

# Islamic Bequest

Prepared by

Masjid Dar Al-Farook, Minnesota

Imam

**Dr. Waleed Meneese**

Member, AMJA Resident Fatwa Committee

Reviewed and edited by

**Dr. Main Alqudah**

Member, AMJA Resident Fatwa Committee

Thul-Hijjah 1436  
September 2015

## Disclaimer

This document does not provide any legal advice. All information provided here are for education purposes only. Consult your legal advisor before using this document. The author, the editor and the provider do not carry any responsibility or legal liability that may result from using this document.

*In the name of Allah, the Most Beneficent, the Most Merciful*

## LAST WILL AND TESTAMENT

I, \_\_\_\_\_, presently residing at \_\_\_\_\_,  
\_\_\_\_\_, County of \_\_\_\_\_,  
State 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.

### 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, and that the Meeting with Him is Truth. I bear witness that 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 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 state of complete submission to His Will.

I remind them that no man and no 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 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 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 (waiting period) is completed. The Creator forbids wailing and excessive lamentation, 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.

\_\_\_\_\_ Initial this page

ARTICLE I:

***FUNERAL AND BURIAL RIGHTS***

1. 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.

1.1 I hereby nominate and appoint \_\_\_\_\_, my (Husband/ Wife), 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 **Imam and the Board** of the local Muslim community or association in the area where I die to execute these provisions of funeral and burial.

1.1.1 In the event of legal difficulties in the execution of this Article, I direct the above-named person to seek counsel from **The Assembly of Muslim Jurists of America (AMJA)**.

1.1.2 I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death or on my body.

1.1.3 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.

1.1.4 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 family.

1.1.5 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).

1.1.6 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.

1.1.7 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. Preferably, no inscriptions or symbols on the said marking.

ARTICLE II:

***FIDUCIARY SELECTION***

2. The following provisions shall apply to the selection of fiduciaries:

2.1 My personal representative shall be selected as follows:

2.1.1 I hereby nominate and appoint my Spouse, \_\_\_\_\_, presently residing at \_\_\_\_\_, as my personal representative and to be the executor of this, my Last Will and Testament.

2.1.2 In the event that ( he/she) will be unwilling or unable to act as my personal representative, I nominate and appoint \_\_\_\_\_, residing at \_\_\_\_\_, to be my personal representative and executor of this, my Last Will and Testament.

2.1.3 My personal representative shall have the power to nominate an additional, substitute, or successor personal representative.

2.1.4 If there is no acting or nominated personal representative and my Spouse does not exercise his/her power within 30 days after my death, I nominate an elected, nominated, or employed representative of **the local Masjid**, as my personal representative.

2.2 I hereby (the Husband) nominate and appoint my Wife, presently residing at \_\_\_\_\_, to be the guardian and custodian under the state of \_\_\_\_\_ Uniform Transfers to Minors Act of the persons and estates 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 judgment. In the event she shall be unwilling or unable to act as guardian, I nominate and appoint \_\_\_\_\_ (“Father in Law”), residing at \_\_\_\_\_, (Cell: \_\_\_\_\_ Home: \_\_\_\_\_), to be the guardian and custodian. In the event he shall be unwilling or unable to act as guardian, I nominate and appoint \_\_\_\_\_ (Cell: \_\_\_\_\_ Home: \_\_\_\_\_) to be the guardian and custodian. If these nominated individuals are unable or unwilling to act as guardians, I nominate an immediate family member \_\_\_\_\_.

**ARTICLE III:**

***FIDUCIARY PROVISIONS***

3. The following shall apply to my fiduciaries:

3.1 Administrative Powers. My personal representative, in addition to all other powers conferred by law that are not inconsistent with those contained in this will, shall have the power, exercisable without authorization of any court:

3.1.1 To sell at private or public sale, to retain, to lease, and to mortgage or pledge any or all of the real or personal property of my estate;

3.1.2 To make partial distributions from my estate from time to time and to distribute the residue of my estate in cash or in kind or partly in each, and for this purpose to determine the value of property distributed in kind;

3.1.3 To settle, contest, compromise, submit to arbitration or litigate claims in favor of or against my estate;

3.1.4 To continue in the same form any unincorporated business or venture in which I was engaged at the time of my death, for such period as my personal representative deems advisable, or to incorporate such business and continue its operation in corporate form whether or not any probable distribute of such business objects to such retention, continuation or incorporation in my estate; and

3.1.5 To make any distribution to a person who is under the age of 21, to a custodian and guardian for the benefit of such person under the Uniform Transfers to Minors Act or a similar law, said custodian to be designated by my personal representative if a custodian is not named in this document or if the custodian named fails or declines to serve.

3.1.6 To aid in the administration and to support the nominated guardian in obtaining custody of minor children and to coordinate the transfer of physical and legal custody to the nominated guardian.

3.2 Administrative Provisions.

3.2.1 Informal Administration. I request unsupervised administration of my estate and that my estate be administered in as informal a manner as my personal representative deems advisable.

3.2.2 Waiver of Bonds. No bond or other indemnity shall be required of any personal representative nominated or appointed by my Spouse or by me.

**ARTICLE IV:**

***DEBTS AND EXPENSES***

4. I direct that my executor 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 administering my estate. I direct the said executor to pay any "obligations to Allah" (Huquq Allah) which are binding on me, such as unpaid *Zakah* or *Kaffarat* (Please note that I have / have not performed Hajj).

4.1 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 personal representative 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.

**ARTICLE V:**

***CHARITABLE CONTRIBUTIONS AND  
TESTAMENTARY TRANSFER***

5. 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 Article III, to the following named persons and organizations:

	Name of person or organization	Percent of remainder of my estate after execution of Article IV	
		Numerical (%)	In Words
1.	Any of my poor relatives as determined by my personal representative. If none, please see #2.	%	
2.	Poor families in my home town.	%	
3.	Local Masjid or any other Islamic charitable organization determined by my personal representative.	%	
	<b>Total</b>	%	<b>(not to exceed 1/3 of the remainder of the estate)</b>

\_\_\_\_\_ Initial this page

## ***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 VI. This schedule is a part of my Last Will and Testament.

### **CASE NO. 1:**

### ***ONE SON OR MORE AND ANY NUMBER OF DAUGHTERS***

Surviving Heirs	Share of the Remainder
1.a) with no other relatives	He, or they, get all the remainder such that sons are equal in their class, daughters are equal in their class, and for a daughter half of a son's share.
1.b) with wife 1.c) with husband 1.d) with father and mother	1/8 to wife, the remainder as in (1.a) 1/4 to husband, the remainder as in (1.a) 1/6 to father and 1/6 to mother, the remainder as in (1.a)
1.e) with one parent	1/6 to parent, the remainder as in (1.a)
1.f) with any possible combination of (1.b), (1.c), (1.d), and (1.e)	Spouse and parents take shares mentioned above, and the remainder as in (1.a)
1.g) with father of father, no parents, no other grandparents	1/6 to father of father and the remainder as in (1.a)
1.h) with father of father and mother of father or mother of mother, no parents	1/6 to father of father, 1 /6 to either mother of father or mother of mother, the remainder as in (1.a)
1.i) (1.g) or (1.h) with wife	1/6 to mother of father or of mother (if she exists); 1/6 to father of father, 1/8 to wife, and father of father, the remainder as in (1.a)
1.j) (1.g) or (1.h) with husband	1/ 6 to mother of father or of mother (if she exists); 1/6 to father of father; 1 /4 to husband; the remainder as in (1.a)
1.k) with father of father, and mother, no father	1/6 to mother, 1/6 to father of father, the remainder as in (1.a)
1.1) (1.k) with wife	1/6 to mother, 1/6 to father of father, 1/8 to wife, and the remainder as in (1.a)

1.m) (1.k) with husband	1/6 to mother, 1/6 to father of father, 1/4 to husband, and the remainder as in (1.a)
1.n) with father and mother of mother (no mother)	1/6 to mother of mother, 1/6 to father, and the remainder as in (1.a)
1.o) (1.n) with wife	1/6 to father, 1/6 to mother of mother, 1/8 to wife, and the remainder as in (1.a)
1.p) (1.n) with husband	1/6 to father, 1 / 6 to mother of mother, 1/4 to husband, and the remainder as in (1.a)
1.q) with either mother of father or mother of mother, no parents, and no father of father	1/6 to mother of mother or mother of father, the remainder as in (1.a)
1.r) (1.q) with wife	1/6 to mother of mother or mother of father, 1/8 to wife, the remainder as in (1.a)
1.s) (1.q) with husband	1/6 to mother of mother or mother of father, 1/4 to husband, the remainder as in (1.a)
1.t) (1.h), (1.n), or (1.q), but instead of one grandmother, there are two or more, same degree, grandmothers (i.e mother of mother and mother of father; or mother of mother of mother, mother of mother of father, and mother of father of father, disregard mother of father of mother, and no mother of mother nor mother of father)	Grandmothers share equally 1/6, father or grandfather 1/6, the remainder as in (1.a)
1.u) (1.t) with husband or wife	Grandmothers share equally 1/6, father or grandfather 1/6, husband 1/4, or wife 1/8, the remainder as in (1.a)

1.v) In each of (1.a) through (1.u), disregard all other relatives not mentioned in the relevant subcases. IF TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, THE PERSONAL REPRESENTATIVE MUST FOLLOW THE ADVICE OF **The Assembly of Muslim Jurists of America or any of AMJA Resident Fatwa Committee members**

**CASE NO. 2:**  
***DAUGHTER OR DAUGHTERS; NO SONS***

Surviving Heirs	Share of the Remainder
2.a) with no other relatives	If one only, she takes all the remainder. If more than one, they equally share all the remainder.



2.b) with wife	1/8 to wife, the remainder as in (2.a)
2.c) with husband	1/4 to husband, the remainder as in (2.a)
2.d) with father	1/2 to the one daughter, 1/2 to father. If more than one, they share 2/3 equally and 1/3 to father.
2.e) with mother	1/4 to mother, 3/4 to daughter. If more than one, they share 4/5 equally and 1/5 to mother.
2.f) with both parents	1/6 to mother, 1/3 to father, 1/2 to daughter. If more than one, 2/3 to daughters equally, 1/6 to mother, and 1/6 to father. daughter. If more than one, 2/3 to daughters equally, 1/6 to mother, and 1 / 6 to father.
2.g) with wife and father	1/8 to wife, 1/2 to daughter, and 3/8 to father. If more than one, 2/3 to daughters equally, 1 / 8 to wife, and 5/24 to father.
2.h) with wife and mother	1/8 to wife, 7/32 to mother, 21/32 to daughter. If more than one, 1/8 to wife, 7/40 to mother, and 7/10 to daughters equally.
2.i) with wife and both parents	1/8 to wife, 1/6 to mother, 5/24 to father, and 1/2 to daughter. If more than one, 3/27 to wife, 4/27 to mother, 4/27 to father, and 16/27 to daughters equally.
2.j) with <i>husband and father</i>	1/4 to husband, 1/4 to father, and 1/2 to daughter. If more than one, 3/13 to husband, 2/13 to father, and 8/13 to daughters equally.
2.k) with husband and mother	1/4 to husband, 7/36 to mother, 5/9 to daughter. If more than one, 3/13 to husband, 2/13 to mother, and 8/13 to daughters equally.
2.l) with husband and both parents	3/13 to husband, 2/13 to father, 2/13 to mother, and 6/13 to daughter. If more than one, 3/15 to husband, 2/15 to father, 2/15 to mother, and 8/15 to daughters equally.
2.m) with father of father, no father, and no brothers	1/2 to father of father, 1/2 to daughter. If more than one, 1/3 to father of father and 2/3 to daughters equally.
2.n) (2.m) with wife	As in (2.g), but father of father in place of father.
2.o) (2.m) with husband	As in (2.j), but father of father in place of father.
2.p) (2.m) with mother, or without mother but with either mother of father or mother of mother	As in (2.f), but father of father in place of father and grandmother in place of mother; the two grandmothers divide share of mother equally between themselves.

2.q) (2.p) with wife	As in (2.i), but father of father in place of father and grandmother in place of mother; the two grandmothers divide the share of mother equally between themselves.
2.r) (2.p) with husband	As in (2.l) but father of father in place of father and grandmother in place of mother; the two grandmothers divide the share of mother equally between themselves.
2.s) (2.p), (2.q), (2.r) but in place of mother, both mother of mother, mother of father; or mother of mother of mother, mother of mother father and mother of father of father; disregard mother of father of mother	The two grandmothers (or the three great grandmothers) share equally what is assigned to the mother or one grandmother in cases (2.p), (2.q), and (2.r); the remainder as in (2.p), (2.q), and (2.r) respectively.
2.t) with son of son	1/2 to daughter, 1/2 to son of son. If more than one, 2/3 to daughters equally and 1/3 to son of son.
2.u) with more than one son of son(s) and any number of daughters of son(s)	As in (2.t), but the share of son of son is divided among son of son(s) and daughters of son(s) according to rules stated in (1.a).
2.v) (2.t) or (2.u) with wife or husband	1/2 to daughter, 1/8 to wife, or 1/4 to husband, the remainder to children of son(s) as in (2.t) or (2.u). If more than one daughter, 2/3 to daughters equally, 1/4 to husband or 1/8 to wife, the remainder to children of son(s) as in (2.t) or (2.u).
2.w) (2.v) with both parents	1/2 to daughter, 1/8 to wife, 1/6 to mother, 1/6 to father, and 1/24 to grandchildren as in (2.t) or (2.u). 6/13 to daughter, 3/13 to husband, 2/13 to father, 2/13 to mother, nothing to grandchildren. If more than one daughter, 16/27 to daughters equally, 3/27 to wife, 4/27 to mother, 4/27 to father, nothing to grandchildren. 8/15 to daughters, 3/15 to husband and 2/15 to mother, 2/15 to father, nothing to grandchildren.
2.x) (2.v) with one parent	1/2 to daughter, 1/8 to wife, 1/6 to parent, and 5/24 to children of son(s) as in (2.t) and (2.u); or, 1/2 to daughter, 1/4 to husband, 1/6 to parent, and 1/12 to children of son(s) as in (2.t) and (2.u). If more than one daughter, 2/3 to daughters, 1/8 to wife, 1/6 to parent and 1/24 to children of son(s) as in (2.t) and (2.u); or, 8/13 to daughters, 2/13 to parent and 3/13 to husband, nothing to grandchildren.
2.y) (2.v) with father of father, no father and no brothers, and mother; or with father of father, no father and no brother(s) and grandmother(s) on either side, and no mother.	As in (2.w), but replace father of father for father and grandmother(s) for mother. Share of grandmothers is divided equally between them.

2.z) with daughters of son(s) and no sons of sons	3/4 to the daughter and 1/4 to daughter(s) of son(s), equally between them. If more than one daughter; all to daughters, nothing to daughter(s) of son(s).
2.aa) with sister(s) of same parents (no brothers), or with brother(s) of the same two parents (no sisters)	1/2 to the daughter, 1/2 to sister (or brother), or equally among all sisters (or brothers). If more than one daughter; 2/3 to daughters, 1/3 to sister (or brother) or equally among sisters (or brothers).
2.bb) with sister(s) and brother(s) of the 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. If more than one daughter, 2/3 to daughters, 1/3 to sister(s) and brother(s)(s) on same basis.
2.cc) (2.aa) or (2.bb) with wife or husband	1/2 to daughter, 1/8 to wife and 3/8 to sister(s) and/or brother(s) as in (2.aa) and (2.bb). 1/2 to daughter, 1/4 to husband, 1/4 to sister(s) and/or brother(s) as in (2.aa) or (2.bb) respectively. If more than one daughter, 2/3 to daughters, 1/4 to husband, or 1/8 to wife, the remainder to sister(s) and/or brother(s) as in (2.aa) or (2-bb) respectively.
2.dd) with uncle(s) from same parents as father	1/2 to daughter and the remainder to uncle, or uncles equally between them. If more than one daughter, 2/3 to daughters and the remainder to uncle or uncles equally between them.
2.ee) with one grandmother, either side, or both grandmothers	5/6 to daughter and 1/6 to grandmother or grandmothers, equally between them. If more than one daughter, 5/6 to daughters and 1/6 to grandmother(s).

IF THE TESTATOR'S CASE IS UNDER NO. 2 BUT NOT FOUND ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF **The Assembly of Muslim Jurists of America** or any of **AMJA Resident Fatwa Committee members**

**CASE NO. 3:**  
***CHILDREN OF SON(S), NO SONS, NO DAUGHTERS***

Apply Case No.1 and Case No. 2 after substituting daughter(s) of son(s) for daughter(s) and son(s) of son(s) for son(s).

**CASE NO. 4:**  
***PARENT(S) AND NO OFFSPRING***

Surviving Heirs	Share of the Remainder
4.a) father alone; or father and brother(s) and/or sister(s)	All the remainder to father alone, nothing to brother(s) and sister(s).
4.b) father and wife or husband	1/4 to wife, or 1/2 to husband, and the remainder to father.
4.c) father and mother, no brothers, no sisters	1/3 to mother, the remainder to father.
4.d) (4.c) with husband or wife 1/2 to husband, 1/6 to mother, the remainder to father.	1/4 to wife, 1/4 to mother, the remainder to father.
4.e) both parents, with brother(s) and/or sister(s) and with wife or husband	1/6 to mother, nothing to brother(s) and sister(s), the remainder to father. 1/6 to mother, nothing to brother(s) and sister(s), 1/4 to wife, or 1/2 to husband; the remainder to father.
4.f) mother only	She takes all the remainder.
4.g) mother and husband or wife	1/4 to wife, or 1/2 to husband, and the remainder to mother
4.h) mother with one brother or one sister of the same two parents or on father's side	1/3 to mother, remainder to brother. 2/5 to mother, the remainder to sister.
4.i) (4.h) with husband or wife	1/3 to mother, 1/2 to husband or 1/4 to wife, the remainder to brother. 4/13 to mother. 3/13 to wife, and 6/13 to sister. 2/8 to mother, 3/8 to husband, and 3/8 to sister.
4.j) mother with at least two brothers, brother(s) and sister(s) all of same two parents or on father's side.	1/6 to mother, the remainder to brothers or brother(s) and sister(s) according to rules in (1.a).
4.k) (4.j) with husband or wife	1/6 to mother, 1/4 to wife, or 1/2 to husband, the remainder to brothers or brother(s) and sister(s) as in rules (1.a)
4.l) mother with two sisters or more, of the same two parents or on father's side	1/5 to mother, 4/5 to sisters equally between them.

4.m) (4.1) with husband or wife	3/13 to wife, 2/13 to mother, 8/13 to sisters equally between them. 3/7 to husband, 1/7 to mother, 3/7 to sisters equally between them
4.n) mother with one brother on mother's side or one sister on mother's side	2/3 to mother, 1/3 to brother or sister.
4.o) (4.n) with husband or wife	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.
4.p) mother with more than one brother and/or sister on mother's side	1/3 to mother, 2/3 to brother(s) and sister(s), equally between them all.
4.q) (4.p) with husband or wife	1 / 4 to wife, 1 / 4 to mother, 1 / 2 to brother(s) and sister(s) equally between them all. 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s) equally between them all.
4.r) mother with father of father, no brother(s), no sister(s)	1 / 3 to mother, the remainder to father of father.
4.s) (4.r) with husband or wife	1/3 to mother, 1/4 to wife or 1 / 2 to husband, the remainder to grandfather.
4.t) mother with son of brother, (the brother is of the same parents)	1/3 to mother, the remainder to son of brother.
4.u) mother with children of brother(s), (the brother is of the same parents)	1/3 to mother, the remainder to children of brother(s) according to rules in (1.a)
4.v) (4.t) or (4.u) with wife or husband	1/3 to mother, 1/4 to wife, or 1/2 to husband and the remainder to son or children of brother(s) as in (4.t) or (4.u)
4.w) mother with brother of father of	1/3 to mother, the remainder to brother of father the same two parents
4.x) mother with brother(s) of father and number of sisters of father, all of the same two parents	1/3 to mother, the remainder to brother(s) and any sister(s) of father according to rules in (1.a)
4.y) (4.w) and (4.x) with wife or husband	1/3 to mother, 1/4 to wife, or 1/2 to husband, the remainder to brother of father or brother(s) and sister(s) of fathers as in (4.x)
4.z) father with mother of mother and	1/6 to mother of mother, the remainder to father no mother.
4.aa) mother with brother(s) and father of father	1/6 to mother, the remainder among brother(s) and father of father equally, unless grandfather's share goes below 1/3 (if it does, he gets 1/3 and the remainder to brothers equally).

4.bb) mother with father of father and brother(s) and any number of sister(s), all of the same two parents or on father's side	As in (4.aa) and apply rules of (1.a) for brother(s) and sister(s).
--	---

NOTE: IF THE TESTATOR'S CASE IS UNDER NO. 4 BUT NOT COVERED ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF **The Assembly of Muslim Jurists of America or any of AMJA Resident Fatwa Committee members**

**CASE NO. 5:**  
***HUSBAND OR WIFE, NO OFFSPRING, NO PARENTS,***  
***AND NO FATHER OF FATHER***

Surviving Heirs	Share of the Remainder
5.a) wife only	1/4 to wife basically, and the rest is hers as well.
5.b) husband only	1/2 to husband basically, and the rest is his as well.
5.c) husband and wife, with one brother or more and any number of sisters	1/2 to husband, or 1/4 to wife, the remainder to brother(s) and sister(s) according to rules in (1.a)
5.d) husband or wife, with sister(s), no brothers	1/2 to husband or 1/4 to wife, the remainder to the sister or equally between sisters.
5.e) husband or wife, with son or sons of brother(s), or son(s) and any number of daughters of brother(s)	As in (5.c) but niece(s) and nephew(s) replaces sister(s) and brother(s).
5.f) husband or wife, with brother(s) of father	1/2 to husband or 1/4 to wife and the remainder to uncle or uncles equally between them.
5.g) husband, or wife, with one brother of father or more, and any number of sisters of father	1/2 to husband or 1/4 to wife, remainder to uncle(s) and aunt(s) according to the rules in (1.a)

NOTE: IF THE TESTATOR'S CASE IS UNDER NO.5 BUT NOT COVERED ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF **The Assembly of Muslim Jurists of America or any of AMJA Resident Fatwa Committee members**

**CASE NO. 6:**  
***ALL OTHER CASES***

Relatives not mentioned in cases (1) through (5) must be disregarded. However, I direct and ordain that all cases not specifically mentioned in this schedule or in the Last Will and Testament in general shall be referred to **The Assembly of Muslim Jurists of America (AMJA)** or any member of AMJA Resident Fatwa Committee, or otherwise, to a knowledgeable Muslim Scholar.

***SEVERABILITY***

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 \_\_\_\_\_.

_____	_____
Print Full Legal Name	Signature

_____	_____
Print any other name known by	Signature of other name

\_\_\_\_\_  
Spouse's signature

We, the undersigned, hereby certify that the above instrument, which consists of \_\_\_\_\_ pages, including the page(s) which contain the witness signatures and all schedules, was signed in our sight and presence by \_\_\_\_\_ (the "Testator"), who declared this instrument to be Testator's Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and addresses as witnesses on the date shown above.

Witness #1 Signature: \_\_\_\_\_

Witness #1 Name: \_\_\_\_\_

Print full legal name

Witness #1 Address: \_\_\_\_\_

Witness #1 telephone number \_\_\_\_\_

Witness #2 Signature: \_\_\_\_\_

\_\_\_\_\_ Initial this page

Witness #2 Name: \_\_\_\_\_  
Print full legal name

Witness #2 Address: \_\_\_\_\_

Witness #2 telephone number \_\_\_\_\_

Subscribed, sworn to and acknowledged before me by  
\_\_\_\_\_, the Testator; \_\_\_\_\_  
Spouse of the Testator, and subscribed and sworn before me by  
\_\_\_\_\_ and \_\_\_\_\_, wit-  
nesses, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public, or other officer authorized to take and  
certify acknowledgements and administer oaths

## **AFFIDAVIT**

STATE OF  
COUNTY OF



