

10. Sample of An Islamic Will

Preamble

*In the name of God, the Beneficent, the Merciful
I believe that there is no god but Allah, He is One and has no partner.
I believe that Muhammad is the Final Messenger of God,
and that 'Ali & his infallible descendants are successors of Muhammad.
May Allāh send His blessings upon Muhammad & his Progeny.*

This is the Last Will and Testament of me _____ of
_____ made the ____ day of
_____ 2006.

1. I REVOKE all former Wills, Codicils, and Testamentary Dispositions previously made by me.

2. I APPOINT _____ of
_____ and
_____ of
_____ to be the joint Executors and Trustees of this my last Will and Testament. BUT IF anyone or more of the above named persons should refuse to act, predecease me, or die before the trusts hereof have been fully performed, THEN I APPOINT _____ of _____ to be the Executor and Trustee of my Will and Testament in the place and stead of anyone or more of the above named persons, and the expression, "my Trustee," used throughout include the Trustee for the time being, whether original or substitutional.

3. I GIVE, DEVISE AND BEQUEATH all my real and personal property of every nature and kind, wheresoever situated, including any property over which I may have a general power of appointment, to my Trustees upon the following trusts, namely:

کتاب اولیغ... (الو صیبه... حفا علی التقی

a) subject to my express direction to the contrary, to use their discretion in the realization of my estate with the power to my Trustees to sell, call in or convert into cash at such time or times and in such manner and upon such terms, either for cash or credit or part cash and part credit as my Trustees may in their absolute discretion decide upon or to postpone such conversion of my estate or any part or parts thereof for such length of time as they may think best and I hereby declare that my said Trustees may retain any portion of my estate in the form in which it may be at the time of my death, notwithstanding that it may not be in the form of an investment in which Trustees are authorized to invest trust funds and whether or not there is liability attached to any such portion of my estate for such length of time as my Trustees in their absolute discretion deem advisable and my Trustees shall not be held responsible for any loss that may happen to my estate by reason of their so doing;

b) to pay my just debts, funeral and other testamentary expenses, all succession duties, inheritance and death taxes, and all expenses necessarily incidental thereto, to be paid and satisfied by my Trustees as soon as conveniently may be after my death;

You may want to keep a list of your bank accounts, investments, insurance policies, loan payables, etc alongwith your will.

You may also, if you wish, write specific instructions about your funeral and burial. For example, if you have any specific graveyard (of course, Shi'a Muslim) where you wish to be buried or have already purchased a grave, etc.

c) to pay such religious taxes (like khums and kaffarah) and other expenses for hiring people to do qaza prayers and fasts;

If you pay khums regularly, then it is good to write your khums date so that the executor can easily determine how much khums is due on you. Also if you know, you should specify the number of months or years for the salat or fastings that you want the hired person to do.

d) to divide and pay or transfer the balance of my estate as soon as is reasonably practicable after my death as follows:

(i) to my eldest son, _____, my dress in which I die, my ring and my personal Qur'ân;

(ii) to my wife / husband _____



كتب اولادك... الو صبي... حنا مع النفس

- (iii) to my father _____
(iv) to my mother _____
(v) to my son, _____, _____
(vi) to my daughter, _____, _____

*In the above list, delete those who are not alive when you are writing this will.
Or add if you have more children. Remember to adjust the numbering accordingly.*

4. The share of each child of mine as determined above shall be paid or transferred to such child of mine, if he or she is over the age of twenty-one at the time of my death, for his or her own use absolutely. If however, any child of mine, whether male or female, is under the age of twenty-one at the time of my death, my Trustees shall hold and keep invested the share of such child of mine and the income from and capital of such share or so much thereof as my Trustees in their discretion consider advisable shall be paid to or applied for maintenance, education and benefit of such child of mine until he or she reaches the age of twenty-one, at which time my Trustees shall pay or transfer the amount remaining of the share of such child, if any, to such child for his or her own use absolutely.

If all your children are over 21 years of age, then delete all references which delay the payment of their share until they become 21 years old.

5. I **NOMINATE, CONSTITUTE AND APPOINT** _____ of _____ to be the Guardian of my infant children. I direct the Guardian of my infant children to raise them as Muslims according to the rules, customs and teachings of the Shi'ah Ithna 'Ashari sect of Islam.

*If all your children are over 21 years of age, then delete this paragraph.
Remember to adjust the numbering of the following paragraphs.*

6. In the event that my said spouse should predecease me, then I direct my Trustees to distribute the share that my spouse would have received had he/she survived me amongst my parents and my children alive at my death in the same proportion and in the same manner as provided for in paragraph 3 (d) (i, iii to vi) of this my Will and the provisions of paragraph 4 of this my Will shall apply mutatis mutandis.

This paragraph assumes that your spouse is alive. If not, then delete this entire paragraph. Remember to adjust the numbering of the following paragraphs.

This paragraph also assumes that your parents are alive. If not, delete all reference to "my parents".

7. In the event that my mother or my father or both my mother and my father should predecease me, then I direct my Trustees to distribute the share that my mother or my father or both my mother and my father would have received had they survived me amongst my wife and my children alive at my death in the same proportion and in the same manner as provided for in paragraph 3 (d) (i, ii, v to vi) of this my Will and the provisions of paragraph 4 of this my Will shall apply mutatis mutandis.

This paragraph assumes that your parents are alive. If not, then delete the entire paragraph from your will.

This paragraph also assumes that your spouse is alive. If not, then delete the reference to "my spouse" from this paragraph.

IN **WITNESS** WHEREOF I have to this my Last Will and Testament set my hand this _____ day of _____, 2006.

Signature

SIGNED by the Testator and published and declared as and for his last Will and Testament, in the presence of us both present together at the same time who at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses.

Signature of Witness

Signature of Witness

Name: _____

Name: _____

Address: _____

Address: _____

Occupation: _____

Occupation: _____

کتاب اولیاء و اولاد ...
... الوصیة ...
... حقا علی التامین