

## LAST WILL AND TESTAMENT OF

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I, \_\_\_\_\_, henceforth referred to in this document as \_\_\_\_\_ of the City of \_\_\_\_\_, the County of \_\_\_\_\_, the State of \_\_\_\_\_, being of sound mind and memory, do hereby revoke any and all former Wills made by me, and we declare this my last Will and Testament.

*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, Muhammed 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 Muhammad 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 Truth, and 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 worshipped, 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 Shari'ah. Let them spread and firmly establish His religion of Islam, and let them die only in a complete submission to His Will.*

*I remind them that no man and no woman dies before his or 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 yourselves 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 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 they 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 DO NOT want my body autopsied or embalmed, for this is a violation of my Religious beliefs. And without delay, wash, shroud, and pray over my body according to the Islamic Religion, which should only be done by Muslims.

- a. I hereby nominate and appoint \_\_\_\_\_ of the City of \_\_\_\_\_, the County of \_\_\_\_\_ the State of \_\_\_\_\_ to execute these and other necessary provisions for my proper Islamic funeral and burial. In the event that \_\_\_\_\_ shall be unwilling or unable to execute, I nominate and appoint \_\_\_\_\_ of the City of \_\_\_\_\_ the County of \_\_\_\_\_ the State of \_\_\_\_\_ to execute these provisions.  
And in the event that \_\_\_\_\_ shall be unwilling or unable to execute, I nominate and appoint the local Muslim community in the area where I died to execute these provisions of funeral and burial.
- b. I command that absolutely no non-Islamic religious service or observance shall be conducted upon my death or on my body.
- c. I command 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.
- d. In keeping with the Sunnah of Muhammad (S.W.S.) "By burying us where we die". I command 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 the nearest Muslim cemetery, or desired by my Muslim family.
- e. I command that my grave be dug deeply and my body placed in a Lahd (niche) in accordance with the specification of Islamic practice, and that my body be faced in the direction of the Qiblah (the direction of the City of Mecca in the Arabian Peninsula toward which Muslims turn during prayers)
- f. I command that my body shall be buried without 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 command that such encasement be of the simplest, most modest, and least expensive type possible, and I furthermore command that the encasement be left open during burial and filled with dirt unless prohibited by law.

- g. I command that my grave be level with the 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**

- a. I direct that all trust properties shall be returned to the rightful owners. I further direct that my executor hereinafter named first apply the assets of my estate to the payment of all legal debts - including such expenses incurred by my last illness and burial as well as the expenses of the administration of my estate.

**Article III - Distribution of Remainder of My Estate**

- a. I direct that no part of my estate shall be bequeathed to any non-Muslim relative whether this relative is kin or an in-law, spouse, parent, or child. I further direct and command that any non-Muslim relative be disregarded and disqualified in the application of the schedule attached herewith.

**Article IV - Executor and Guardian**

*I hereby nominate and appoint \_\_\_\_\_ of the City of \_\_\_\_\_ the County of \_\_\_\_\_ the State of \_\_\_\_\_ to be the executor of this, my Last Will and Testament. In the event that \_\_\_\_\_ shall be unwilling or unable to act as executor, I nominate and appoint \_\_\_\_\_ of the city of \_\_\_\_\_ of the County of \_\_\_\_\_ of the State of \_\_\_\_\_ to be executor of my Will.*

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 of surety for any bond be required for my executor in the performance of his/her duties.

*I hereby nominate and appoint \_\_\_\_\_ of the City of \_\_\_\_\_ the County of \_\_\_\_\_ of the State of \_\_\_\_\_ to be guardian of the persons and estates of such of my children as shall be minors at and after my death, during their minority, so long as said guardian remains an upright and practicing Muslim of sound mind and judgment. In the event that \_\_\_\_\_ shall be unwilling or unable to act as guardian, I nominate \_\_\_\_\_ and appoint \_\_\_\_\_ of the city of \_\_\_\_\_ the County of \_\_\_\_\_ of the State of \_\_\_\_\_ to be the guardian.*

**Article V - Separability**

I direct and command 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)

WE HEREBY CERTIFY that the foregoing instrument was on the date thereof, signed, sealed, published, and declared by the Testator, \_\_\_\_\_ as and for his/her Last Will and Testament, in our presence, who at his/her request and is his/her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, believing said Testator at the time of so signing to be sound mind and memory.

1. \_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_

This document is in two copies. One copy is with me -- the Testator, one copy is with the Executor.

## **Distribution of Inheritance according to the Book of Allah (Al-Quran)**

Allah says Sura An-Nisaa: 7-17

Unto the men (of a family) belongeth a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave, whether it be little or much –a legal share.

And when kinsfolk and orphans and the needy are present at the division (of the heritage), bestow on them therefrom and speak kindly unto them.

And let those fear (in their behavior toward orphans) who if they left behind them weak offspring would be afraid for them. So let them mind their duty to Allah and speak justly.

Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning flame.

Allah chargeth you concerning (the provision for) your children: to the male and equivalent of the portion of two females and if there be women more than two, the theirs is two-thirds of the inheritance, and if there be one (only) then the half. And to his parents a sixth of the inheritance. if he have a son, and if he have no son and his parents are his heirs, then to his mother appertaineth the third; and if he have brethren, then his mother appertaineth the sixth, after any legacy he may have bequeathed. or debt (hath been paid). Your parents or your children: Ye know not which of them is nearer unto you in usefulness. Is is an injunction from Allah. Lo! Allah is Knower, Wise.

And unto you belongeth a half of that which your wives leave, if they have no child: but if they have a child then unto you the fourth of that which they leave, after any legacy they may have bequeathed, or debt (they may have contracted, hath been paid). And unto them belongeth the fourth of that which ye leave if ye have no child, but if ye have a child then the eighth of that which ye leave, after any legacy ye may have bequeathed, or debt (ye may have contracted, hath been paid). And if a man or a woman have a distant heir (having left neither parent nor child), and he (or she) have a brother or a sister (only on the mother's side) then to each of them twain (the brother and the sister) the sixth, and if they be more than two, then they shall be sharers in the third, after the legacy that may have been bequeathed or debt (contracted) not injuring (the heirs by willing away more than a third of the heritage) hath been paid. A commandment from Allah. Allah is Knower, Indulgent.

These are the limits (imposed by) Allah. Whoso obeyeth Allah and His messenger, He will make him enter Gardens underneath which rivers flow, where such will dwell forever. That will be the great success.

And whoso disobeyeth Allah and His messenger and transgresseth His limits, He will make him enter Fire, where such will dwell forever his will be a shameful doom.

**DISTRIBUTION**

**Husband** \_\_\_\_\_

**Wife** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Son** \_\_\_\_\_

**Daughter** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Mother** \_\_\_\_\_

**Father** \_\_\_\_\_

**Sister** \_\_\_\_\_

**Brother** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Other** \_\_\_\_\_

**Other** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Bequeathal**

**According to the Sunnah of Muhammad (S.W.S.) the deceased may bequeath no more than 1/3 of his/her property to other than their legal heirs. (Check Vol. 4 Hadith #7 Sahih Buhkari)**

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