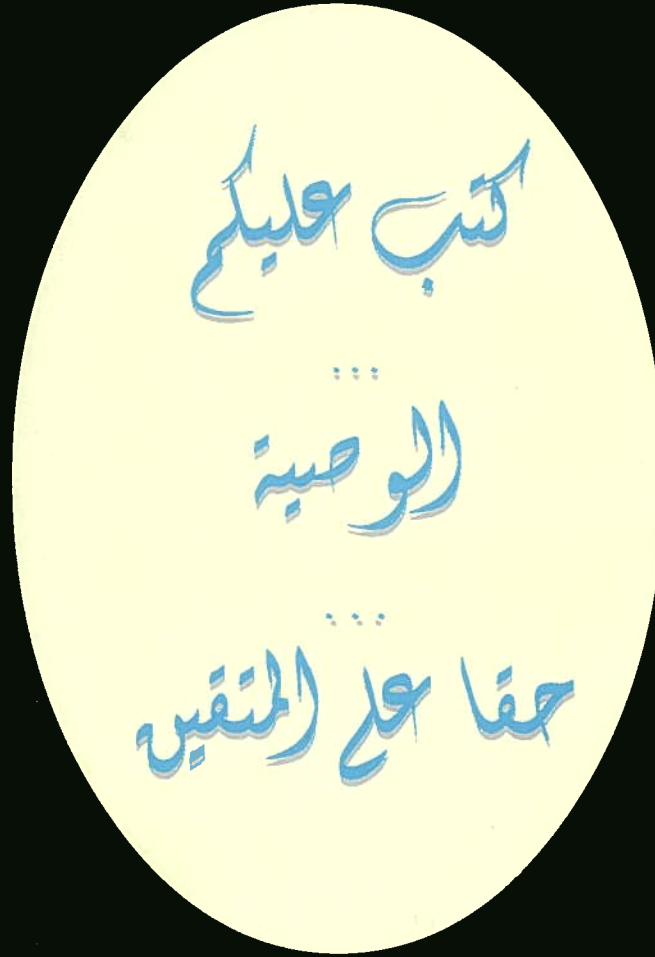


Sixth (Revised) Edition

Writing An Islamic Will



a user-friendly guide to making an Islamic will
according to the
Ja'fari school of Islamic Laws

Sayyid Muhammad Rizvi

Al-Ma'ārif Publications

Canada

MTR.

Property

Insurance Policy

RRSP

Tax will

Estate Administration Tax 1.5%

Final Tax Return

UK Property - separate will for UK, offshore

Family law: first \$200k to Spouse

$\frac{1}{3}$ balance to Spouse

Rest distributed equally among children

Power of Attorney

Life Insurance not part of Estate

download from RBC - family inventory

RRSP - Beneficiaries spelled out and goes to them only

Not part of Estate

Sixth (Revised) Edition

Writing An Islamic Will

A user-friendly guide
to making an Islamic will
according to the
Ja'fari school of Islamic Laws.

*Laws relevant to the Muslims of our time
have been discussed in clear & precise style.*

*Colourful pie-charts and a sample of Islamic
will makes this manual the most simple
guide for writing your will.*

Sayyid Muhammad Rizvi

Al-Ma'arif Publications
Canada

Sixth (Revised) Edition 2006 / 1427

© Sayyid Muhammad Rizvi

CONTENTS

1. *Is it Necessary?* 5
2. *The One-Third Option.* 6
3. *What is an "Estate"?* 7
4. *Who can Inherit?* 8
5. *Basic Shares of the Heirs.* 9
6. *Wife's Share.* 12
7. *Executor or Executrix.* 14
8. *Guardian of Children.* 14
9. *Charts of 36 Most Common Cases.* 15
10. *Sample of an Islamic Will.* 25

Published by

Al-Ma'arif Publications
Canada

Distributed by

Islamic Humanitarian Services
81 Hollinger Cr., Kitchener, Ontario,
Canada N2K 2Y8
Tel: (519) 576-7111 ihs@primus.ca

Al-Khoei Book Store
89-89 Van Wyck Expressway,
Jamaica, NY, USA 11435
Tel: (718) 297-6520 ext. 116

كتاب وصية... الوصية... حنا... التفتيش

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

WRITING AN ISLAMIC WILL

1. *Is it Necessary?*

Although the law, secular as well as Islamic, does not say that making of a will is a must, but by looking at the consequences of not having a will, it is necessary—both from legal as well as from religious aspects.

Firstly, if a person dies without a will, the government appoints an executor who will divide the estate among the heirs as he seems fit. The pay of the executor for this job will come out of your estate, and the government bureaucracy takes its time in getting things done! Secondly, from the *shari'ah* point of view, your heirs may get more or less than the shares specified for them in Islam. By not writing a will, you are leaving the door open for a non-Islamic authority to distribute your estate according to its own views.

So not having a will is costly as well as problematic from both secular and Islamic points of view. Considering the consequences, I am of the opinion that it is *wajib* for a Muslim in the West to have an Islamic will; more so when you realize that the law of the land allows you to do so.*

* Such a will will be upheld by the law unless challenged by your spouse or child; but in either case, you would have done your Islamic duty.

2. The One-Third Option

After a person dies, what is the relationship between him and his estate?

There are three possibilities:

- ☉ he has full control over it through a will.
- ☉ he has partial control over it through a will.
- ☉ he has absolutely no control over it.

Islam has taken the middle position. It says that when a person dies, he still retains the right to decide about up to one-third of his entire estate. But as far as the two-thirds are concerned, the deceased person loses the right to dispose of his wealth according to his wish; the two-thirds must be divided according to the shares specified by the *shari'ah*. Most of these shares have been specified in the Qur'an itself. (See 4:11-12) This law is part of the over-all Islamic system for the distribution of wealth in society.

The right of disposing of the one-third according to your own wish can be exercised *only* by making a will. You can do whatever you like with the one-third: give to a family-member, a relative, a friend, a charitable cause or organization, etc. For example, you can use the one-third or a part of it to make—if you like—the shares of your wife or your daughter equal to those of your other children.

When the Qur'an talks about "*wasiyyat*" which is normally translated as "will", it refers to the will covering the one-third only. For example, it says:

O you who believe! It is prescribed upon you that when death approaches one of you—if he leaves behind plenty—then he should make a will (wasiyyah) for his parents and near relatives [in the one-third]. This is a duty upon the pious people. (2:177)

Writing more than one-third to a person or a cause means depriving the potential heirs of their rightful share in the estate; and, therefore, it is considered unjust and wrong. The Qur'an says:

If a person fears that the testator is [wrongfully] inclined [to one party] or is sinning [by depriving the rightful heir in the will, and so that person intervenes between the testator and the potential heirs] and makes peace between them—then there is no sin on him. Allah is Forgiving, Merciful. (2:182)

كتب وليك حقا على التقيين

كتب وليك حقا على التقيين

What has been described in this verse as wrongfully "inclining" to one party and "sinning" by depriving the rightful heir is related to the two-thirds of the estate.

3. What is an "Estate"?

An "estate" is the collective name for everything that you own at the time of your death.

Before distributing the estate among the heirs, the executor of the will has to pay off all the **debts**, legal as well as religious. (Religious debts means the unpaid *khums*, *zakāt*, *kaffārah*, and the *wājib haji*.) Even the *wājib* portion of the funeral expenses comes out of the estate before it is distributed among the heirs.*

Then the executor has to comply with the instructions of the deceased about the **one-third** (for example, to make appropriate arrangements if the deceased has specified the amount for hiring a person for doing his missed prayers and fastings, etc).

Finally comes the time for distribution of the **remaining estate** among the heirs. The estate could consist of the followings:

- all properties, goods and investments that are in your name.
- half or the specified portion of the goods and investments that are in your name.

The first type of property is very straight-forward—the entire estate will be divided according to the will and the specified shares of the heirs.

But there are certain cases in the second type which need explanation:

Joint Account: According to Canadian laws, with death of one spouse, the money becomes the property of the surviving spouse. Such a transfer of money is not valid in Islam: Islamically, half of the money in that account belongs to the surviving spouse and the other half will become part of the deceased's estate.

* *Wājib* portion of funeral expenses means *kafan*, water for *ghusl*, rental of space for *ghusl*, coffin, grave, transportation, and other charges paid to the government. The memorial ceremonies (e.g., *fātiha*, *Qur'an-khawāni*, *khatm*, *majlis* or *nazr*) are not *wājib*. The expenses of these latter activities will come out of the one-third provided the deceased has made a will about them; otherwise, it is upto the heirs to arrange, if they wish, and pay for such activities.

House: Houses are normally in the name of the couple. Such ownership can be of two types: common ownership and tenants in common. "Tenants in common" is also without any problem because when one spouse dies, his or her share becomes part of the estate.

But in "common ownership", there is a problem because with the death of one spouse, according to Canadian laws, the entire property becomes that of the surviving spouse. This is contrary to Islamic law which says that the surviving spouse gets his or her 50%, and the remaining 50% becomes part of the estate of the deceased. We will talk more about this below.

4. Who can Inherit?

After disbursing the one-third according to your will, your remaining estate is to be divided among the heirs mentioned in the Qur'ân: the surviving spouse and blood relatives.

No one can prevent the **spouse** from inheriting his or her specified share from the estate of the deceased spouse. The share of the spouse has to be given out first before distributing the remaining among the blood relatives.

As for the **blood relatives**, they are of different degrees.

First degree: your parents.

and your children.

your grandchildren qualify as "first degree relatives" only if both your parents and your child(ren) have predeceased you.

Second degree: your grandparents.

and your siblings.

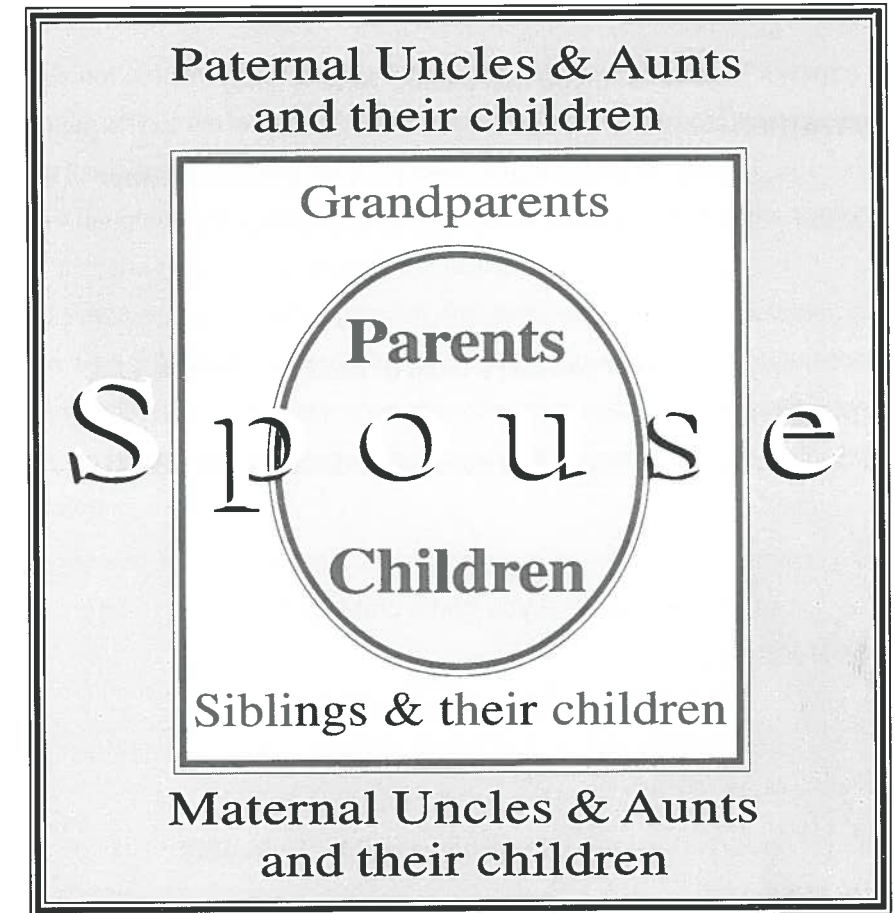
your nieces and nephews qualify as "second degree relatives" only if no one from your grandparents and your siblings are alive.

Third degree: your uncles & aunts.

(In this manual, we shall be discussing the most common cases which cover the first degree relatives only.)

كتب اولادك... الوصية... حقا على المتقين

كتب اولادك... الوصية... حقا على المتقين



If anyone from your first degree relatives is alive, no other relatives from the second or third degree will get anything from your estate. See the diagram above: the persons in the inner circle will exclude those who are outside it; in their absence, the persons in the box will inherit and exclude those who are outside it. The spouse, however, will always get his or her share of the estate.

5. Basic Shares of the Most Common Heirs

What you see below are the basic shares of your most common heirs. In these examples, you have been considered as the deceased and the relatives mentioned here are your heirs.

- > if you had a child 16.66% (1/6)
- YOUR FATHER—**
- > if you had no child *whatever remains after share of the mother &/or the spouse.*
- > if you had a child or brother* 16.66% (1/6)
- YOUR MOTHER—**
- > if you had no child or brother* 33.33% (1/3)
- > if you had a child 25% (1/4)
- YOUR HUSBAND—**
- > if you had no child 50% (1/2)
- > if you had a child 12.5% (1/8)
- YOUR WIFE—**
- > if you had no child 25% (1/4)
- CHILDREN—**————> *whatever remains after the shares of the parent(s) &/or the spouse.*

Note: a male child gets twice the share of a female child.

* In presence of a parent or a child (or a grandchild), the brother of the deceased does not get anything. However, he affects the share of the mother: instead of 1/3, it becomes 1/6.

کتاب اولیاء و حقا علی التنفیق

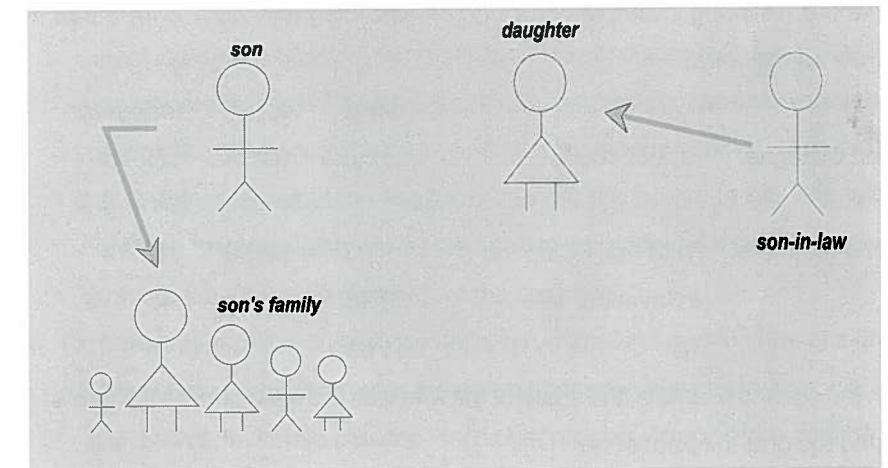
کتاب اولیاء و حقا علی التنفیق

(a) Why a female child gets half of a male child's share?

It is not a male versus female issue; it is not a sexist issue. If it were a sexist issue than why do we have cases in inheritance where females get the same percentage as their male counterparts. For example:

- if daughter is the only heir from the first group, then she inherits 100% and she excludes her grandparents and her uncles.
- a mother in most cases gets 1/6, the same share as that of a father.

So, why is there difference? The difference in inheritance is based on economic responsibilities: those who have been given greater burden of responsibility have been given greater share in inheritance. Rights are tied to responsibilities. See, for example, this diagram:



Another example of the inter-relation between responsibility and rights is the case of the mother: if parents are the only heirs and the mother has no other sons to take care of her, then her share increases from 1/6 to 1/3.

Objection: What if the daughter's family is not rich or that she is a minor?

Answer: The one-third option has made the *shari'ah* laws quite flexible. If you think that your daughter needs extra help, then you can give up to the one-third of your estate to her:

son	daughter	
44.44	22.22	———> out of the 2/3
<u>5.56</u>	<u>27.78</u>	———> use of the 1/3
50.00	50.00	

(b) Wife's Share:

The wife's share is 1/4 if the husband was childless or 1/8 if he had a child. This is basically because of two reasons: it is possible for a woman to marry again and her new husband will be responsible for her; or, if she does not want to marry again and has grown up children, then they are religiously responsible for her maintenance.

However, even in this case, the one-third rule makes the *shari'ah* laws very flexible. Look at the following examples of a person who died leaving a wife, a son and a daughter as his heirs:

		wife	son	daughter
1st example:	out of 100%	12.5	58.34	29.16
2nd example:	with the 1/3 option	8.33	38.90	19.44
	in favour of wife	<u>33.33</u>		
		41.66		

In the second example, the share of the wife was increased from 12.5% to 41.66% by using the one-third option.

6. Wife's Share in Real Estate

Since the share of the wife is somewhat complicated, I would like to explain a few points separately.

Firstly, as the definition of the "estate" shows, a house jointly-owned by a couple is divided—according to the *shari'ah*—into two: half becomes part of the estate of the deceased, and the other half of the property belongs to the surviving spouse.

کتاب اولیٰ علیٰ حفا علی التنفیس

کتاب اولیٰ علی حفا علی التنفیس

Secondly, according to the *shari'ah*, the wife is not entitled to land of her husband (whether an agriculture land or a residential lot): she only inherits the house on the land according to her proportional share in inheritance.

In common ownership case, the wife is the owner of 50% of the house and the land; the other 50% becomes part of her husband's estate from which she will inherit only 6.25% of the house. So in the end, the wife becomes the owner of 56.25% of the house and 50% of the land.

This creates practical problems: a house cannot be divided; if other heirs insist on their share in the house, then it has to be sold and the price divided accordingly; it is also difficult to assess the value of the land separate from the house, etc. Therefore, I suggest you do one of the followings:

1. Either give the house to your wife during your life-time.

Whenever I mention this suggestion in seminars, I have been asked about the risk of losing the house if the marriage ends in divorce; or the risk of losing some share of it to the wife's parent(s) if she predeceases her husband.

In response to this, in my opinion, one should use the concept of "conditional gift" (*hiba mashruta*): the husband can gift the house to his wife with the condition "that this gift must be returned to the husband if the marriage ends in divorce or if the wife dies before the husband."

2. Or, if the value of the 50% of the house plus the land is within the one-third of your entire estate, then write the entire house to your wife in your will. In this way, half of the house plus the land is her property from before and the other half will go to her on strength of the 1/3 option in your will.
3. Or, if the value of the 50% of the land is more than the one-third of your estate, then discuss it with your other heirs (parents and children) and ask for their consent to write the entire house for your wife in the will. If they give the consent (which is irrevocable), then you can write the house to your wife in the will even if it is more than her proportional share of inheritance.

7. Executor or Executrix

Appointing an executor or executrix is very important. This would prevent any ill feelings among the heirs when they argue or dispute, in absence of a written will, about who has the right to administer the distribution of the estate.

It is a normal practice to appoint your spouse or another family member as the executor of your will although an outsider (e.g., your lawyer, trustworthy friend, a trustworthy relative who does not inherit from you) would be emotionally and mentally in a better position to act as the executor. There is nothing wrong with this from the Islamic point of view. The only conditions which are necessary for an executor or an executrix is that he or she should be *bâligh*, sane, and Muslim. It is not necessary for him or her to be *âdil* (religiously upright person); trustworthiness would be a sufficient quality for an executor.

If you accept to be an executor for someone's will, then it becomes *wâjib* for you to fulfill your duty. You can only reject this responsibility while the testator is alive; you cannot reject this role after his death.

8. Guardian of Children

Since you have chosen to live in a non-Muslim country, it is very important to write in your will about the guardian and custodian of your children. Under normal circumstances, the surviving spouse is made the guardian, and this is indeed the best decision.

Here, for the sake of record, I would like to mention the conditions which must be found in the guardian of your children. The guardian must be a Muslim, sane, and trustworthy. From the Islamic point of view, those who have the right of custody of children (in order of preference) are: father, mother, paternal grandfather; and then anyone specifically appointed as the guardian of the children. However, the duty of providing for the children falls upon the following (in order of preference): father, paternal grandfather; mother; and then other grandparents collectively.

کتاب اولیاء... (لو صبیہ... حفا علی التقیین

کتاب اولیاء... حفا علی التقیین

The last person in this list of custodians can be from outside the family, but one must be very careful in selecting such a person. The most important condition is that he or she besides being trustworthy must also be a Muslim who will raise the children according to the teachings of Shi'a Islam. This is absolutely important in order to safe-guard our children from being taken over by the government agencies which assign foster homes for them according to their own standards and outlook.

9. Charts of 36 Most Common Cases

This section gives you the charts explaining the **shares of heirs** in 18 most common cases. For each case, we have given two charts: one shows you the shares of your heirs out of 100% of your estate (if you do not wish to exercise the 1/3 option), and the other shows you the shares of your heirs out of two-thirds of your estate (if you wish to exercise the one-third option).

Find the chart (from the list given below) that fits your situation and prepare your will according to the sample given in the next section.

Spouse + Children as Heirs

- | | |
|---------------------------|------------------------------|
| 1. Wife + Daughter + Son | 2. Husband + Daughter + Son |
| 3. Wife + Daughter + Sons | 4. Husband + Daughter + Sons |
| 5. Wife + Daughters + Son | 6. Husband + Daughters + Son |

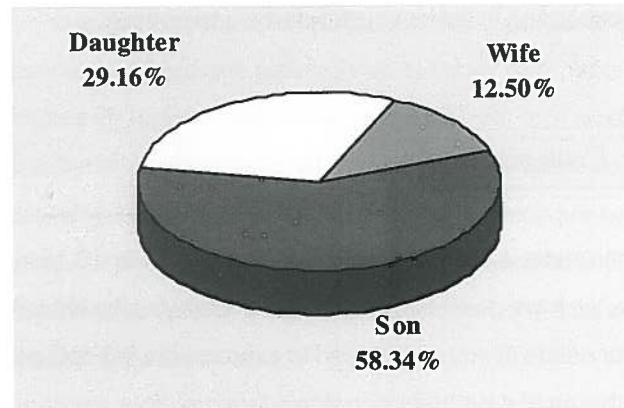
1 Parent + Spouse + Children as Heirs

- | | |
|-------------------------------------|--|
| 7. Parent + Wife + Daughter + Son | 8. Parent + Husband + Daughter + Son |
| 9. Parent + Wife + Daughter + Sons | 10. Parent + Husband + Daughter + Sons |
| 11. Parent + Wife + Daughters + Son | 12. Parent + Husband + Daughters + Son |

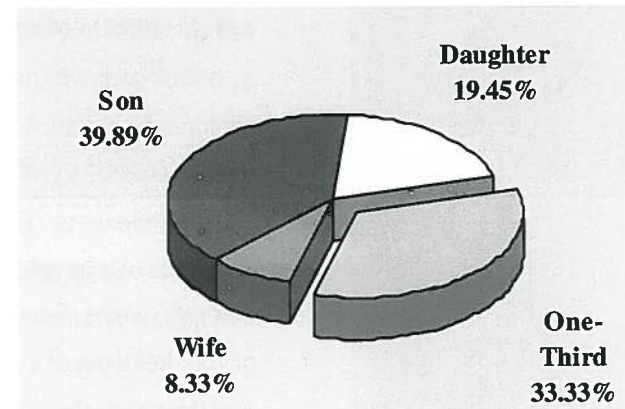
Parents + Spouse + Children as Heirs

- | | |
|--------------------------------------|---|
| 13. Parents + Wife + Daughter + Son | 14. Parents + Husband + Daughter + Son |
| 15. Parents + Wife + Daughter + Sons | 16. Parents + Husband + Daughter + Sons |
| 17. Parents + Wife + Daughters + Son | 18. Parents + Husband + Daughters + Son |

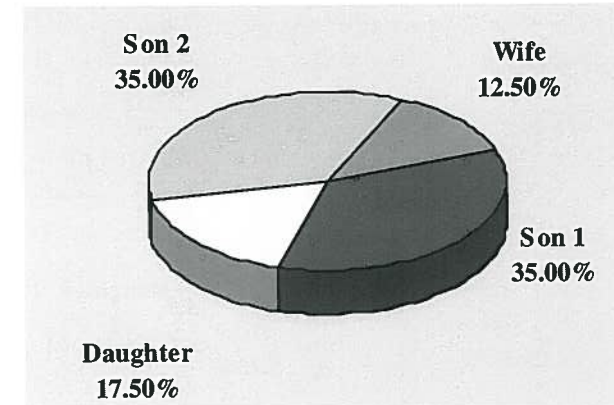
1a.
Wife & Son & Daughter
(out of 100%)



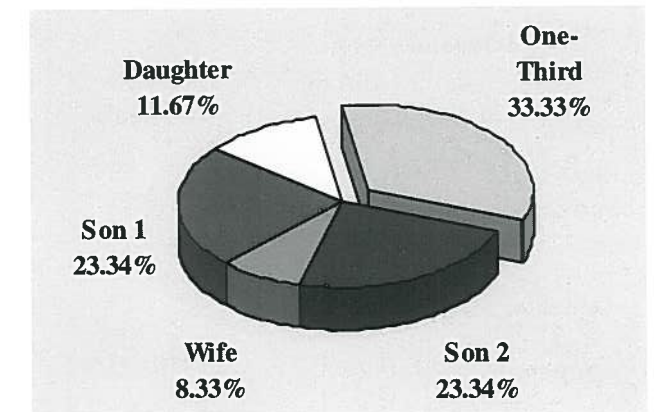
1b.
Wife & Son & Daughter
(with the 1/3 option)



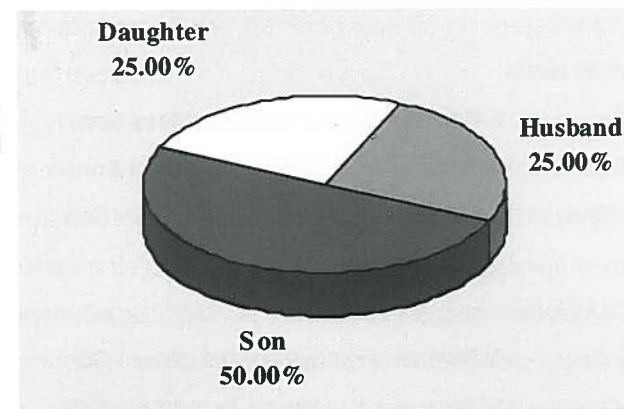
3a.
Wife & Sons & Daughter
(out of 100%)



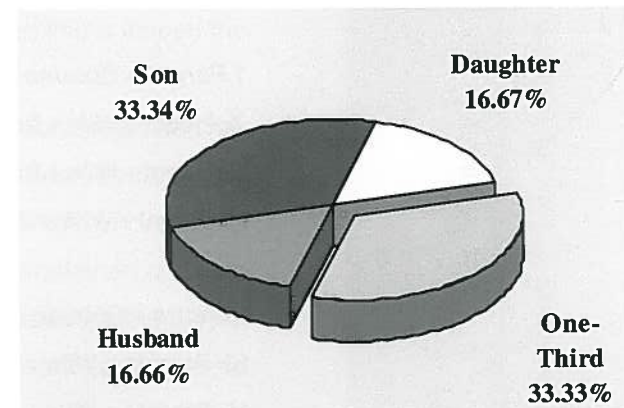
3b.
Wife & Sons & Daughter
(with the 1/3 option)



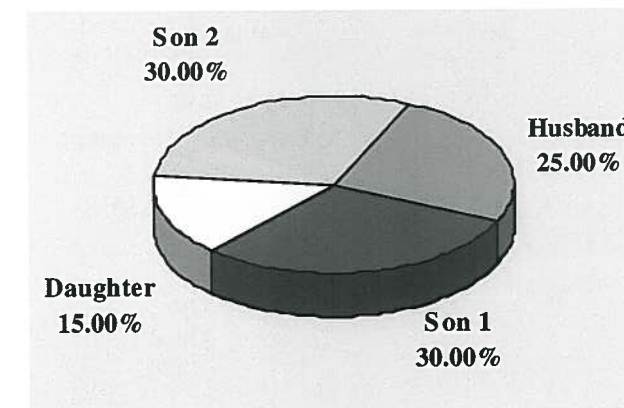
2a.
Husband & Son & Daughter
(out of 100%)



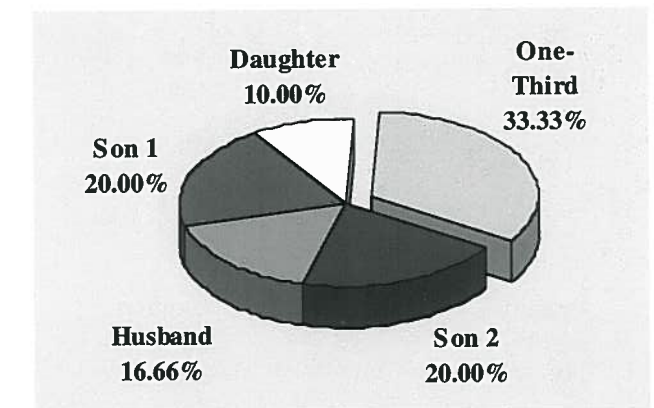
2b.
Husband & Son & Daughter
(with the 1/3 option)



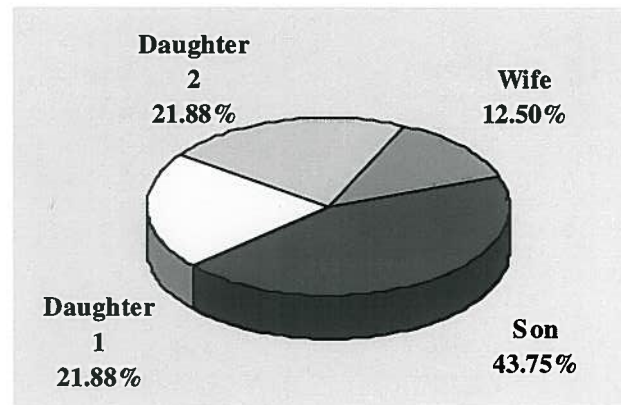
4a.
Husband & Sons & Daughter
(out of 100%)



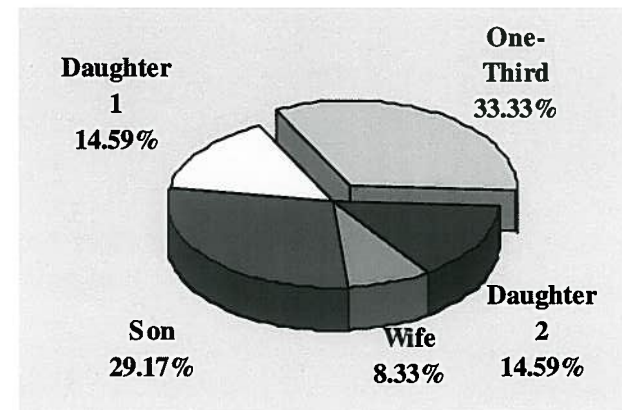
4b.
Husband & Sons & Daughter
(with the 1/3 option)



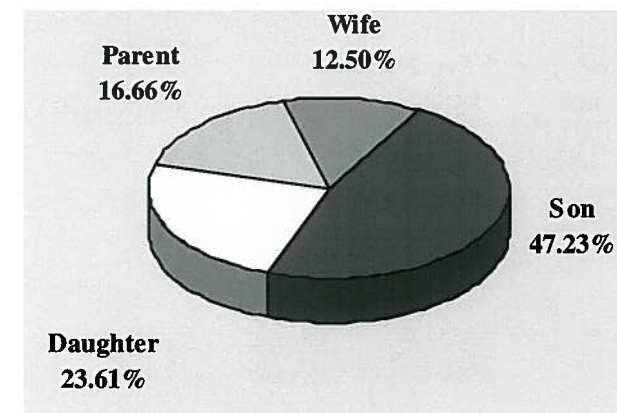
5a.
Wife & Son & Daughters
(out of 100%)



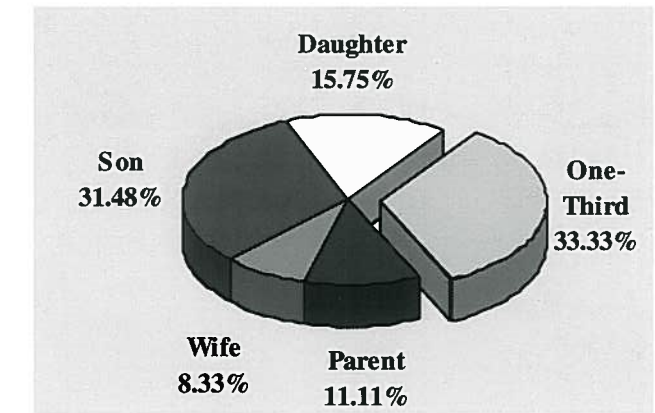
5b.
Wife & Son & Daughters
(with the 1/3 option)



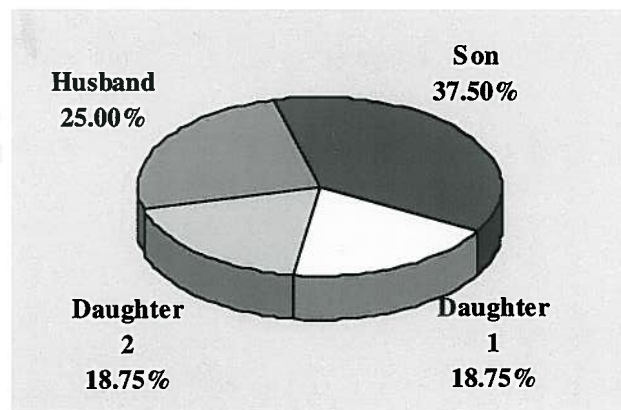
7a.
Parent & Wife & Children
(out of 100%)



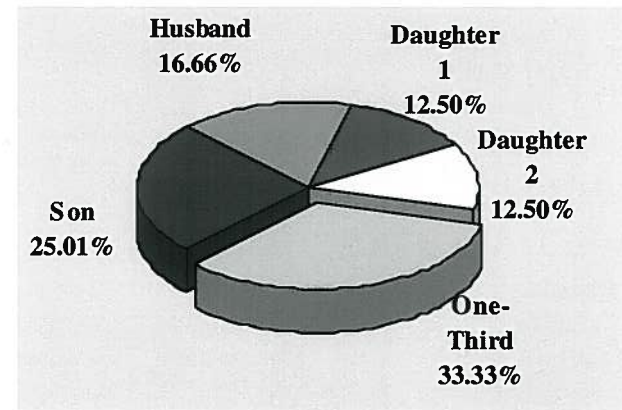
7b.
Parent & Wife & Children
(with the 1/3 option)



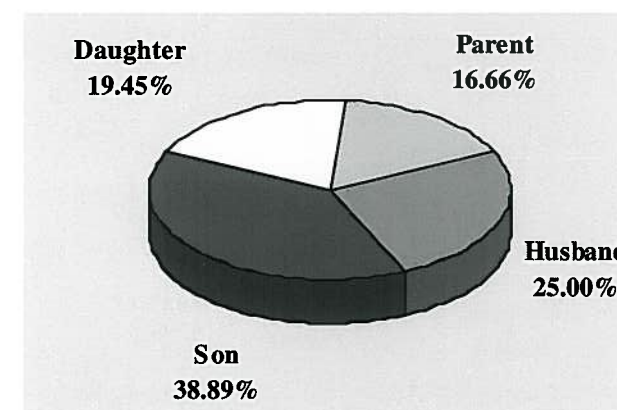
6a.
Husband & Son & Daughters
(out of 100%)



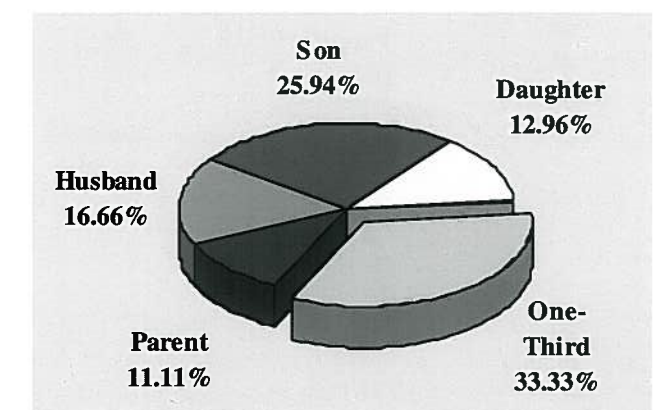
6b.
Husband & Son & Daughters
(with the 1/3 option)



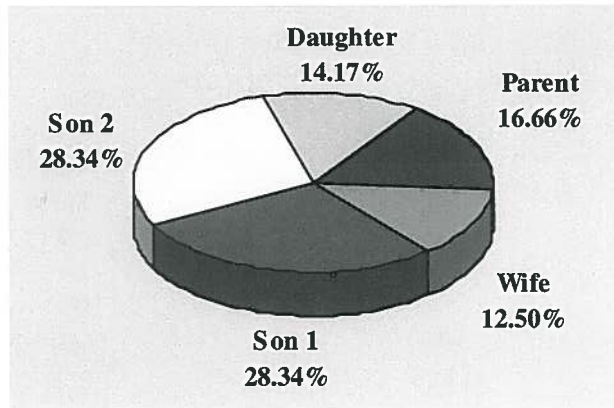
8a.
Parent & Husband & Children
(out of 100%)



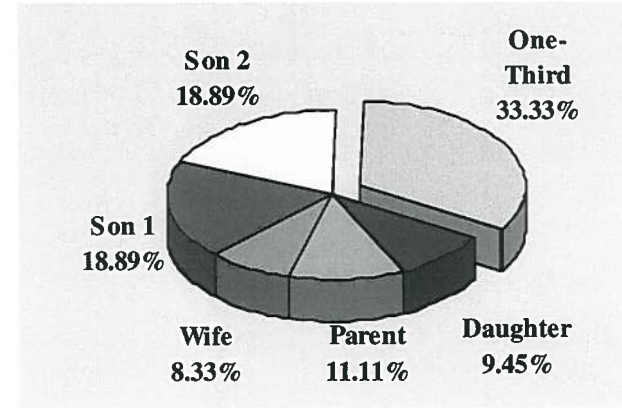
8b.
Parent & Husband & Children
(with the 1/3 option)



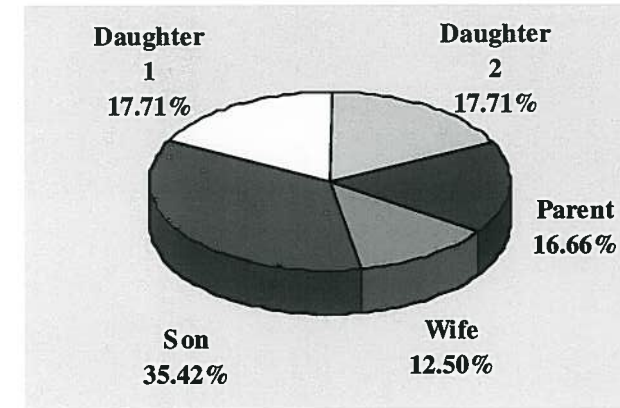
9a.
Parent & Wife & Sons & Daughter
(out of 100%)



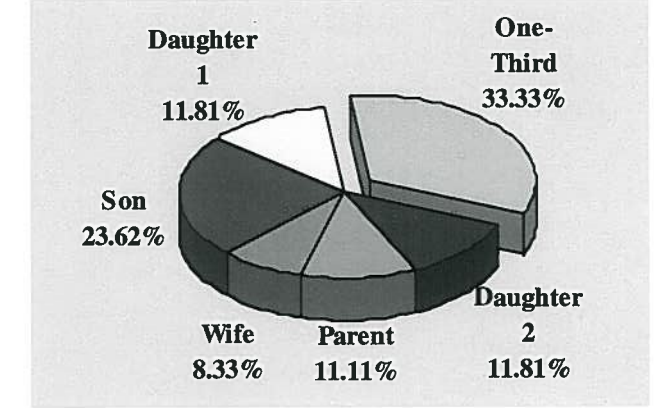
9b.
Parent & Wife & Sons & Daughter
(with the 1/3 option)



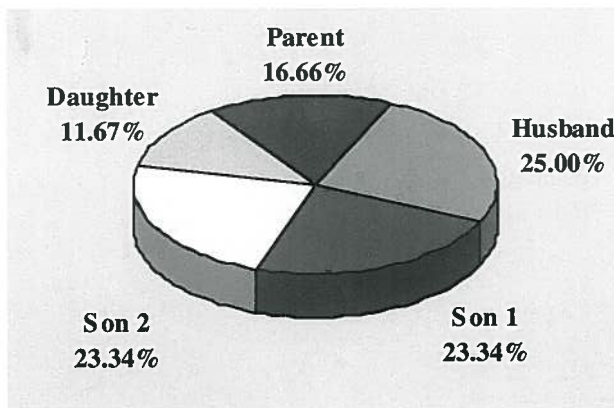
11a.
Parent & Wife & Son & Daughters
(out of 100%)



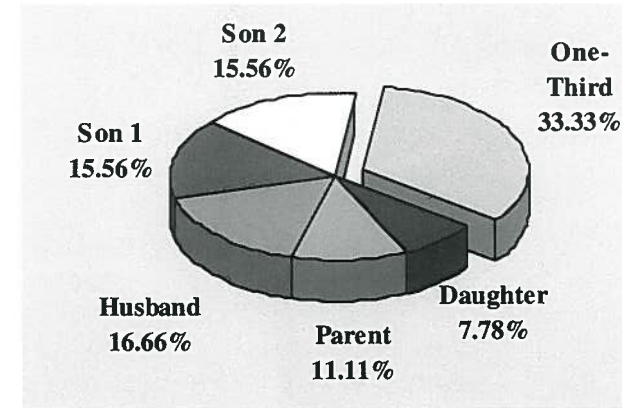
11b.
Parent & Wife & Son & Daughters
(with the 1/3 option)



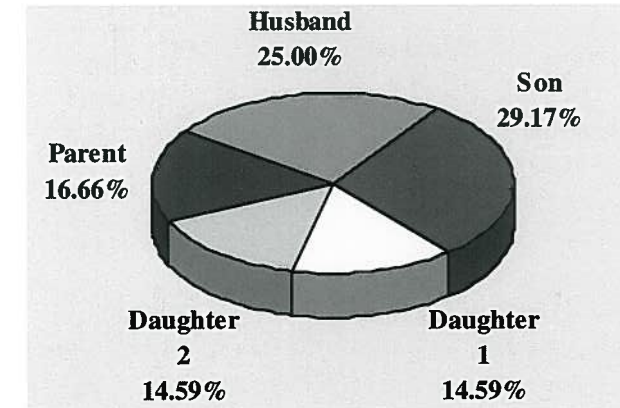
10a.
Parent & Husband & Sons & Daughter
(out of 100%)



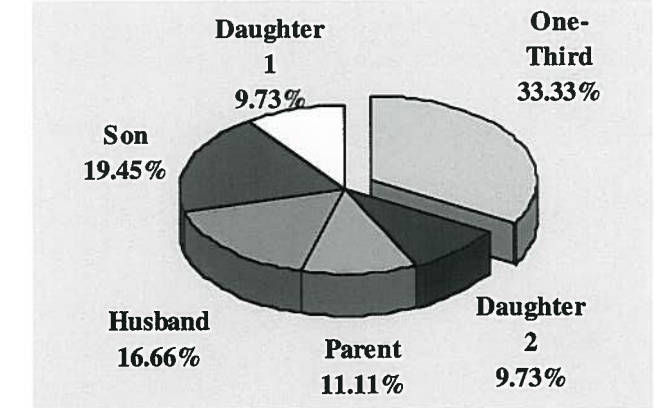
10b.
Parent & Husband & Sons & Daughter
(with the 1/3 option)



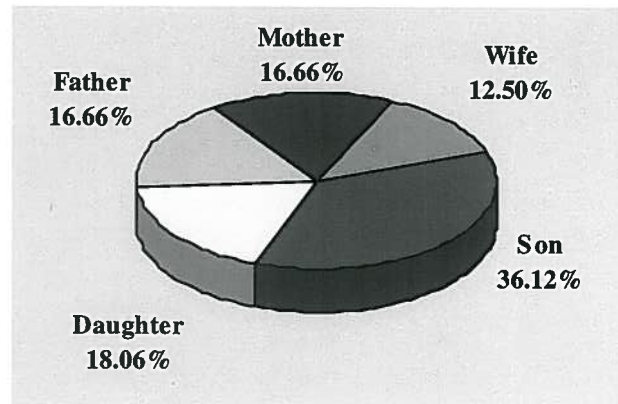
12a.
Parent & Husband & Son & Daughters
(out of 100%)



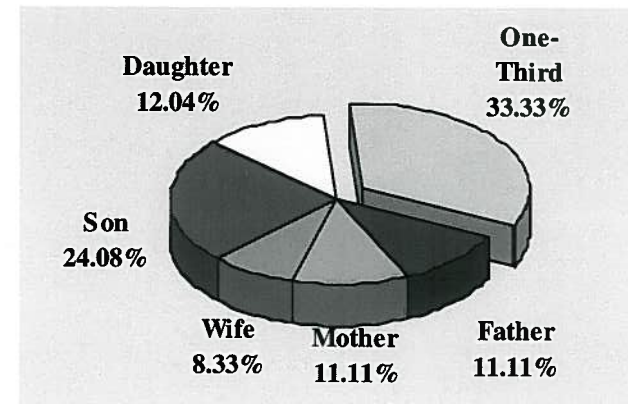
12b.
Parent & Husband & Son & Daughters
(with the 1/3 option)



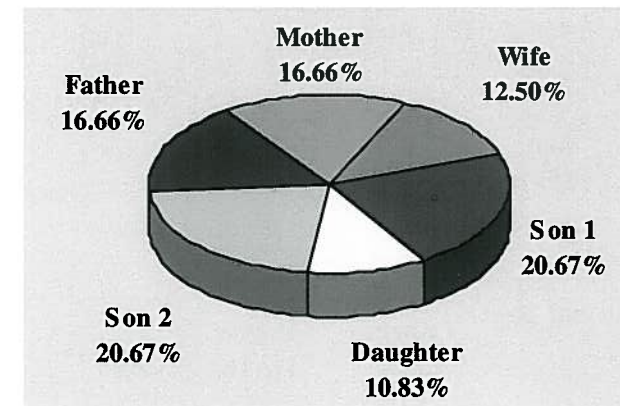
13a.
Parents & Wife & Son & Daughter
(out of 100%)



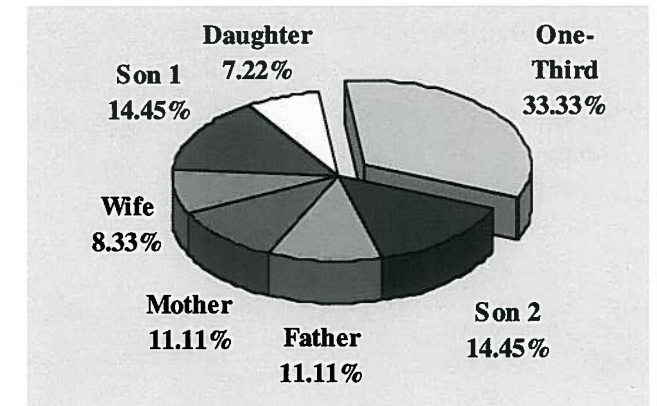
13b.
Parents & Wife & Son & Daughter
(with the 1/3 option)



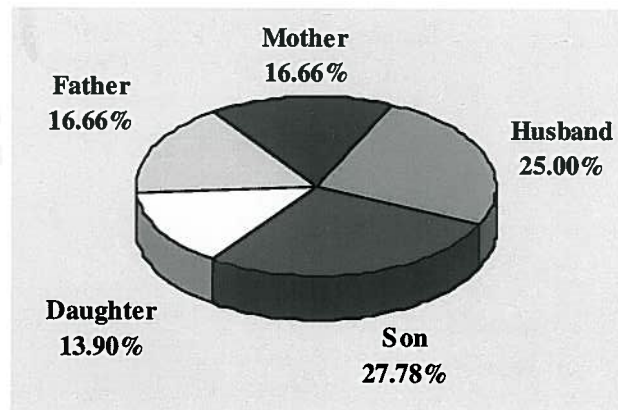
15a.
Parents & Wife & Sons & Daughter
(out of 100%)



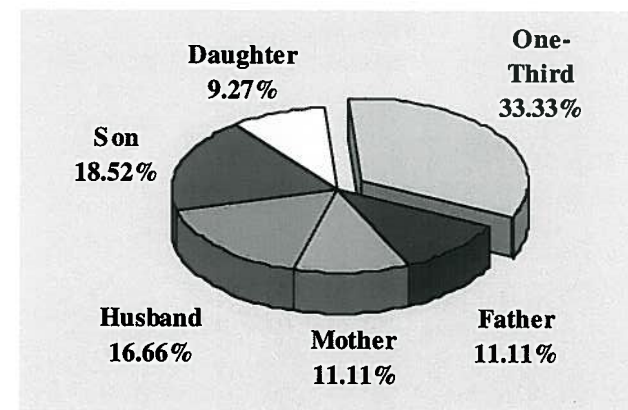
15b.
Parents & Wife & Sons & Daughter
(with the 1/3 option)



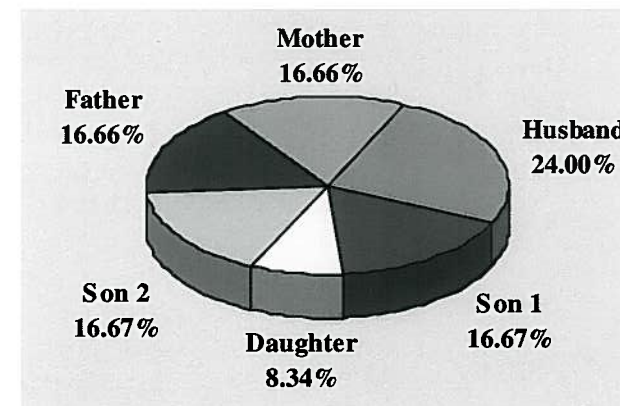
14a.
Parents & Husband &
Son & Daughter
(out of 100%)



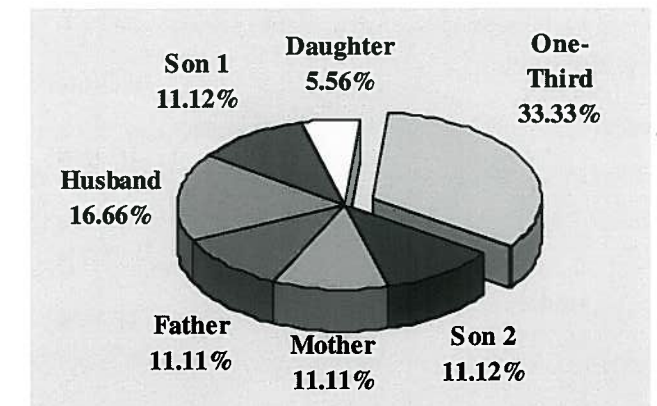
6b.
Parents & Husband &
Son & Daughter
(with the 1/3 option)



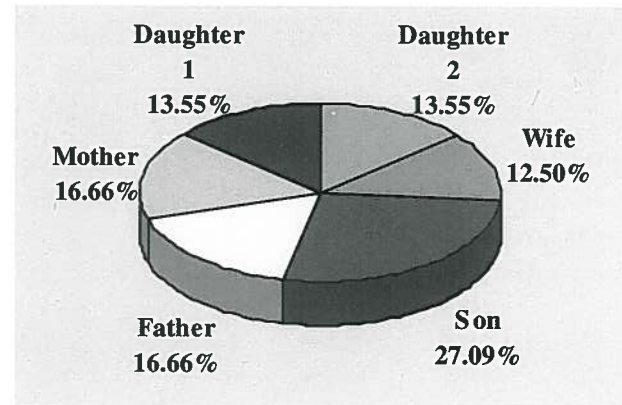
16a.
Parents & Husband &
Sons & Daughter
(out of 100%)



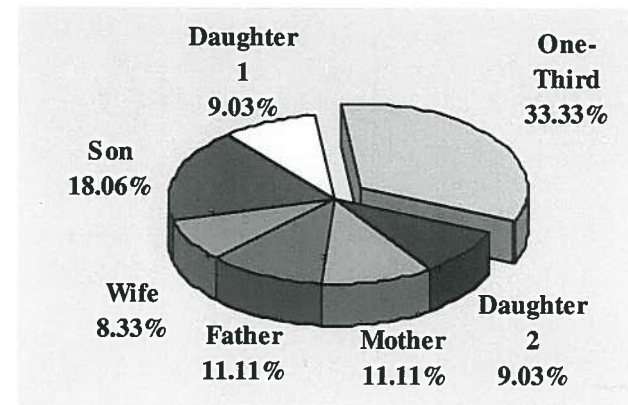
16b.
Parents & Husband &
Sons & Daughter
(with the 1/3 option)



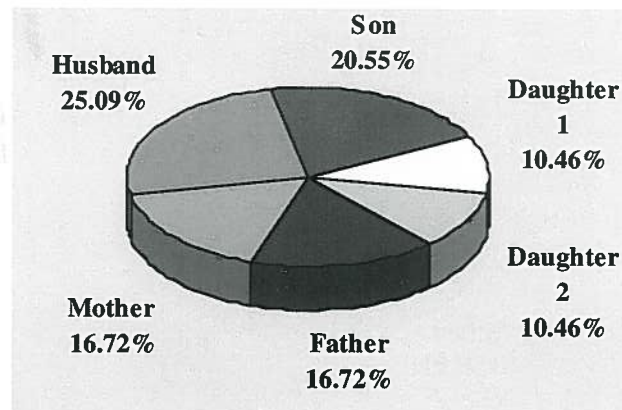
17a.
Parents & Wife & Daughters & Son
(out of 100%)



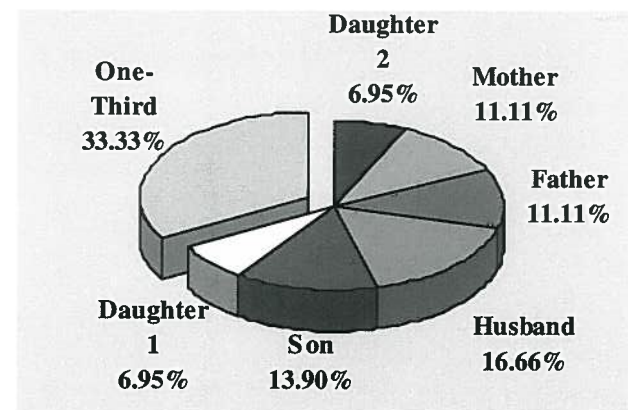
17b.
Parents & Wife & Daughters & Son
(with the 1/3 option)



18a.
Parents & Husband & Daughters & Son
(out of 100%)



18b.
Parents & Husband & Daughters Son
(with the 1/3 option)



كتاب وصية... (الوصية... حيا وحيا... التفسير)

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:

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'an;
- (ii) to my wife / husband _____

کتاب اولیٰ علی حقا علی التامین
 ... (لو صبیہ) ...
 حقا علی التامین

کتاب اولیٰ علی حقا علی التامین
 ... (لو صبیہ) ...
 کتاب اولیٰ علی حقا علی التامین

- (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 ... (الوصیة) ... حفا علی التقیین

کتاب اولیاء ... (الوصیة) ... حفا علی التقیین

Possible Use of the One-Third

- For charity.
- For giving to those (relatives or friends) who have no share in the estate.
- For giving to those relatives whose share is less and you think that they are in need.

Shaykh Mufid's Suggestion for using the one-third

- 1/4 for qaza namaz, sawm, and kaffarahs.
- 1/4 for the relatives who do not inherit you.
- 1/4 for the deserving poor sadaat.
- 1/4 for the poor Shi'as in general.

Still need help? Then fill in this form indicating **your heirs** & send it's copy to us:

Tick the appropriate boxes in group A and B

GROUP A

Husband _____ %

or

Wife _____ %

GROUP B

Father _____ %

Mother _____ %

Son(s) _____ %

Daughter(s) _____ %

Tick the appropriate boxes in group C

only if you did not tick any box in group B

GROUP C

Grandsons(s) _____ %

Granddaughter(s) _____ %

Tick the appropriate boxes in group D only if you

did not tick any box in group B or C above

GROUP D

Grandfather _____ %

Grandmother _____ %

Brother(s) _____ %

Sister(s) _____ %

IMPORTANT NOTE: Islam has given you the right to give up to one-third (1/3) of your estate to any person or any cause of your choice. If you choose to do so, then the percentages given above of your heirs will be out of the remaining of your estate. If not, then the above percentages are out of your entire estate.

Sayyid Muhammad Rizvi

Fax: (905) 737-9781 or muhammad57@rogers.com

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
... (الو صبه ...
... حفا ...
... (التفین

Once 'Umar ibn Hanzala asked Imam Ja'far as-Sadiq (a.s.) about the legality of two Shi'ahs seeking a verdict from an unauthorized ruler or judge in a dispute over a debt or an estate.

The Imam answered that it was absolutely forbidden to do so; and then he read the following verse: "...*(Yet in a dispute) they desire to summon one another to the judgement of the taghut -- ungodly judge-- though they were commanded to reject and disbelieve in him.*" (4:60)

Then 'Umar ibn Hanzala asked, "Then what should the two (Shi'ahs) do?"

Imam Ja'far as-Sadiq (a.s.) replied: "They must seek out one of your own who narrates our traditions, who is well-acquainted with our laws and ordinances, and then accept him as judge and arbiter, for I appoint him as judge over you. If the ruling which he based on our laws is rejected, then this rejection will be tantamount to ignoring the order of Allah and rejecting us, and rejecting us is the same as rejecting Allah, and this is the same as polytheism."

* * *

In another hadith, Abu Khadija relates that Imam Ja'far as-Sadiq (a.s.) sent him to his companions with the following message: "If a dispute or a difference occurs among you about a property, then take care not to seek judgement from those unauthorized (judges). Instead, you must seek a person who knows what we permit and what we forbid, for I appoint him as a judge over you. And take care that you do not seek judgement against one another with an unjust ruler."

*A user-friendly guide
to making an Islamic will
according to the
Ja'fari school of Islamic Laws.*

** * **

*Laws relevant to the Muslims of our time
have been discussed in clear & precise style,
especially the issue of wife's share
in the inheritance and the real estate.*

** * **

*Colourful pie-charts
of 36 most common cases
in both formats:
from 100% as well as with the 1/3 option.*

** * **

*There is also a sample
of the Islamic will
which makes this manual the most simple
guide for writing your will.*