 to daughters equally if more than one, and 1/5 to mother.
- [6] Surviving heirs with parents:
1/6 to mother, 1/3 to father, 1/2 to daughter. If more than one daughter, 2/3 to them equally, 1/6 to mother, and 1/6 to father.
- [7] Surviving heirs with wife and father:
1/8 to wife, 1/2 to daughter, and 1/3 to father. If more than one daughter, 2/3 to them equally, 1/8 to wife, and 5/24 to father.
- [8] Surviving heirs with wife and mother:
1/8 to wife, 7/32 to mother, 21/32 to daughter. If more than one daughter, 1/8 to wife, 7/40 to mother, and 7/10 to daughters equally.

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- [9] Surviving heirs with wife and parents:
 $\frac{1}{8}$ to wife, $\frac{1}{6}$ to mother, $\frac{5}{24}$ to father, and $\frac{1}{2}$ to daughter. If more than one daughter, $\frac{3}{37}$ to wife, $\frac{4}{27}$ to mother, $\frac{16}{27}$ to daughters equally, and $\frac{4}{27}$ to father.
- [10] Surviving heirs with husband and father :
 $\frac{1}{4}$ to husband, $\frac{1}{4}$ to fathers and $\frac{1}{4}$ to daughter. If more than one daughter, $\frac{3}{13}$ to husband, $\frac{2}{13}$ to father, and $\frac{8}{13}$ to daughters equally.
- [11] Surviving heirs with husband and mother :
 $\frac{1}{4}$ to husband, $\frac{7}{36}$ to mother, $\frac{5}{9}$ to daughter. If more than one daughter, $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, and $\frac{8}{13}$ to daughters equally.
- [12] Surviving heirs with husband and parents :
 $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, $\frac{2}{13}$ to father, and $\frac{6}{13}$ to daughter.
 if more than one daughter, $\frac{3}{15}$ to husband, $\frac{2}{15}$ to mother, $\frac{2}{15}$ to father, and $\frac{8}{15}$ to daughters equally.
- [13] Surviving heirs with father of father:
 $\frac{1}{2}$ to father of father $\frac{1}{2}$ to daughter. If more than one daughter $\frac{1}{3}$ to father of father, and $\frac{2}{3}$ to daughters equally.
- [14] Surviving heirs with "II.13" with wife :
 as in "II.7" but father of father in place of father.
- [15] Surviving heirs with "II.13" with husband:
 as in "II.10" but father of father in place of father.
- [16] Surviving heirs with "II.13" with mother or without mother but with mother of father or mother of mother:
 as in "II.6" but father of father in place of father, and grandmother in place of mother.
- [17] Surviving heirs with "II.16" and wife:
 as in "II.9" but father of father in place of father and grandmother in place of mother.
- [18] Surviving heirs with "II.16" and husband:
 as in "II.12" but father of father in place of father, and grandmother in place of mother.
- [19] Surviving heirs with "II.16", "II.17", and "II.18" but with both mother of mother and mother of father and without mother:
 grandmothers share equally with both mother of assigned to the mother or to one mother and mother of grandmother in cases "II.17", "II.18", and "II.19" respectively; the rest as in "II.17", "II.18", and "II.19" respectively.
- [20] Surviving heirs with son of son:
 $\frac{1}{2}$ to daughter, $\frac{1}{2}$ to son of son. If more than one daughter, $\frac{2}{3}$ to daughters equally, and $\frac{1}{3}$, to son of son.

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- [21] Surviving heirs with more than one son of son (including any number of daughters of son(s)):
as in "II.20" and the share of son of son is divided among sons of son and daughters of sons based on rules stated in "I.1".
- [22] Surviving heirs with "II.21" with wife or husband:
1/2 to daughter, 1/4 to husband (or 1/8 to wife), rest to children of sons as in "II.21".
- [23] Surviving heirs with "II.22" with two parents or with father of father (and no father and no brothers) and mother or with father of father (no father and no brothers) and a grandmother(s) of either side (with no mother):
1/2 to daughter, 1/8/ wife, 1/6 to father of father, 1/6 to mother or grandmother(s), and 1/24 to children of sons as in "II.21".
6/13 to daughter, 3/13 to husband, 2/13 to father of father, 2/13 to mother or grandmother(s), and nothing to children of son.
16/27 to daughters equally, 3/27 to wife and rest equally to parents, grandfather and mother, grandfather and grandmother, or grandfather on one hand and grandmother on the other hand, nothing to children of son.
8/15 to daughters equally, 3/15 to husband, and rest as in preceding paragraph, and nothing to children of son.
- [24] Surviving heirs with daughters of son:
3/4 to one daughter, 1/4 to daughters of son equally among them.
All to daughters, nothing to daughter(s) of son.
- [25] Surviving heirs with sister(s) of same two parents (no brothers) or with brother(s) of same two parents (no sisters):
1/2 to one daughter, 1/2 to sister/brother, or equally among sisters/brothers.
2/3 to daughters, 1/3 to sister/brother, or equally among sisters/brothers.
- [26] Surviving heirs with sister(s) and brother(s) of same two parents:
1/2 to daughter, 1/2 to sister(s) and brother(s) on the basis of one share to female and two shares to male.
2/3 to daughters, 1/3 to sister(s) and brother(s) on same basis.
- [27] Surviving heirs with "II.25" wife or husband, or "II.26" with wife or husband:
1/2 to daughter, 1/8 to wife and 3/5 to sister(s) and/or brother(s) as in "II.25" or "II.26"; 1/2 to daughter, 1/4 to husband, 1/4 to sister(s) and/or brother(s) as in "II.25" or "II.26".
2/3, to daughters, 1/4 to husband (or 1/8 to wife), the rest to sister(s) and/or brother(s) as in "II.25", "II.26"; 2/3 to daughters, 1/8 to wife.

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- [28] Surviving heirs with uncle(s) from same parents as father:
1/2 to daughter and rest to uncle(s) equally.
2/3 to daughters and rest to uncle(s) equally.

NOTE: If the Testator's case is under Case 2, but not covered above, the executor should consult The Islamic Society of North America (ISNA), headquartered at Indiana for guidance in the distribution.

[III] CASE THREE: CHILDREN OF SON(S) AND NO SONS AND DAUGHTERS:

Apply Case one and two after substituting daughter of son for daughter and son of son for son.

[IV] CASE FOUR: PARENT(S) AND NO OFFSPRING:

- [1] Surviving heirs father alone or father or father and his brother(s) and/or sister(s):
all remainder to father alone, nothing to brothers and sisters.
- [2] Surviving heirs father and wife or husband:
1/4 to wife (or 1/2 to husband) and rest to father.
- [3] Surviving heirs father and mother (no brothers or sisters) :
1/3 to mother, rest to father.
- [4] Surviving heirs "IV.3" with wife or husband:
1/4 to wife, 1/4 to mother, rest to father.
1/2 to husband, 1/6 to mother, rest to father.
- [5] "IV.3" or "IV.4" with at least two brothers and or sisters or one brother and one sister:
1/6 to mother, nothing to brother(s) and sister(s), rest to father.
1/6 to mother, nothing to brother(s) and sister(s), 1/4 to wife (or 1/2 to husband), rest to father.
- [6] mother only:
all remainder.
- [7] mother and wife, or husband:
1/4 to wife or 1/2 to husband and rest to mother.
- [8] mother with one brother (or sister) of same two parents or father's side:
1/3 to mother, rest to brother;
2/5 to mother, rest to sister.

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- [9] "IV.8" with husband or wife:
 1/3 to mother, 1/2 to husband or 1/4 to wife, rest to brother.
 4/13 to mother, 3/13 to wife, 6/13 to sister; or 2/8 to mother, 3/8 to husband, 3/8 to sister.
- [10] mother with at least two brothers, one brother and sister(s) all of same two parents or father side:
 1/6 to mother, rest to brothers or brother(s) and sister(s) according to rules in case one "I.1".
- [11] "IV.10" with husband or wife:
 1/6 to mother, 1/4 to wife (or 1/2 to husband) rest to brother or brother(s) and sister(s) as in rules case one "I.1".
- [12] mother with two sisters or more of same two parents or father's side:
 1/5 o mother, 4/5 to sisters equally among them.
- [13] "IV.12" with wife or husband:
 3/13 to wife , 2/13 to mother, 8/13 to sisters equally.
 1/8 to husband, 1/8 to mother, 4/8 to sisters among them equally.
- [14] mother with one brother of mother's side or one sister of mother's side:
 2/3 to mother, 1/3 to brother or sister.
- [15] "IV.14" with wife or husband:
 1/4 to wife, 1/2 to mother, 1/4 to brother or sister.
 1/2 to husband, 1/3 to mother, 1/6 to brother or sister.
- [16] mother with more than one brother and/or sister of mother's side:
 1/3 to mother, 2/3 to brother(s) and sister(s) equally among them.
- [17] "IV.16" with wife or husband :
 1/4 to wife, 1/4 to mother, 2/4 to brother(s) and sister(s) equally among them.
 1/2 to husband, 1/4 to mother, 1/4-to brother(s) and sister(s) equally among them.
- [18] with mother and father (no brother(s) or sister(s):
 1/3 to mother, rest to father of father.
- [19] "IV.18" with wife or husband:
 1/3 to mother, 1/4 to wife (or 1/2 to husband), rest to grandfather.
- [20] Surviving Heirs with mother and son of brother who is of the same two parents:
 1/3, to mother, rest to son of brother.
- [21] "IV.20" with wife or husband:
 1/3 to mother, 1/4 to wife (or 1/2 to husband), and rest to son of brother.

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- [22] with mother and brother of father of same two of parents:
1/3 to mother, rest to brother of father.
- [23] Surviving Heirs "IV.22" with wife or husband:
as "IV.13" above but brother of father instead of son of brother.
- [24] Surviving Heirs with father and mother of mother and no mother:
1/6 to mother, rest of mother father.
- [25] Surviving Heirs with mother, brother(s):
1/6 to mother, rest among brother(s) and father of father equally, unless grandfather's share goes below 1/3 (if it does, he gets 1/3 and rest to brothers equally).

NOTE: If the Testator's case is under Case Number 4. but not covered above, the executor should consult The Islamic Society of North America (ISNA), headquartered at Plainfield, Indiana for guidance in the distribution.

[V] CASE FIVE: HUSBAND OR WIFE, NO OFFSPRING AND NO FATHER OF FATHER

- [1] Surviving Heirs wife :
1/2 to husband, rest to North American Islamic Trust, Inc. of Indiana to be used for establishment of Islamic centers and Mosques in North America.
- [2] Surviving Heirs husband:
1/4 to wife, rest as in "V.1".
- [3] Surviving Heirs with a brother or one:
1/2 to husband (or 1/4 to wife) rest to the one brother or equally to brothers or to brothers and sisters on the basis of one share to each female and two shares to each male.
- [4] Surviving Heirs with sister(s):
1/4 to wife (or 1/2 to husband) rest to the one sister or equally among sisters.
- [5] Surviving Heirs with a son(s) of brother(s) or son(s) and daughter of brother(s):
as in "V.3" put niece and nephew(s) in place of sister and brother.
- [6] Surviving Heirs with brother(s) of father:
1/4 to wife (or 1/2 to husband) and rest to uncle(s) equally.

NOTE: If the Testator's case is under case five but not covered above, the executor should consult The Islamic Society of North America (ISNA), headquartered at Plainfield, Indiana, for guidance in the distribution.

[VI] CASE SIX: ALL OTHER CASES

All other cases not mentioned in case one through five, shall be referred to the Islamic Society of North America headquartered at Plainfield, Indiana for the rules of distributions.

Further, for any interpretation of any of the above cases, I ordain that the executor shall refer to The Islamic Society of North America (ISNA).

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Signature