

Islamic Will

Bismillah Rahman Rahim

In the name of Allah, the Most Beneficent and Merciful

I, _____, presently residing at, _____ City of _____, State or Province of _____, Country of _____, being of sound mind and memory, do hereby revoke any and all former Wills and codicils made by me, and do make, ordain, publish, and declare this my last Will and Testament. At the time I signed this Last Will and Testament, my family consists of:

Immediate Family

PREAMBLE

I bear witness that there is no deity but Allah, the One, the Merciful, the Almighty – Creator of the heavens and the earth and all therein–God of Abraham, Moses, Jesus, Muhammad, and all the Prophets, mercy and peace be upon them all. He is One God and He has no partner. And I bear witness that the Prophet Muhammad is His servant and His Messenger and the last of all the Prophets, mercy and peace be upon him. I bear witness that Allah is the Truth, that His promise is truth, that the Meeting with Him is the truth. I bear witness that the Paradise is truth, and that Hell is truth. 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 deficiencies and imperfections, will surely resurrect the dead of all 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/woman dies before his/her 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.

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 weeping 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 I: FUNERAL AND BURIAL RITES

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

I hereby nominate and appoint _____ presently residing at _____
_____, City of _____, State or Province of _____,
Country of _____, to execute these and other necessary provisions for my
Islamic funeral and burial. However, in the event that the abovementioned shall be unwilling or
unable to execute, I hereby nominate and appoint _____, presently residing at
_____, City of _____, State or Province of
_____, Country of _____

1. In the event of legal and procedural challenges in the execution of this Article, I direct the above named person(s) to seek counsel from the local Mosque.
2. I ordain that in no case that any non-Islamic religious service or observance shall be conducted upon my death, or on my body.
3. 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.
4. I ordain that my body shall not be transported over an unreasonable distance from the locality of my death, particularly when such transportation would necessitate embalming unless the long-distance transportation is required to reach the nearest Muslim cemetery or any other cemetery selected by my Muslim family.
5. I ordain that my grave be dug deep into the ground in complete accordance with the specifications of Islamic practice, and in compliance with all local laws, that it faces the direction of Qiblah (the direction of the City of Makkah in the Saudi Arabia, towards which Muslims face during prayers).
6. I ordain that my body shall be buried without a casket or any other encasement that separates the wrapped body from the surrounding soil. In the event local laws require casket encasement, I ordain that such encasement is of the simplest, the most modest, and the least expensive type possible. I further ordain that the encasement be left open during burial and filled with dirt unless prohibited by law.
7. I ordain that my grave be leveled with the ground or slightly mounded with no construction or permanent structure of any kind over it. The marking if necessary should be a simple rock or a marker, merely to indicate the presence of the grave.

ARTICLE II: REPRESENTATIVE, EXECUTOR, AND GUARDIAN

I hereby nominate and appoint _____ presently residing at _____, City of _____, State or Province of _____, Country of _____ to be my Representative and the executor of this Last Will and Testament.

In the event that he/she will be unwilling and unable to act as an executor, I hereby nominate and appoint _____ presently residing at _____, City of _____, State or Province of _____, Country of _____ to be executor of this, my Last Will and Testament.

Finally, in the event that the two aforementioned are unwilling or unable to act as my Representative or is unwilling and unable to act as my executor, I hereby nominate and appoint the PRESIDENT OF THE LOCAL MUSLIM COMMUNITY, CENTRE, ASSOCIATION OR MOSQUE that is closest to my domicile at the time of my death to be my Representative and Executor.

I give the Executor the 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 a court order and without bond. I direct no bond or surety for any bond to be required for my Executor in the performance of his/her duties.

Further, I give my Executor the power to take decisions on my behalf without any need for a court order, that no bond or surety for any bond be required for her/him in the performance of her/his duties.

I hereby further nominate and appoint my Executor to be my Representative and Guardian of the persons and the estates of my minor heirs at and after my death, during their age of minority.

However, In case the Executor of my wasiya or guardian is not available at the time of my death, the following persons may be reached out:

Guardian

	Name	Address	Contact No.
1			
2			
3			

ARTICLE III: OBLIGATIONS AND EXPENSES

I direct my executor to apply first, 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 administrating my estate. I direct the said executor to pay any "obligations to Allah" (Huquq Allah) that are binding on me according to the tenets of Islam such as, but not limited, to, any unpaid Zakah, Kaffarat, or unperformed pilgrimage (Hajj).

I direct all inheritance, estate, and succession taxes (including any interest and penalties thereon) to 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.

I grant unto my Representative/Executor the control on paying my debts and funeral expenses, including the administration on expenses of any additional proceedings that may be necessary in another state or country.

ARTICLE IV: CHARITABLE CONTRIBUTIONS AND TESTAMENTARY TRANSFER

I direct my executor to pay the following contributions and transfers, provided that such contribution and transfer shall not exceed one-third of the remainder of my estate after making provision for payments of my obligations mentioned in Article III, to the named persons and organizations:

Charitable Institutions

ARTICLE V: DISTRIBUTION OF REMAINDER OF THE ESTATE

I direct, devise, and bequest all the residue and remainder of my estate after actual payment or making provision for payment of my debts and other obligations and of distributions provided in this Last Will only to my Muslim heirs. The distribution of the residue and remainder of my estate shall be made strictly in accordance with MAWARITH (Islamic laws of inheritance).

1. In the event I die as a result of murder, I direct that the adjured murderer, whether principal, accomplice, or accessory to the murder, be disqualified to receive any part of my estate.
2. I direct and devise that any fetus, conceived before my death whose relationship with 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 III and IV, shall be delayed until after the birth of the fetus.
3. I direct, devise, and bequeath all the residue and remainder of my estate of every nature and kind and wherever situated after making provisions for payments of my obligations and distribution of my estate as provided in Articles III and IV.

ARTICLE VI: SEPARABILITY

I direct and declare 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. This LAST WILL AND TESTAMENT comprising of five (5) pages is made in ONE ORIGINAL only.

_____ copies of this original are made.

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

Signature

ATTESTATION OF WITNESSES

We hereby certify that the foregoing instrument was on the date thereof, signed, published, and declared by the Testator _____, as and for _____ Last Will and Testament, in our presence, who at _____ request and in _____ presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, believing said Testator at the time of the signing to be of sound mind and memory.

WITNESSES:

ACKNOWLEDGMENT

STATE OF _____,
COUNTY OF _____

On this _____ day of _____, _____, before me,
personally appeared:

Testator

Witness

Witness

who are known to me to be the same persons who executed the foregoing LAST WILL AND TESTAMENT and proved to me by satisfactory evidence, to be the persons whose names are subscribed to the within the instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons executed the instrument as their own free and voluntary act and deed.

WITNESS MY HAND AND SEAL on the date and at the place first above written.

Signature



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