In the Name of Allah, the Most Gracious, the Most Merciful

Islamic Last Will and Testament

OF _____

RESIDING AT _____

COUNTY _____ DATE OF BIRTH _____ TELEPHONE _____ TODAY'S DATE _____

ARTICLE I: PREAMBLE

The Prophet Muhammad (Pbuh) ordered Muslims to have their Last Will and Testament drawn up: Abdullah bin 'Umar narrated that the Messenger of Allah (Pbuh) said, *"It is not permissible for any Muslim who has something to Will to stay for two nights without having his Will and Testament written and kept ready with him"* (Sahih Al-Bukhari).

While being in full mental capacity and good health, I, _____, a Muslim, do hereby declare, request, and certify this, my Last Will and Testament. I also do hereby declare that this document revokes any and all former Wills and codicils that I have made previously.

All praise to Allah (SWT), the Creator of the heavens and the earth and all within. I believe in Him and I put my trust entirely in Him. I beg for His Help and His Forgiveness. I seek refuge in Allah (SWT) from the Shaitan (Satan) and the evils of the world and the evils of my deeds. I ask Him to Guide me; those whom Allah (SWT) Guides no one can mislead, and those whom Allah (SWT) leaves to stray, no one can guide. I testify that I believe that the Hour will come for certain, and that Allah will resurrect all those who are in the graves. I testify that there is no deity except Allah, He is One and has no partners, and I testify that Mohammed is Allah's servant and last Messenger (Peace and Blessings of Allah be on him).

I request of all of my immediate relatives and closest friends, and any others involved in the procedures surrounding my death and burial, whether they be Muslims or non-Muslims, to honor my human and Constitutional right and choice to be a Muslim. I ask them to also honor the spirit as well as the letter of this document and to not obstruct or change it in any way. Let them see to it that I am buried as a Muslim, and my property divided and dispersed as I have ordered, according to the Sunni Muslim Islamic Law (hereafter referred to as Shariah). Under no circumstances does anyone have the authority to change the contents of this Will.

I request of all of my immediate relatives and closest friends, for the sake of Allah and out of fear of Him, to settle their disputes and correct their relationships among themselves according to the following orders of Allah in the Quran: *"So fear Allah and amend that which is between you and obey Allah and His Messenger if you should be believers"* (Surah al-Anfal 8:1).

I request of all of my immediate relatives and closest friends what the prophets Ibrahim and Ya'qub (Peace be upon them) directed their sons: *"O my sons, indeed Allah has chosen for you this religion, so do not die except while you are Muslims"* (Surah al-Baqarah 2:132).

I request of all of my immediate relatives and closest friends, when I am on the brink of death, that they insist that I say the Shahadah: *"La ilaha ill-Allah, Muhammadun Rasulullah"* (There is no god but Allah and Muhammad is the Prophet of God). This is in observance of the Prophet's (Pbuh) saying: *"Anyone whose last words were 'La ilaha ill-Allah' (There is no god but Allah) will enter Paradise"* (Ahmad, Abu Dawud and al-Hakim – Sahih).

I insist that no one wail or slap their cheeks because of my death, as the Prophet (Pbuh) has prohibited these acts. After you have buried me, the first thing you must do is to clear me of my debts (if there are any), as the believer's soul is held back by his liabilities.

Distribution of Inheritance According to the Quran

Allah (SWT) says in the Quran, Surah An-Nisa 4:7–14:

> **7.** *For men is a share of what parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share.*
>
> **8.** *And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [i.e., the estate] and speak to them words of appropriate kindness.*
>
> **9.** *And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate kindness.*
>
> **10.** *Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e., Hellfire].*
>
> **11.** *Allah instructs you concerning your children [i.e., their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate.* (Literally, "that which is left.") *And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children, and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth,* (although the siblings themselves do not inherit in this case) *after any bequest he [may have] made or debt. Your parents or your children – you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.*
>
> **12.** *And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for them [i.e., the wives] is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third,* (these shares are divided equally between males and females) *after any bequest which was made or debt, as long as there is no detriment [caused].* (This is a condition for any bequest. If it has been violated by the deceased, his bequest is not to be honored, or it may be adjusted by the executor.) *[This is] an ordinance from Allah, and Allah is Knowing and Forbearing.*
>
> **13.** *These are the limits of Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.*
>
> **14.** *And whoever disobeys Allah and His Messenger and transgresses His limits – He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.*

ARTICLE II: MY IMMEDIATE FAMILY

A. I am married to _____ and all references in this Will to my husband/wife are references to this person.

B. I am the father/mother of the following children, whose names and dates of birth are listed below. Any child of mine born after I sign this Will shall inherit as my heir under Article VIII.

1. _____ 2. _____

3. _____ 4. _____

5. _____ 6. _____

7. _____

ARTICLE III: EXECUTOR

A. I appoint the person named below as executor of this Will, to collect and manage all my estate – cash, bank accounts, real property, shares in any business, and any other property, including property not mentioned in this Will – and to distribute it according to this Will and the Shariah. My executor holds my estate only in that role and receives no part of it except as an heir or legatee under this Will. My executor shall serve without bond. I ordain that the executor of this Will be a Muslim.

1. My husband/wife _____ , or, if he/she fails to survive me by 45 days or cannot serve,
2. _____ , or, if he/she fails to survive me by 45 days or cannot serve,
3. _____ , or, if he/she fails to survive me by 45 days or cannot serve,
4. _____ .

B. If none of them can serve, I appoint the Imam or director of _____ (masjid), or whoever then holds that position.

C. I direct that the executor take all actions legally permissible to have the probate of my estate done as simply and as expeditiously as possible, including independent administration (without court supervision) where the law allows.

D. I give my executor power to sell my property, real, personal or mixed, without a court order and without bond, to the extent the law allows.

E. I give my executor power to settle any claim for or against my estate.

ARTICLE IV: BURIAL ARRANGEMENTS

1. I ordain that my body be prepared for burial in keeping with the Sunni Muslim Law (Shariah).

2. I object to an autopsy on religious grounds, to the full extent the law allows. Under no circumstances shall my body be voluntarily turned over for an autopsy, or embalming, or organ donation.

3. My body must be prepared for burial according to the Shariah.

4. Once the body is prepared for burial there is to be no viewing of my remains.

5. Absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body, or at the grave site. No pictures, stars and crescents, decorations, crosses, flags, flowers, plants, signs, symbols, or music shall be involved at any stage of my burial.

6. My body may not be transported over any unreasonable distance from the locality of my death unless necessitated by the circumstances or consensus of my Muslim family members.

7. My grave must be dug in complete accordance with the Shariah practice. It should face in the direction of the Qiblah (Ka'bah in Makkah, Saudi Arabia).

8. My body must be buried without casket or any other encasement that separates the shroud from the surrounding soil.

9. My grave must be covered with dirt only. The marking, if necessary, should be a simple rock. There should be no inscriptions or symbols on it.

10. My burial must take place as soon as possible, preferably before sunset on the day of my death or the following day. Under no circumstances should the burial be unduly delayed.

11. 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.

12. No one is permitted to cry out, moan or wail. I demand that such a person leave the burial site. Only what comes from the eye is acceptable (tears). Muslims should say a du'a (supplication) for me, and there should be a moment of silence when they pray that my grave is made spacious and comfortable.

13. I designate _____ (phone _____) to direct the disposition of my remains according to this Article, to the extent the law allows. Because this Will may not be read until after my burial, a copy of this Article should be given to my family and my masjid now.

ARTICLE V: CUSTODY OF MINOR CHILDREN AND GUARDIAN

If, at my death, any of my children are minors and a guardian is needed, I nominate the following persons, in this order, as guardian of my minor children, each to serve only if those named before him/her are unable or unwilling to serve:

1. My husband/wife _____ , provided he/she is a Muslim;
2. _____
3. _____
4. _____

In all cases, I urge that all my minor children be raised to be practicing Sunni Muslims and not in any way be indoctrinated into any other faith, religion, or sect of Islam. I direct that no bond be required of any guardian. My executor may deliver any share of a minor child to the child's guardian, or to a custodian for the child under the Uniform Transfers to Minors Act, to be managed in the child's best interest.

ARTICLE VI: DEBTS AND EXPENSES

I direct my executor:

A. To return to the rightful owners all trust and property that are in my care at the time of my death.

B. To first apply 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 the administration of my estate.

C. To pay any outstanding "obligations due to Allah" (Huquq Allah) which are binding on me, including unpaid zakat, kaffaraat of unperformed pilgrimage (Hajj), etc.

ARTICLE VII: BEQUESTS

I direct my executor to pay the following amounts from the remainder of my estate, after paying all the expenses mentioned above, to the person(s) or organization(s) named below. Bequests can only be given to non-inheritors, i.e., distant relatives or others who do not have a fixed portion of inheritance set in the Quran. This is because the Prophet (Pbuh) said: *"La wasseeyata lil waarith. There is no bequest for an inheritor."* ***It is important to make this distinction since most Muslims do not know this ruling.*** The total must not exceed 33 percent (one third) of the remainder of my estate. If it does, each bequest shall be reduced in proportion so that the total is one third, unless all my adult heirs consent to the excess after my death.

1. _____ _____ % of the total remainder
2. _____ _____ % of the total remainder
3. _____ _____ % of the total remainder
4. _____ _____ % of the total remainder
5. _____ _____ % of the total remainder

TOTAL BEQUESTS (not more than 33%) _____ % of the total remainder

ARTICLE VIII: DISTRIBUTION OF THE REMAINDER OF MY ESTATE

1. Distribute the residue and remainder of my estate to my heirs strictly in accordance with Sunni Muslim law of inheritance, as determined in writing by the first of the following Islamic scholars or organizations that is able and willing to do so:

   First choice _____ Second choice _____

2. Ensure that no part of the remainder of my estate shall be inherited by any non-Muslim, no matter how he/she is related to me.
3. Ensure that, should I die as a result of murder, no part of the remainder of my estate shall be inherited by my adjudged murderer responsible for direct unlawful killing (actionable homicide), no matter how he/she is related to me.
4. Ensure that no part of the remainder of my estate shall be inherited by a person whose relationship to me, ascending or descending, exists only through adoption, or only through a birth outside a marriage that is valid under Shariah, except where that relationship runs through his/her mother who is related to me by blood, or where he/she is named in the bequests above.
5. Regarding a fetus conceived before my death, whose relationship to me qualifies it to be an heir according to this article, if it is born alive within the limit of time specified by Shariah: the executor may delay the distribution of the residue and remainder of my estate, after the execution of Articles I to VII, until the birth of the fetus. If he/she chooses to distribute the estate prior to the birth of the fetus, then he/she must withhold a portion of the estate equal to the share of the fetus for distribution until after the birth of the fetus.
6. In case of any other difficulty in distributing my estate according to this Will, the matter should be referred to the scholar or organization named in section 1, or to another Muslim knowledgeable in Islamic Inheritance Law, for advice and guidance.
7. If any part of my estate remains after the execution of Articles I to VII and sections 1 to 6 of this Article (for example, because I leave no heir entitled to it), that part shall be donated to the following person(s) or organization(s) for the establishment of Islamic communities and Masajid:

   _____

8. Any portion of my estate disclaimed or refused by any of the legatees named or referred to in this document shall be donated to the following person(s) or organization(s) for the establishment of Islamic communities and Masajid:

   _____

9. This Will disposes of my separate property and of only my one-half share of any community or marital property. I ask my husband/wife, for the sake of Allah, to accept his/her share under Shariah and not to claim any elective, statutory or community-property share beyond it.

ARTICLE IX: SEPARABILITY

If any part of this Will is found invalid or unenforceable, the other parts shall remain valid and enforceable, and the invalid part shall be carried out as closely to my intent of following the Shariah as the law allows.

I insist that no one practice innovations regarding the three-day condolence period after my death, such as bringing in someone to recite excerpts from the Quran or preparing food for guests. If you do any such innovations, I am free from that guilt and deviation, having herein charged you against it.

I declare that I forgive everyone who has backbitten me or erroneously taken anything from me. I beg of all those who knew me that they please forgive me for whatever I may have erroneously taken from them or said against them.

I request that if you differ in anything among yourselves you refer the decision to Allah and His Messenger (Pbuh), for Allah (SWT) said: *"But no, by your Lord, they will not believe until they make you, [O Mohammed], judge in what they dispute among themselves and then find no discomfort from what you have judged and submit in full, [willing] submission"* (Surah an-Nisa 4:65).

My final bequest for my family and children is the same one that the Messenger of Allah (Pbuh) enjoined upon his followers: *"The prayer, the prayer."* I advise and implore my family to have patience and accept Allah's will (Surah al-Baqarah 2:156).

This concludes my Last Will and Testament. I am now free, in front of Allah (SWT), from any words or deeds that distort and contradict this document according to the guidance of Allah's Messenger (Pbuh), as forewarned by the Quranic verse: *"Then whoever alters it [i.e., the bequest] after he has heard it – the sin is only upon those who have altered it"* (Surah al-Baqarah 2:181).

"Exalted is your Lord, the Lord of might, above what they describe. And peace be upon the messengers, and praise to Allah, Lord of the worlds" (Surah as-Saffat 37:180–182).

I subscribe my name to this Will, consisting of three pages (pages 1 to 3), this day _____ at _____ and do hereby declare that I sign and execute this instrument as my Last Will, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am of age or otherwise legally empowered to make a Will, under no constraint or undue influence.

SIGNATURE OF TESTATOR _____ DATE AND TIME _____

WITNESSES

On this day, _____, date of _____, the undersigned declared to us that this instrument was his/her Will and requested us to act as witnesses to it. He/She thereupon signed this Will in our presence, all of us being present at the same time. We now, at his/her request, in his/her presence, and in the presence of each other, subscribe our names as witnesses and declare that we understand this to be his/her Last Will, and that, to the best of our knowledge, the testator is of the age of majority, or is otherwise legally empowered to make a Will, and is under no constraint or undue influence. Each of us is 18 or older and receives nothing under this Will.

WITNESS 1 – SIGNATURE _____ WITNESS 2 – SIGNATURE _____

PRINTED NAME _____ PRINTED NAME _____

ADDRESS _____ ADDRESS _____

SELF-PROVING AFFIDAVIT *(optional)*

Sign before a notary where your state allows it. If your state has its own form, use that form instead. State of _____ County of _____

Before me, the undersigned authority, personally appeared the testator and the two witnesses whose signatures appear below, who, being first duly sworn, each declared that the testator signed the foregoing instrument as his/her Will, willingly and as his/her free and voluntary act; that each witness signed it as a witness in the presence and hearing of the testator; and that, to the best of their knowledge, the testator was at that time eighteen years of age or older, of sound mind, and under no constraint or undue influence.

TESTATOR _____ WITNESS _____ WITNESS _____

Subscribed, sworn to and acknowledged before me on _____ NOTARY PUBLIC – SIGNATURE _____ (SEAL)

INFORMATION SHEET – NOT PART OF THE WILL *Print it on its own sheet, keep it with your papers, and do not attach it to the Will or file it with the court.*

HEALTH CARE PROXY AND LIVING WILL

If the time comes when I am incapacitated and can no longer actively take part in decisions for my own life and am unable to direct my physician as to my own medical care, I wish this statement to stand as a testament of my wishes.

I, _____ , hereby appoint the following individual as my health care agent:

NAME _____ PHONE _____

ADDRESS _____

ALTERNATE AGENT _____ PHONE _____

This health care proxy shall take effect if and when I become unable to make my own health care decisions. In respect of each decision made for me by my agent, it is my wish and direction that my agent be guided solely by Islamic Shariah as to what my own decision would have been in the same circumstances. Without limiting the unrestricted scope of my agent's authority hereunder, I expressly authorize my agent to direct that no treatment be conducted or withheld from me if to do so is against the teachings of Islam, to the best of understanding of my agent. I direct that medication be judiciously administered to me to alleviate pain. I do not intend any direct taking of my life. I also direct that "life support systems" may be used in a judicious manner and their use discontinued, just like any other medicine, if it becomes reasonably apparent that they have no curative value. The "life support systems" include but are not limited to artificial respiration, cardiopulmonary resuscitation, artificial means of providing nutrition and hydration, and any pharmaceutical drugs. I direct that my family, all physicians, hospitals and other health care providers and any court or judge honor the decision of my agent/alternate agent. This request is made, after careful reflection, while I am of sound mind.

NAME _____ SIGNATURE _____

WITNESS 1 – NAME AND SIGNATURE _____

WITNESS 2 – NAME AND SIGNATURE _____

Witnesses should be adults who are not your agent. Most states have their own health care directive form with set witness or notary rules: complete your state's form too and attach this statement to it.

***** OPTIONAL *****

Subscribed and sworn to before me this _____ day of _____ , _____

Notary Public _____ Signature & Seal

IN CASE OF EMERGENCY CONTACT

(Include mosques and all phone numbers)

_____

_____

IMPORTANT RECORDS

Safe deposit box _____ located at _____

Passport and other ID documents are kept at _____

Password list is kept at _____

Original Will (pages 1–3) is kept at _____ No. of copies _____

One copy is with – name _____ Phone # _____

One copy is with – name _____ Phone # _____

INFORMATION REQUIRED FOR THE DEATH CERTIFICATE

Full name _____

Date of birth _____ Place of birth _____

Social Security card is kept at _____ Race _____

Street address and ZIP _____

City/town of residence _____ County _____

Full name of father _____

First and maiden name of mother _____

Highest education (years): Elem./Sec. (0–12) _____ College (1–4 or 5+) _____

Marital status (circle): Never married · Married · Widowed · Divorced

If married or widowed, name of spouse _____

Usual or last occupation _____ Kind of business/industry _____

Name of attending physician _____

Next of kin and contact info _____

THE NET VALUE OF YOUR ESTATE

I. ASSETS (add up what you own and where it is located)

A. Personal Property

1. Cash _____ Located _____

   Cash _____ Located _____

2. Savings _____ Bank _____

   Savings _____ Bank _____

3. Checking _____ Bank _____

4. Other _____

5. Interest in profit sharing, stock, partnership, etc. _____

6. Automobiles, jewelry, household & clothing _____

7. Miscellaneous _____

8. Life insurance, 401(k)/IRA – beneficiary named _____

B. Real Estate (describe each property you own)

Value _____ Located _____

Value _____ Located _____

Total value of all the above assets _____

II. LIABILITIES (add up what you owe)

1. _____ Owed to _____ $ _____

   Address and phone _____

2. _____ Owed to _____ $ _____

   Address and phone _____

3. Mortgage _____

4. _____

5. Personal debts (loans, car, etc.) _____

Total amount owed _____

We hope this will benefit you and your family. ***To be valid in most states****, you must be at least 18 years old and of sound mind, and you must sign the Will in front of two adult witnesses who receive nothing under it; they sign in front of you and each other. Fill in every blank first (write "N/A" where unused) and do not change the Will after signing; to change it, sign a new one. The self-proving affidavit, signed before a notary, makes probate easier. Louisiana has different rules. Life insurance, retirement accounts (401(k), IRA), joint accounts and accounts with a named beneficiary do not pass under this Will – check their beneficiary forms. Your spouse may have rights under state law that a Will cannot take away. Please consult with an Islamic scholar and an attorney in your state first. As always, please feel free to pass or share this information on to your friends and other Muslims. Pray for the people at the Islamic Bulletin who prepared this sample Will for you. Jazakum Allahu Khairan (May Allah reward you). For more copies or a list of mosques, go to www.islamicbulletin.org.* Rev. 2026

For more information please contact: **The Islamic Bulletin**, P.O. Box 410186, San Francisco, CA 94141-0186 www.islamicbulletin.org · info@islamicbulletin.org