

In His name, the Beneficent, the Merciful

*(A sample of a Shi 'ah Islamic Will and Testament)*

This is the last Will and Testament of me, {Name} of {Address} made the {Day} day of {Month}, 19{Year}.

1. I am a firm believer in all the creeds of Shia Ithna-asheri sect of Islam, particularly the belief in the absolute one God-Allah, who is just; Prophethood of Hadrat Muhammad Mustafa, peace be upon him and his household; in the twelve Imams-first of whom is Imam 'Ali bin Abi Talib and the last is Imam Muhammad Mahdi Sahibuz-Zamaan, may God hasten his appearance; the Holy Qur'an, the last and final of the revealed books; the teachings of the fourteen Ma'sumin, peace be upon them all; the angels of Allah; and in the life hereafter (*al-Akhirah*).
2. I hereby declare the administration and devolution of my estate be governed by Islamic Law of Succession and Inheritance as followed by Muslims of the Shia Ithna-asheri sect.
3. I REVOKE all former Wills, Codicils, and Testamentary Dispositions previously made by me.
4. I APPOINT {Name} of {Address} and {Name} of {Address} 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 {Name} of {Address} 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 trustee for the time being, whether original or substitutional.
5. MY ESTATE: The amount of money {Bank accounts, RRSP's, Term Deposits, e.t.c.} with {Financial Institute(s)} in my name and my {assets} which is kept in the family safe.
6. 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 general power of appointment, to my Trustees upon the following trusts, namely:
  - 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) It is my will and testament that MY ESTATE be divided in the following manner:

- .1 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;
- .2 to pay such religious taxes (like *khums* and *kaffarah*) and other expenses for hiring reliable, understanding Shia Ithna-asheri people, (preferably students of Islamic Studies in Iraq or Iran) to pray {Number} years qaza prayers on my behalf;
- .3 I direct that two-thirds of MY ESTATE be divided and distributed in accordance with the Islamic Laws of Succession and Inheritance as followed by Muslims of the Shia Ithna-asheri sect as soon as is reasonably practicable after my death as follows:

*(The following is an example of how the two-third of the estate may be distributed where a person making the will has living parents, spouse and one son and a daughter.)*

- (i) to my husband/wife, {Name}; 25% from the total assets;
- (ii) to my mother/father, {name}, 16.66%
- (iii) to my son, {name}. 66% of MY ESTATE after paying my husband's/wife's share and my mother's/father's share as mentioned in 6.b.3.i and 6.b.3.ii.
- (iv) to my daughter, {name}, 33.33% of MY ESTATE after paying my husband's/wife's share and my mother's/father's share as mentioned in 6.b.3.i and 6.b.3.ii.

c) Items in clause 6.b.3 are all related to two-thirds of MY ESTATE. The remaining one-third is to be distributed as follows:

(Following is one example how a person may divide one third of his estate. It can be divided in any way a person deems it fit, provided it does not go against the Shari'ah).

- (i) 50% to my husband/wife {name}
- (ii) 10% to my son {name}
- (iii) 10% to my daughter {name}
- (iv) 20% to be sent to any Mujtahid A'lam for  
*Radde Madhalim.*
- (v) 10% for Tabligh and Madrasah work.

d) In the event that my said husband/wife should predecease me, then I direct my Trustees to distribute the share that my husband/wife would have received had he survived me amongst my father/mother and children alive at my death in the same proportion and in the same manner as provided for in paragraph 6.b.3.ii, 6.b.3.iii and 6.b.3.iv. of this my Will..

e) In case my son is deceased with or before me then my daughter inherits the share of the deceased son mentioned in 6.c.ii.

f) In case my daughter is deceased with or before me then my son inherits the share of the deceased daughter mentioned in 6.c.iii.

7. In case there is any conflict between the manner in which I have distributed MY ESTATE and the Laws of inheritance followed by Muslims of the Shia Ithna-asheri sect, then the latter will govern.

IN **WITNESS** WHEREOF I, the said {name} have this my Last Will and Testament set my hand at the city of {city}, in the Province of {province}, this {day} day of {month}, 19{year}.

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Signature

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

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Signature of Witness

Name: {name}  
Address: {address}

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Signature of Witness

Name: {name}  
Address: {address}

HK/Jmt-01-98/Rchmd.