

Last Will and Testament

Article I: Personal Details

First Name _____ Last Name _____ Date of Birth _____

Email _____ Mobile Number _____

Address _____, City _____

State _____ Zip _____, Country _____

Marital Status _____ Spouse Name _____ Spouse Date of Birth _____

Article II: Prior Wills and Codicils

I, _____, 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.

Article III: Preamble

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 Muhammad with a complete love that is rivaled by nothing besides them. Let them obey Him and hold Fast to His law. Let them spread and firmly establish His religion of Islam and let them die only in a state of complete submission to His Will.

Maintain patience and self-composure as the religion of Islam requires. Islam permits 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 reflects only a 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 they choose to believe as I believed or not—to honor my Constitutional right 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 IV: Funeral and Burial Rights

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

1. I hereby nominate and appoint the Executor of this will 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 the Contingent Executor, and in the event that he/she shall be unwilling or unable, I nominate and appoint the president of the local Muslim community or association in the area where I die to execute these provisions of funeral and burial.

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2. I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death or on my body.
3. I ordain that no pictures, crescents or stars, decorations, crosses, flags, any symbols—Islamic or otherwise—or music shall 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 any unreasonable distance from the locality of my death, particularly when such transportation would necessitate embalming, unless when 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 shall be dug deep into the ground in complete accordance with the specifications of Islamic practice and that it face the direction of Qiblah (the direction of the city of Mecca in the Arabian Peninsula, towards which Muslims face for prayer).
6. I ordain that my body shall be buried without a casket or any encasement that separates the wrapped body from the surrounding soil. In the event that local laws require casket encasement, I ordain that such encasement be of the simplest, most modest, and 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 shall be level 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 marker, merely to indicate the presence of the grave. There should be no inscriptions or symbols on the said marking.

Article V: Guardians and Children

The list of my minor children is:

_____, _____, _____
_____, _____, _____
_____, _____, _____

I hereby nominate and appoint _____, presently residing at _____, _____, _____, _____ to be the guardian of the persons of such of my children who shall be minor at and after my death, during their minority, so long as said guardian remains a Muslim of sound mind and judgement.

In the event my guarding shall be unwilling or unable to act as guardian, I nominate and appoint the following named contingent guardian residing at the stated address to be the guardian of the persons of such of my children who shall be minor at and after my death, during their minority, so long as said guardian remains a Muslim of sound mind and judgement.

First contingent guardian: _____

Second contingent guardian: _____

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Article VI: The Executor

The expression "my Executor" or "Executor" used throughout this Will includes either the singular or plural number, or the masculine or feminine gender as appropriate wherever the fact or context so requires. The term 'executor' in this Will is synonymous with and includes the terms 'personal representative' and 'executrix'.

I appoint _____, Phone number _____, Email _____ to be my Executor of this Will. No bond or other security of any kind will be required of any Executors appointed in this Will.

Should my Executor predecease me, or either should refuse or be unable to act or continue to act as my Executor, then I appoint the survivor of the following contingent executors to be the Executor of this Will:

First contingent Executor: _____, Phone _____, Email _____

Second contingent Executor: _____, Phone _____, Email _____

Third contingent Executor: _____, Phone _____, Email _____

Article VII: The Powers of My Executor:

I give and appoint to my Executor the following duties and powers with respect to my estate:

1. To pay my legally enforceable debts, funeral expenses and all expenses in connection with the administration of my estate and the trusts created by my Will as soon as convenient after my death.
2. To take all legal actions to have the probate of my Will completed as quickly and simply as possible, and as free as possible from any court supervision, under the laws of the State where the probate court is located;
3. To retain, exchange, insure, repair, improve, sell or dispose of any and all personal property belonging to my estate as my Executor deems advisable without liability for loss or depreciation;
4. To invest, manage, lease, rent, exchange, mortgage, sell, dispose of or give options without being limited as to term and to insure, repair, improve, or add to or otherwise deal with any and all real property belonging to my estate as my Executor deems advisable without liability for loss or depreciation;
5. To purchase, maintain, convert and liquidate investments or securities, and to vote stock, or exercise any option concerning any investments or securities without liability for loss;
6. To open or close bank accounts;

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7. To maintain, continue, dissolve, change or sell any business which is part of my estate, or to purchase any business if deemed necessary or beneficial to my estate by my Executor;
8. To maintain, settle, abandon, sue or defend, or otherwise deal with any lawsuits against my estate;
9. To employ any lawyer, accountant or other professional; and
10. Except as otherwise provided in this Will, to act as my Trustee by holding in trust the share of any minor beneficiary, and to keep such share invested, pay the income or capital or as much of either or both as my Executor considers advisable for the maintenance, education, advancement or benefit of such minor beneficiary and to pay or transfer the capital of such share or the amount remaining of that share to such beneficiary when he or she reaches the age of majority or, during the minority of such beneficiary, to pay or transfer such share to any parent or guardian of such beneficiary subject to like conditions and the receipt of any such parent or guardian discharges my Executor.

The above authority and powers granted to my Executor are in addition to any powers and elective rights conferred by state or federal law or by other provision of this Will and may be exercised as often as required, and without application to or approval by any court. However, this power of the Executor does not grant him/her the power of changing the distribution of the will, nor to disinherit someone named in this will.

Article VIII: Debt payment

1. I direct that my Executor to apply first, the assets of my estate to the payment of all my legal debts listed below, including such expenses incurred by my last illness and burial as well as the expenses of administering my estate. I direct my Executor to pay any "obligations to Allah" (Huquq Allah) which are binding on me, such as unpaid Zakah, Kaffarat, or unperformed pilgrimage (Hajj).
2. I direct that all inheritance, state, and succession taxes (including interest and other 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

Listing of Assets

Asset	Held at	Value

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Listing of Debt

Debt	Owed to	Value

Article IX: Wassiya: allocations to charities/non-inheritor persons

I direct and ordain my executor to pay the following contributions and transfers, not to exceed one third of the remainder of my estate after making provision for payments of my obligations mentioned in Articles XI and XII, to the following named persons and organizations:

Charity/Person	City	State	Country	Amount

Article X: Mandatory Inheritors

I direct my Executor to devise, and bequest all the residue and remainder of my estate after making provision for payment of my obligations and distributions of wassiya as above, to only my Muslim heirs whose relation to me, whether ascending or descending, has occurred through Islamic or lawful marriage at each and every point.

1. The distribution of the residue and remainder of my estate shall be made strictly in accordance with the list of Inheritors listed below. In case one or more of the listed inheritors do not survive me, calculation of shares must be done again (according to the Islamic Society of North America, Islamic Distribution of The Estate - Schedule A, which is available online, or by asking my local Islamic center)
2. I direct that no part of the residue and remainder of my estate shall be inherited by any non-Muslim relative, whether he/she is 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 this section (but may be included in wassiya section above if named)

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3. 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.
4. 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 and unlawful marriage, or through adoption, at each and every point, except the following:
5. Legatees specifically named in Articles
6. A relative who is related to me through his/her biological mother
7. I direct and devise that any fetus, conceived before my death, whose relationship to me qualifies it to be an heir, shall be considered as an heir if 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 paying debt and wassiya shall be delayed until after the birth of the fetus; or that the largest potential share of the fetus be set aside until its birth alive. Should the fetus be born alive, but qualify for a lesser share, or should it not be born alive within the 365 days, any surplus of the set aside amount must be returned to the estate and distributed again (according to Islamic Society of North America, Islamic Distribution of The Estate - Schedule A, which is available online, or by asking my local Islamic center)
8. I direct, devise, and bequest all the residue and remainder of my estate of every nature and kind and whenever situated after making provisions for payments of my obligations and distribution of my estate as provided in Articles VIII, IX and X..

First and last name	Relationship	Share (percentage)/What to give

Article XI: Testamentary Trust for Minor Beneficiaries

It is my intent to create a testamentary trust (the "Testamentary Trust") for each minor beneficiary named in this Will. I name my Executor(s) as trustee (the "Trustee") of any and all Testamentary Trusts required in this Will. Any assets bequeathed, transferred, or gifted to a minor beneficiary named in this Will are to be held in a separate trust by the Trustee until that minor beneficiary reaches the age of 18. Any property left by me to any minor beneficiary in this Will shall be given to my Executor(s) to be managed until that minor beneficiary reaches the age of 18.

Trust Administration

The Trustee shall manage the Testamentary Trust as follows:

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1. The assets and property will be managed for the benefit of the minor until the minor reaches the age of 18;
2. Upon the minor reaching the age of 18, all property and assets remaining in the trust will be transferred to the minor beneficiary as quickly as possible; and
3. Until the minor beneficiary reaches the age of 18, my Trustee will keep the assets of the trust invested and pay the whole or such part of the net income derived therefrom and any amount or amounts out of the capital that my Trustee may deem advisable to or for the support, health, maintenance, education, or benefit of that minor beneficiary.

The Trustee may, in the Trustee's discretion, invest and reinvest trust funds in any kind of real or personal property and any kind of investment, provided that the Trustee acts with the care, skill, prudence and diligence, considering all financial and economic considerations, that a prudent person acting in a similar capacity and familiar with such matters would use.

No bond or other security of any kind will be required of any Trustee appointed in this Will.

Trust Termination

The Testamentary Trust will end after any of the following:

1. The minor beneficiary reaching the age of 18;
2. The minor beneficiary dies; or
3. The assets of the trust are exhausted through distributions.

General Trust Provisions

The expression 'my Trustee' used throughout this Will includes either the singular or plural number, or the masculine or feminine gender as appropriate wherever the fact or context so requires.

Powers of Trustee

To carry out the terms of my Will, I give my Trustee the following powers to be used in his or her discretion at any time in the management of a trust created hereunder, namely:

1. The power to make such expenditures as are necessary to carry out the purpose of the trust;
2. Subject to my express direction to the contrary, the power to sell, call in and convert into money any trust property, including real property, that my Trustee in his or her discretion deems advisable;
3. To make expenditures for the purpose of repairing, improving and rebuilding any property;
4. To exercise all rights and options of an owner of any securities held in trust;
5. To lease trust property, including real estate, without being limited as to term;
6. To make investments he or she considers advisable, without being limited to those investments authorized by law for trustees;

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7. To receive additional property from any source and in any form of ownership;
8. Instead of acting personally, to employ and pay any other person or persons, including a body corporate, to transact any business or to do any act of any nature in relation to a trust created under my Will including the receipt and payment of money, without being liable for any loss incurred. And I authorize my Trustee to appoint from time to time upon such terms as he or she may think fit any person or persons, including a body corporate, for the purpose of exercising any powers herein expressly or impliedly given to my Trustee with respect to any property belonging to the trust;
9. Without the consent of any persons interested in trusts established hereunder, to compromise, settle or waive any claim or claims at any time due to or by the trust in such manner and to such extent as my Trustee considers to be in the best interest of the trust beneficiary, and to make an agreement with any other person, persons or corporation in respect thereof, which shall be binding upon such beneficiary;
10. To make or not make any election, determination, designation or allocation required or permitted to be made by my Trustee (either alone or jointly with others) under any of the provisions of any local, state, federal, or other taxing statute, in such manner as my Trustee, in his or her absolute discretion, deems advisable, and each such election, determination, designation or allocation when so made shall be final and binding upon all persons concerned;
11. To employ and rely on the advice given by any attorney, accountant, investment advisor, or other agent to assist the Trustee in the administration of this trust and to compensate them from the trust assets.

The above authority and powers granted to my Trustee are in addition to any powers and elective rights conferred by statute or federal law or by other provision of this Will and may be exercised as often as required, and without application to or approval by any court.

Other Provisions

1. Subject to the terms of this Will, I direct that my Trustee will not be liable for any loss to my estate or to any beneficiary resulting from the exercise by him or her in good faith of any discretion given him or her in this Will;
2. Any trust created in this Will shall be administered as independently of court supervision as possible under the laws of the State having jurisdiction over the trust; and
3. If any trust condition is held invalid, it will not affect other provisions that can be given effect without the invalid provision.

Article XII: Wipeout Provision

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, or the remainder of my estate in the event of non-existence of my Islamic heirs, shall be given to the following Islamic charity organization:

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Article XIII: General Provisions

Individuals Omitted from Bequests

1. If I have omitted to leave property in this Will to one or more of my heirs as named above or have provided them with zero shares of a bequest, the failure to do so is intentional.

Insufficient Estate

1. If the value of my estate is insufficient to fulfill all of the bequests described in this Will then I give my Executor full authority to decrease each bequest by a proportionate amount.

No Contest Provision

1. If any beneficiary under this Will contests in any court any of the provisions of this Will, then each and all such persons shall pay the legal fee of both parties to the contest and be liable for any harm and loss caused to the other inheritors.

Severability

1. If any provisions of this Will are deemed unenforceable, the remaining provisions will remain in full force and effect.

Signatures

IN WITNESS WHEREOF, I have signed my name declaring and publishing this instrument as my Last Will, in the presence of the undersigned witnesses, who witnessed and subscribed this Last Will at my request, and in my presence.

Testator Name _____

Testator Signature _____

Date of Signature _____

Place of Signature _____

SIGNED AND DECLARED by _____ on ____/____/____ to be the Testator's Last Will, in our presence, at the above place, who at the Testator's request and in the presence of the Testator and of each other, all being present at the same time, have signed our names as witnesses

Witness #1 _____

Witness #2 _____

Name _____

Name _____

Address _____

Address _____

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Phone _____

Phone _____

Email _____

Email _____

Signature _____

Signature _____

Date of Signature _____

Date of Signature _____

STATE OF _____

COUNTY OF _____

We, the undersigned, the testator _____, witness #1 _____ and witness #2 _____, the Testator and the undersigned witnesses, respectively, whose names are signed to the attached or foregoing instrument declare:

- (1) that the Testator executed the instrument as the Testator's Last Will;
- (2) that, in the presence of both witnesses, the Testator signed or acknowledged the signature already made or directed another to sign for the Testator in the Testator's presence;
- (3) that the Testator executed the Last Will as a free and voluntary act for the purposes expressed in it;
- (4) that each of the witnesses, in the presence of the Testator and of each other, signed the Last Will as a witness;
- (5) that the Testator was of sound mind when the Last Will was executed; and
- (6) that to the best knowledge of each of the witnesses the Testator was, at the time the Last Will was executed, at least eighteen (18) years of age or was a member of the armed forces or of the merchant marine of the United States or its allies.

Notary Name, signature and seal: