



With the Name of Allāh the Most Merciful, the Bestower of Mercy

# The Islāmic Will & Testament

TESTATOR	
Name <sup>1</sup>	
Birth Date	
City of Residence	
County	
State or Province	
Country	

I, \_\_\_\_\_, being of sound mind and memory, do hereby revoke any and all of my former wills and amendments, and declare this my last Will and Testament.

## PREAMBLE

### THE *SHAHADAH*—TESTIMONY OF FAITH

أشهد أن لا إله إلا الله، وأشهد أن محمداً رسول الله.

*Ash-hadu alia ilaha illallah, wa ash-hadu anna Muhammadan rasulullah.* I testify that there is no true deity except Allah, and that Muhammad (صلى الله عليه وسلم) is Allah's messenger. I bear witness that Allah is the Creator of the Heavens and Earth, and the God of Adam, Nuh (Noah), Ibrahim, Musa (Moses), and 'Isa (Jesus). I bear witness that Allah's promises are true and we will certainly meet with Him, Paradise is true, the Day of Judgement is coming without any doubt, and Allah (exalted be He) will surely resurrect those in the graves.

### COUNSEL TO MY BELOVED ONES

The following is my counsel to my beloved spouse, children, relatives, friends, Muslim brothers and sisters, and all those who survive me:

I Strive to be true Muslims. Worship our Creator as He alone is to be worshipped. Direct your absolute fear, hope, love, and submission to Him alone. I exhort you with what Ibrahim and Ya'qub exhorted their children:

1 Identify the Testator consistently and unequivocally throughout the will. Use the name normally used on legal documents.

يَبْنِيَّ إِنَّ اللَّهَ اصْطَفَى لَكُمُ الدِّينَ فَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

«O my children, Allah has chosen for you this true religion, so do not die except in the faith of Islam.»<sup>1</sup>

- Revere Allah and be conscious of Him. Be prepared for departure from this life. Take provision of good deeds. Keep the company of the scholars and righteous Muslims. Let your appearance and behavior reflect *Islam* in the best way. Strive to spread and establish the religion of *Islam*.
- Obey Allah and His Messenger (صلى الله عليه وسلم). Hold fast to the Messenger's *Sunnah* (teachings), and the guidance of the *salaf* (righteous early Muslims). I exhort you with the Messenger Muhammad's (صلى الله عليه وسلم) last exhortation to his followers: <The prayer ... the prayer ...> <sup>2</sup> So, maintain the prayers at their prescribed times.
- Always supplicate for me and ask Allah to forgive me and have mercy on me.
- Avoid all acts of disobedience. Beware of innovations or altering any of the teachings of *Islam*. I disown before Allah any act of disobedience or innovation that anyone might commit after me.

#### WHAT TO DO WHEN DEATH COMES

(1) When death approaches me, have Muslims of knowledge and piety attend me, and let them remind me of maintaining good thoughts about my Lord, hoping for His mercy and forgiveness, and constantly uttering the *Shahadah*.

(2) Remove from my presence anything that dispels the angels of mercy, such as pictures or statues of humans and animals, dogs, bells, improperly attired women, music, smoking, etc.

(3) After my soul departs, I ordain the following to my family or those who are present:

- Close my eyes.
- Make good supplications for me (without raising their voice), invoking mercy and forgiveness for me.
- Take measures to quickly prepare me for the burial.
- Avoid announcing my death on loud speakers or in newspapers.
- Stop prompting me to say the *Shahadah* after my soul had departed from my body.
- Hasten to pay off my debts.

(4) No person dies before his appointed time. So, I ordain to my family the following:

- Do not preoccupy yourselves with my death, but instead make the proper preparations for your own.
- Maintain patience, self-composure, and submission to Allah's decree.
- Do not raise your voice, wail, strike your cheeks, or call out with the calls of ignorance that reflect dissatisfaction with Allah's decree.
- Women may not mourn <sup>3</sup> over me for more than three days, except for a widow who is

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1 *Al-Baqarah* 2.132.

2 Recorded by Ahmad and others from Umm Salamah, Anas, and Ibn 'Umar. Verified to be authentic by al-Albani (*Sahih ul-Jami* no. 3873).

3 Mourning is a display of sadness through abstaining from common show of pleasure and happiness.

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allowed to mourn over her husband for four months and ten days — until her 'iddah ' is completed.

## FUNERAL

(5) I ordain that all of my funeral and burial procedures be performed by Muslims in full compliance with the *Islamic* religion and the *Sunnah* of the Messenger (صلى الله عليه وسلم).<sup>2</sup> Absolutely no *non-Islamic* religious services or observances may be conducted upon my death, or on my body.

In particular:

- Autopsy or embalment may not be performed on my body — unless required by law. I
- My burial may not be delayed for reasons *Islamically* unjustifiable, such as awaiting a specific day, or the arrival of a particular person.
- My body should be washed three or five times (or more if needed) with soap and water, adding camphor or perfume on the last time.
- My body should be wrapped with three plain white perfumed sheets of cloth that are free of ornaments and other articles.
- I should be buried where I die; my body may not be transported over any unreasonable distance except as needed to reach the nearest Muslim cemetery.
- My funeral procession should be expedited.
- Women and incense burners may not accompany my funeral procession.
- During my funeral, voices may not be raised with reciting *Quran*, uttering the *Shahadah*, or any supplications. Silence should be maintained, and those present should contemplate over the event and supplicate for me in their hearts.
- The funeral prayer upon me should be conducted outside the graveyard, and not among the graves.
- The largest possible number of Muslims should be invited to pray upon me, they should be arranged in a minimum of three rows, and they should be instructed to supplicate for me sincerely and extensively.

## BURIAL AND THE GRAVE

(6) I ordain that:

- My grave should be dug in accordance with the specifications of the *Sunnah*.
- If possible, my grave should be made as a *lahd*.<sup>3</sup>
- My body should 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 simplest, most modest, and least expensive type.
- My body should be laid in the *lahd* on the right side, with the face to the *Qiblah*, and my back supported with bricks.
- The men who lay down my body should say: *Bismillahi, wa'ala millati Rasulillah* (with Allah's name, and upon the religion of Allah's Messenger (صلى الله عليه وسلم)).
- No *pillow* may be placed under my head, no perfumes or decorations may be sprinkled in my grave, and no worldly possession may be buried with me.

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1 Period of waiting before she can consider re-marrying.

2 This subject is covered extensively in our book, "Funerals, Regulations & Exhortations".

3 Near the bottom of the grave, in its wall facing *Qiblah* (the direction of Makkah in Arabia), a horizontal niche is made large enough for the body to be placed in it.

- Each one attending my burial should pour three handfuls of dust into the head end of my grave.
- After finishing my burial, the Muslims should be urged to stay for about fifteen minute around my grave, supplicating for me quietly, and asking Allah to grant me mercy forgiveness, and firmness of words when questioned by the angels in the grave.

(7) I ordain that:

- No structure may be built over my grave.
- The soil over my grave should be raised no more that a hand span.
- No fence may be built around my grave.
- No writing, or symbols may be placed on my grave, except for a simple rock or inscription of my name to mark it so that other family members may later be buried in it.

#### **VIOLATIONS OF ISLAM**

(8) I ordain that innovations, violations of *Islam*, and practices of the non-Muslims, should all be prevented at my funeral. In particular:

- No one may wear black as a sign of mourning.
- No pictures, decorations, flowers, wreaths, flags, or symbols may be included at any stage of my burial, nor be placed at the site of my grave.
- Recitation of *Quran* (even *Surat ul-Fatihah* or *Yasin*) may not be done over my body during the funeral procedures.

#### **CONDOLENCES**

(9) I ordain that:

- The people should be instructed to express their condolences in proper *Islamic* terms and manner.
- My family may not prepare food for the people who visit to comfort them, nor are they to hire or appoint men to recite *Quran* for the occasion.
- Gatherings may not be arranged for the specific purpose of receiving condolences, especially those made on Fridays, on the third day, after one week, forty days, annually, etc.

I disown before Allah, the Most High, every action or saying that conflicts with the *Sunnah* of the noble Messenger (صلى الله عليه وسلم).

Finally, I ask all my relatives, friends and all others, whether they choose to believe as I believed or not, to honor my right to these beliefs. I ask them to honor this document, and not to obstruct it or change it in any way. Rather, let them see that I am buried as I have indicated above, and let my estate be divided as I indicate below.

#### **ARTICLE I - FUNERAL AND BURIAL PROCEDURES**

(1) I hereby nominate and appoint one of the following, in this sequence, as dictated by their availability and willingness, to execute all foregoing and necessary provisions for my proper *Islamic* funeral and burial.

**FUNERAL ADMINISTRATOR**

	First Choice	Second Choice	Third Choice
Name			Nearest Muslim <i>Imam</i>
Address			
Tel.			

(2) In the event of legal difficulties in administrating my funeral, I direct my Administrator to seek counsel from learned Muslim men or reputable *Islamic* organizations.

**ARTICLE II - EXECUTOR AND GUARDIAN**

**EXECUTOR**

(1) I hereby nominate and appoint one of the following, taken in this sequence, as dictated by their availability and willingness, to be the sole Executor <sup>1</sup> of this Will and Testament.

**WILL EXECUTOR <sup>2</sup>**

	First Choice	Second Choice	Third Choice
Name			Nearest Muslim <i>Imam</i>
Address			
Tel.			

(2) 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.

(3) I direct that no bond or surety for any bond be required for my Executor in the performance of his/her duties.

(4) It is my will that no other action shall be had in the court in the administration of my estate than to prove and record this will, and to return an inventory and appraisal of my estate and list of claims.

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1 This word should be substituted everywhere with "Executrix" in the event that the person executing the will is female.  
 2 It is recommended that the Executor be a young, practicing Muslim. One may appoint a spouse, child, or friend.

**GUARDIAN**

(5) I hereby nominate and appoint one of the following, taken in the same sequence as dictated by their availability and willingness, and so long as said person remains an upright and practicing Muslim of sound mind and judgement, 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:

**GUARDIAN**

	First Choice	Second Choice	Third Choice
Name			Nearest Muslim <i>Imam</i>
Address			
Tel.			

**ARTICLE III - MY ASSETS AND LIABILITIES**

(1) I own or am owed amounts and items, debts, trusts, businesses, properties, bank accounts, cash etc. — as is detailed in the attached sheets. <sup>1</sup>

(2) I owe amounts and items, debts, trusts, etc. — as is detailed in the attached sheets. <sup>2</sup>

**ARTICLE IV - SETTLEMENT OF DEBTS AND EXPENSES**

(1) I direct that all trust properties in my possession be returned to their rightful owners. I further direct that my Executor first applies 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 that are binding on me before Allah, including unpaid *zakah* (obligatory *Islamic* charity), vows, *kaffarat* (expiating *Islamic* obligations), and unperformed *Hajj* (pilgrimage to Makkah).

(2) I direct that 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 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.

1 Use the forms provided in Appendix 11

2 Use the forms provided in Appendix II



to me through their biological mother. I further direct that a relationship based on a well-established *Islamic* marriage shall be accepted — whether or not the marriage had been confirmed with the legal authorities.

(5) I direct that any fetus, conceived before my death, whose relationship to me qualifies it to be a legal heir according to *Islam*, shall be considered an heir, provided that it is born alive, and within a reasonable term<sup>1</sup> after my death. In such a case, the distribution of my residuary estate after the execution of ARTICLES IV and V shall be delayed until after the birth of the fetus. If some of the other heirs are in urgent financial need, a disbursement may be extended to them not to exceed their minimum possible share after taking the fetus's share into consideration.

(6) I direct that any residuary estate, after the execution of ARTICLES IV and V and sections 1 through 5 of ARTICLE VI, to the following tax-exempt *Islamic* organization:

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## ARTICLE VII - 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.

## CONCLUSION

This is my will, which I have laid out.

﴿فَمَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ، إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ﴾ البقرة ١٨١

«Whoever changes the bequest after hearing it, the sin will be upon those who make the change. Truly, Allah is Hearing and Knowing.\* [Al-Baqarah 2:181]

I ask Allah to guide me and all the Muslims and grant us righteousness, a good end, and death upon the testimony of *Islam*.

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1 A "reasonable period" is normally nine months, but varies among women. Thus, medical advice may need to be consulted in doubtful cases.



## Table of Shares

The following table provides the "raw" shares that are allocated to various individuals according to the *Islamic* law of inheritance. These, together with the portions allotted to specific male individuals such as sons and brothers (see following notes), provide most of the information needed to determine the exact shares. In some cases, additional fine-tuning may be needed as explained in the notes. In order for an individual to receive a particular share, the required conditions for him (or her) are marked with "y" (yes) or "n" (no). Ex., for a daughter to receive *Vi* of the estate, U and not(PA) must hold: only daughter, no brothers. All of the conditions marked for a specific individual must hold simultaneously. The only exception is when the mother gets 1/6, as indicated below. Additional non-common conditions for some individuals are also indicated.

x/y	Individual	Conditions									Additional Conditions & Notes
		U	BH	MO H	PA	HBH	FS	Fa	Mo	2MS	
1/2	Husband		n								
	<i>W</i>	y			n						
	Son's <i>W</i>	y			n	n					
	F. sister	y	n	n	n						
	P. sister	y	n	n	n		n				
1/4	Husband		y								
	Wives		n								
1/8	Wives		y								
2/3	<i>W</i>	n			n						
	Sons' <i>W</i> s	n			n	n					
	F. sisters	n	n	n	n						
	P. sisters	n	n	n	n		n				
1/3	Mother		n							n	
	M. siblings	n	n	n							
1/6	Father		y								
	Mother		y							y	Only one of the 2 conditions must hold
	P. Gfather		y					n			Replaces father in his absence
	Gmothers								n		Replace mother in her absence
	Sons' <i>W</i> s				n						A higher ranking female must simultaneously get 1/2
	P. sisters				n						
	M. sibling	y	n	n							

**Legend:** F = full; P = paternal; M = maternal; O = offspring; <j/> = daughter; G = grand; n = no; y = yes U = unique (no other heirs in the same class of relationship to the deceased); BH = the deceased has branch-heirs (offspring); MOH = the deceased has male origin-heirs (father; P. Gfathers); PA = the heir has paternal associates (brothers or cousins of equal class); HBH = the heir has higher-ranking branch-heirs; FS = the deceased has full siblings; 2MS = the deceased has two or more siblings (half or full); Fa = the father survives the deceased; Mo = the mother survives the deceased.

#### **NOTES AND GUIDELINES**

1. The share for 2 or more of the same class (wives, daughters, etc.) is equally divided among them.
2. After giving the prescribed shares to the individuals who deserve them, the remainder is given to the nearest male relative (or relatives of the same class). The order of priority is: offspring, fathers, brothers, paternal uncles. Thus, in a case involving 3 daughters, mother, grandson, and brother, the daughters get  $\frac{2}{3}$ , the mother  $\frac{1}{6}$ , and the grandson receives the rest ( $\frac{1}{6}$ ).
3. If there are brothers and sisters in the same class, the shares in the above table cease to hold for them, and a female's share becomes half a male's. Thus, in the case of 3 daughters, mother, son, and brother, the mother gets  $\frac{1}{6}$ , and the rest is divided among the 4 children, so that each daughter gets  $\frac{1}{6}$  and the son gets  $\frac{1}{3}$ .
4. If the heirs all have prescribed shares according to the above table (no male heir to receive the rest), but their shares do not add up to 1, the shares are redistributed with a new denominator so that they add up to 1. Thus, in a case involving 3 daughters and mother, the mother gets  $\frac{1}{6}$ , and the daughters  $\frac{2}{3}$ , with a total of  $\frac{5}{6}$ . Taking 5 as the new denominator, the mother gets  $\frac{1}{5}$ , and the daughters  $\frac{4}{5}$  ( $\frac{4}{15}$  each).  
On the other hand, if the case is that of 3 daughters, mother, and husband, the daughters get  $\frac{2}{3}$ , the mother  $\frac{1}{6}$ , and the husband  $\frac{1}{4}$ , with a total of  $\frac{13}{12}$ . Taking 13 as the new denominator, the shares become  $\frac{8}{13}$ ,  $\frac{2}{13}$ , and  $\frac{3}{13}$  respectively.
5. A special case is when a deceased is survived by a mother, a father and a spouse. After giving the spouse her or his share ( $\frac{1}{4}$  or  $\frac{1}{2}$ ), the mother gets  $\frac{1}{3}$  of the remainder, and the father gets the  $\frac{2}{3}$ .
6. For maternal siblings, both males and females receive equal shares (of the  $\frac{1}{3}$ ).
7. In the absence of all relatives of the foregoing table, as well as all paternal male heirs, the female-linked relatives turn into heirs, with each one substituting for the originator of his or her link. Thus, a sister's daughter takes the position of sister, etc.

**Signatures**

**Testator.** In witness whereof, I have hereunto set my hand this day, in the presence of the witnesses hereinafter named, who attest the same at my request.

Day / Month / Year	Testator's Signature
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**Spouse.** Realizing that some localities adopt the Community Property Rule, whereat one-half of the residual estate is considered property of the surviving spouse, I hereby decline such an allocation, declare my full consent to my spouse's last will and testament, and resign my right to challenge it.

Spouse's Name	Spouse's Signature
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**Witnesses.'** We hereby certify that the above instrument was, on the date thereof, signed, published, and declared by the Testator, \_\_\_\_\_ as 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 <sup>2</sup>, believing said Testator at the time of so signing to be of sound mind and memory.

Name and Information	Signature
Name and Information	Signature
Name and Information	Signature

This document is made in three copies, all the same and all original. One copy is with me, one is deposited with the Executor, and one with \_\_\_\_\_.

- 1 It is recommended to choose witnesses who are young, familiar with the Testator, and unlikely to move away soon.
- 2 Signatures should be done in the presence of the witnesses and a notary public. The signatures should be original on all copies. The Testator should also initial each page of the will in the designated place at the bottom.

## AFFIDAVIT

Before me, on this day, personally appeared the undersigned, known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were duly sworn by me. The Testator declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument.

Each of the witnesses declared in the presence and hearing of the Testator that the forgoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing, and sight, and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument, and that to the best of their knowledge, the Testator was eighteen years of age or older, of sound mind, under no constraint or undue influence, and the witnesses were of adult age and otherwise competent to be witnesses.

Testator's Name and Information	Signature
Witness's Name and Information	Signature
Witness's Name and Information	Signature
Witness's Name and Information	Signature

The above individuals subscribed, sworn to, and acknowledged before me,

Day / Month / Year	Notary Public
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## APPENDIX II: ADDITIONAL FORMS

On the following pages, we have additional forms that should be appended to the will as needed. They contain information about liabilities, assets, and other matters that are subject to frequent changes. One is advised to make copies of these forms and put them in his will folder, making sure to keep them up-to-date and attach to them any required supportive documents. One may wish to reserve a separate sheet for each of the frequent creditors or debtors. References could be made to account books, safety boxes, etc.

Testator's Name \_\_\_\_\_

Testator's Initials \_\_\_\_\_

## DEBTS & LIABILITIES OWED BY ME

In the following table, I include the debts and liabilities that I owe to various individuals and institutions. A positive amount indicates a debt owed by me, a negative amount indicates a payment made by me.

Date	Creditor	Amount	Notes & Signature

Testator's Name \_\_\_\_\_

Testator's Initials \_\_\_\_\_

## DEBTS OWED TO ME

In the following table, I include the debts that are owed to me various individuals and institutions. A positive amount indicates a debt owed to me, a negative amount indicates a payment made to me.

Date	Debtor	Amount	Notes & Signature

Testator's Name \_\_\_\_\_

Testator's Initials \_\_\_\_\_

## ASSETS THAT I OWN

In the following table, I include items, trusts, businesses, properties, etc., that I own or are owed to me.

<b>Item &amp; Description</b>	<b>Location</b>	<b>Approx. Value</b>

Testator's Name \_\_\_\_\_

Testator's Initials \_\_\_\_\_





## PROMISES AND AGREEMENTS

In the following table, I include items, trusts, businesses, properties, bank accounts, etc., that I owe or hold for others.

<b>Date</b>	<b>Other Party's Name</b>	<b>Promise or Agreement</b>	<b>Notes &amp; Signature</b>

Testator's Name \_\_\_\_\_

Testator's Initials \_\_\_\_\_