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LAST WILL AND TESTAMENT

IMPORTANT NOTE

(From the Author)

Before you download the form of Last Will, please read carefully these very important points:

1. While having a written Last Will is generally recommended in Shari'ah as indicated by the Prophet (pbuh), taking measures to assure that distribution of one's estate will be done in accordance with Shari'ah **becomes a Fardh (required)** for Muslims who live in countries ruled by non-Islamic laws of inheritance. Wasiyyah [Last Will] is one such measure. . .
2. This form has **unique features**:
 - a. Explicit will to conduct **corpus preparation, funeral and burial in accordance with Shari'ah** (Article I).
 - b. Appointment of **guardian for minors** in addition to the appointment of executor of the Last Will. A guardian for Muslim minors **Must be Muslim**, righteous, adult, female or male.
 - c. Explicit and clear instructions for **payment of debt and expenses** of funeral and burial, being a religious requirement before distribution of estate (Article III).
 - d. Mandate to the executor and courts to distribute the estate in accordance with the **Islamic Inheritance System** (Article V).
 - e. Opportunity **to donate for the Sake of God** (charity) though assigning certain part of the estate for charitable causes. One can also accommodate giving to persons who are not entitled to inherit such as an orphan raised as a foster child or a non-Muslim wife (Article IV). Total of transfers in Article IV must **not exceed 1/3** of the remainder of estate after debts and expenses
3. The schedule of Mawarith [Inheritance] is constructed in a **comprehensive** way. Shares of heirs are defined in the schedule after including not only distribution to "Ashab al Furud" and "al 'Asabat", but also distributions arising from the issues of "Hajb", "Awl" and "Radd", so that it leaves minimum room for opinionated court judgments.
4. **Last Will and Living Trust:**

Having a last will does not save the estate from probate. A probate court still has to ratify the Last will and permit transfer of ownership to heirs. **Advantages of a last will** are: 1) distribution according to Shari'ah; 2) testamentary giving to charity and loved ones; 3) appointment of a Muslim guardian for Muslim minors; and, 4) advice to make funeral and burial arrangement in accordance with the Shari'ah. **Disadvantages:** a) loss of privacy; b) challenge by any person; c) probate fees, cost of litigation; and, 4) lengthy procedures. If one owns real estates, investment through brokerage houses, bank accounts, etc. one would be better off with other arrangements of estate planning such as **living trusts**, family corporations, family partnership, etc. If you opt for a living trust, see its form on this website www.kahf.net and if you opt for other arrangements, remember to **incorporate the Shari'ah related sections of the Last Will, as highlighted and the Schedule of Mawarith.**

5. Personalizing a Last Will:

The length of the schedule of Mawarith makes the form of Last Will long! It can be reduced if one makes one's own schedule that fits one's own all potential sub-cases. The problem here is that if it is not done properly, personalization may turn the Last Will obsolete after any change in family situation. Continuous revision may become necessary. Still, there is room to summarize. **Consult with ISNA (IDF) or the author.**

6. Case of children with grand children from deceased children:

Some classical scholars and the late Shaikh Mustafa al Zarqa (died 1999) and Shaikh Ali al Tantawi (died 1999) suggested accommodating this case through what is called al Wasiyyah al Wajibah [obligatory last will]. Family Laws of several Muslim countries including Egypt, Syria, Iraq, Algeria, Jordan, etc. adopted this view. This principle is incorporated in the distribution in Article IV of this Last Will. I suggest accommodating this case, otherwise if you want to take the old classical view you need to delete this section from Article IV and delete related lines at the end of each of the cases 1 through 7.

7. Case of more than one wife:

Although I believe that the legal ban in America and other Western countries on marrying more than one wife is wrong and instead, I call for regulating plu-marriage in a way that is consistent with Shari'ah, I do not condone any violation of the law of the land. I also consider it unjust, from Shari'ah point of view, if one has two wives while one of them only is recorded at the county recorder and the other is not considered, by law, a wife.

But since there are a few Muslim men who have more than one wife without registering the second marriage or both marriages, I feel a need to protect the

rights of unregistered wives in the estate. In such a case I suggest personalizing the Last Will and mentioning the names of the wives, registered or not, along with a statement that requires the distribution of any **share of a wife in the Schedule of Mawarith equally between the surviving wives**. This you will find in a footnote at the end of the Schedule of Mawarith.

8. Since the intestate and probate Laws in all Western countries treat inheritance between spouses in a way that is very much different from the Islamic Inheritance Law and since all Western laws give spouses a much higher share of each other's estate than what the Islamic Law gives, there is a need for a waiver from one's spouse that **MUST** accompany the Last Will of each married person, wife or husband. This waiver is necessary to make the last will dominates over the law of the land. It must clearly state that the spouse had acquired independent legal counseling and was informed that the law of the state may give her/him a higher share and that he/she waives the right to a higher share and the right to take any legal action against the estate of the deceased spouse for the purpose of applying the law of the state or for the purpose of acquiring a higher share than what is given in the Shari'ah as expressed in the attached Schedule of Mawarith, Further, this waiver must also mention that this choice is made with full knowledge that he/she can get a higher share if he/she elects to pursue it in court. **For writing and signing this waiver, you need to consult your own legal advisor.** A suggested form is attached at the end of the Proposed Last Will.

9. In the United States and in most Western and many Muslim countries there are laws that regulate joint properties in such a way that a joint owner becomes full owner upon the death of his/her joint party. Additionally there are laws that regulate community property between wife and husband and laws that regulate ownership in common. **In Shari'ah, while it is permissible to have joint properties for the purpose of facilitating transactions and procedures, ownership is essentially individual and at the time of death of a party in a joint property the share of the deceased must be identified and distributed in accordance with the Islamic inheritance law.** The same applies to all other forms of owning a property together including community ownership, co-ownership and tenancy-in-common.

Since the great majority of Muslims in America are subject to these property laws either by their own choice of recording properties in joint names, especially between husband and wife, or involuntarily in the community property states, there is a need for a special contract between persons who own property in any form of togetherness, especially husband and wife. Such a contract ensures that when a party dies his/her share in such properties is

distributed according to the Islamic Law of inheritance. This contract must accompany the Last will of each person who has any property that is under any such arrangement. **For writing and signing this contract, you need to consult your own legal advisor.** A suggested form is attached at the end of the Proposed Last Will.

10. **Check with a specialized lawyer** in your state for any state legal requirement. Certainly, this Last Will form is **not** provided as a legal advice and both the author and ISNA disclaim giving any legal recommendation and bear no liability or responsibility with regard to any damage or harm resulting from any kind/form of use or abuse of this document.
11. Each person needs a separate Last Will and Testament. Each of the husband and wife will have to create his/her own last will.
12. Notice that all **yellow-highlighted** sections and statements are derived from the Shari'ah and must remain intact. Any change in these statements and sections must be referred to a Shari'ah expert. You local lawyer may change/modify any and all non-highlighted statements. Also notice that this form is meant to be used by male or female testators.
13. **Finally, this form is provided free -for personal use only- by the author and ISNA-IDF. To obtain a word copy for your own use, please contact ISNA or the Author at: idf@isna.net or monzer@kahf.com . All lawyers, estate planners, financial analysts and other persons/entities who want to use this form or any part of it for their business must contact the author or ISNA-IDF. The form is copyrighted and all rights reserved.**

In the name of Allah, Most Beneficent, Most Merciful

LAST WILL AND TESTAMENT

OF _____¹
(Insert your name)

Last revised Jan 17, 2007

¹ Delete the disclaimer and the author's notes before you print.

DO NOT COPY

In the name of Allah, Most Beneficent, Most Merciful

LAST WILL AND TESTAMENT

Of _____

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, direct 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, the only 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 or son. And I bear witness that the Prophet Muhammad is His Servant and His Messenger and the last of all the Prophets/Messengers, May the mercy and peace from God be upon him. I bear witness that Allah is the Truth, that His promise is Truth, that the Meeting with Him is truth. I bear witness that the 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 with a complete love that is rivaled by nothing besides Him, and love His Prophet Muhammad with a complete love that is rivaled by nothing besides him. 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 die 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 female relatives to mourn for no more than three days, although a widow is allowed to mourn for four lunar months and ten days or until her *Iddah* (period of waiting) is completed. Wailing and excessive lamentation are forbidden by the Creator, and it only reflects 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 Rights to these beliefs. I ask them to honor this document that 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

ARTICLE I: FUNERAL AND BURIAL RITES

I ordain and direct that no autopsy or embalming be done on my body unless required by law, that without unjustified delay my body be washed, wrapped with cloth free of any ornaments and other articles, prayed for, then buried, which all should be done by Muslims in complete accordance with Islamic tenets.

- a) I hereby nominate and appoint _____ residing at _____ to execute these and other necessary provisions for my Islamic funeral and burial. In the event 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 president of the local Muslim community, mosque or association/organization in the area where I die to execute these provisions of funeral and burial.
- b) In the event of legal difficulties in the execution of this Article, I direct the above-named person to seek counsel from the Islamic Society of North America, Inc., currently located in Plainfield, Indiana, USA (Tel: 317 839-8157).
- c) I ordain and direct that absolutely no non-Islamic religious service or observance be conducted upon my death, or on my body.

- d) I ordain and direct that no pictures, crescents, stars, decorations, crosses, flags, any symbols -Islamic or otherwise- or music be involved at any stage of the process of conducting my funeral and burial or ever be placed at the site of my grave.
- e) I ordain and direct that my body shall not be transported over any unreasonable distance from 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 Muslim family or by the local Islamic organization.
- f) I ordain and direct that my grave be dug deep into the ground in complete accordance with the specifications of Islamic practice, that it faces the direction of Qiblah (the direction of the City of Makkah in the Arabian Peninsula) towards which Muslims face during prayers.
- g) I ordain and direct that my body shall be buried without a casket or any encasement that separates the wrapped body from the surrounding soil. In the event local laws require casket encasement I ordain that such encasement be of the simplest, the most modest, and the least expensive type possible. I further ordain that the encasement be left open during burial and filled with dirt unless prohibited by law.
- h) I ordain and direct that my grave be leveled with 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. There should be no inscriptions, or symbols on the said marking other than name and dates of birth and death.

ARTICLE II: EXECUTOR AND GUARDIAN

- a) I hereby nominate and appoint _____, presently residing at _____, to be the executor of this, my Last Will and Testament. In the event that he/she will be unwilling and unable to act as executor, I nominate and appoint _____, residing at _____ to be executor of this, my Last Will and Testament. And in the event that he/she will be unwilling and unable to act as executor, I nominate and appoint _____, residing at _____ to be executor of this, my Last Will and Testament. And in the event that he/she will be unwilling and unable to act as executor, I nominate and appoint The Islamic Society of North America Inc, of

Indiana (ISNA) or its successor to be the executor of this, my Last Will and Testament. And in the event ISNA will be unwilling and unable to act as executor, I nominate and appoint The North American Islamic Trust of Indiana (NAIT) or its successor to be executor of this, my Last Will and Testament.

- b) I give my executor herein named power to settle any claim for or against my estate and power to sell any property, real, personal or mixed, in which I have an interest, without court order and without bond. I direct no bond or surety for any bond be required for my executor in the performance of his/her duties.
- c) I hereby nominate and appoint the mother/father of my children mr(s). _____, presently residing at _____ to be the guardian of the persons and estates of such of my children who are minors at and after my death, during their minority, so long as said guardian remains a Muslim of sound mind and judgment. In the event he/she shall be non-Muslim at the time of my death or shall be unwilling or unable to act as a guardian,² I nominate and appoint _____, presently residing at _____ to be the guardian. And in the event he/she shall be unwilling or unable to act as a guardian, I nominate and appoint The North American Islamic Trust, Inc. of Indiana or its successor to be the guardian. However, if the mother of minors gets married to other than a blood brother of mine she shall relinquish guardianship of any of my minor children. Under such circumstances, the guardian of my children shall be the next qualified person as stated in the marriage agreement published on the website of Monzer Kahf at www.kahf.net.
- d) The members of my family at the time of signing this Last Will are the following: my spouse _____ of _____, city of _____, State of _____, my children _____ born on _____; _____ born on _____; _____ born on _____; and _____ born on _____; My parents Mr. _____ and Mrs. _____ of _____, city of _____, state of _____.

² If a Muslim man is married to a non Muslim woman, he must accompany this last will by a waiver of right of guardianship properly executed by the non-Muslim wife after consulting an experienced lawyer. It is absolutely forbidden that a guardian of a Muslim minor be non-Muslim. This waiver must state, among other things, that she suffernder her right to the closest Muslim relative on her side if any or to the closest kin female to the father of minors.

ARTICLE III: DEBTS AND EXPENSES

- a) 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 administrating my estate. I direct the said executor to pay any "obligations to Allah" (Huquq Allah) that are binding on me according to the tenets of Islam such as, but not limited to, any unpaid Zakah, Kaffarat or unperformed pilgrimage (Hajj).
- b) I direct all inheritance, estate and succession taxes (including interest and other penalties thereon) payable by reason of my death to 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 executor 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 IV: CHARITABLE CONTRIBUTIONS AND TESTAMENTARY TRANSFER

- a) DISTRIBUTION TO GRAND CHILDREN FROM DECEASED CHILDREN:
Should any of my children die before me or simultaneously with me so that it is not determined who died before the other, I order and direct the Executor to make the following distribution: If I am survived by children of my deceased child(ren) and these grandchildren do not qualify for any shares according to any of the cases No. 1-7 of the Schedule of Mawarith, I order and direct that each one of these grandchildren shall be given as a Wasiyyah (a will) from the remainder (that is, in this respect, defined as the residual after payment of debts and expenses and all other charges and taxes as mentioned in Article III but before any other distribution mentioned in this Article IV) of my estate according to the following four-point rule (usually called: the rule of Wasiyyah Wajibah):

1. The children of each deceased child must be given the share of their deceased mother/father which she/he would have inherited if she/he was alive at the time of my death provided that the total of the shares of all such grandchildren plus all other contributions in Section (IV.b) of this Article IV does not exceed one third of the remainder as defined above in this Article IV;

2. The presumed share of each deceased child of mine (that is mentioned in the previous Section) shall be distributed to her/his children according to the rules stated in (1.a) of the SCHEDULE OF MAWARITH mentioned in Article V and attached to this Last Will as Exhibit B, provided that no granddaughter or grandson may take a share that is more than the smallest share of a surviving offspring of mine (son or daughter whoever exists). In applying this rule any excess or left amount in the presumed share of a deceased child of mine shall be returned to the remainder for distribution according to Section (IV.b) and/or to other heirs, as a part of the remainder, according to the SCHEDULE OF MAWARITH.

3. If the total distribution mentioned in Section (IV.a.1) (total distribution to grandchildren from deceased children) exhausts the one-third limit, all contributions mentioned in the following Section (IV.b) must be cancelled (reduced to zero). However, if the total shares of grandchildren plus the distribution mentioned in Section (IV.b) exceeds the one third limit, priority should be given to my grandchildren, they must be given their full shares as calculated in the previous two sections 1 and 2 and all distributions of Section (IV.b) must be reduced proportionally so that the total goes down to the one-third limit. In case the total shares of such grandchildren exceeds one third, the share of each and all such grandchildren shall be reduced proportionally so that the total of their shares equals the limit of one third.

4. If I am not survived by any son but only survived by grandchildren or by daughters with grandchildren, then apply Cases No. 2, 3 or 7 of the Schedule of Mawarith whichever is relevant.

b) I direct and ordain my executor to pay the following contributions and transfers, provided that the total distribution of Article IV does not exceed one third of the remainder of my estate after making provision for payments of my obligations mentioned in Article III, to the hereby named persons and organizations:

Name of Persons or Organizations(optional)	percentage of Remainder of my estate after Execution of Article III
---	--

	In numbers	In words
1. Islamic Society of North America,	(.%)	_____ percent
2. _____	(.%)	_____ percent
3. _____	(.%)	_____ percent
4. _____	(.%)	_____ percent
Total: _____	(.%)	_____ Percent

In case the total distribution by Virtue of Article (IV) turns to be more than one third of the remainder after implementation of Article III, only one third shall be distributed to the grand children of deceased children and organizations and persons named above; distribution of this one third shall be made in accordance with Section IV.a.3 mentioned above.

This means that under all circumstances a minimum of two thirds of the remainder of my estate after implementation of Article (III) must be left available for distribution as dictated in Article (V).

ARTICLE V: DISTRIBUTION OF REMAINDER OF MY ESTATE

- a) I direct, devise, and bequeath all the residue and remainder of my estate after actual payment or making provision for payment of my debts and other obligations and of distributions provided in Articles III and IV, only to my Muslim heirs. The distribution of the residue and remainder of my estate shall be made strictly in accordance with:

THE SCHEDULE OF MAWARITH (INHERITANCE)

This Schedule is attached as exhibit B and signed by me as an unseparable part of this my Last Will and Testament

I also direct and instruct my executor to look first at the relevant case that apply to who survives me and then under that case to apply the relevant line that exactly describe my family and relatives at the time of my death.

- b) I also direct and ordain that no part of the residue and remainder of my estate shall be inherited by, or distributed to any non-Muslim relative whether he/she is a kin or in-law, spouse, parent, or child, etc., except those whom I have named in Article IV. I further direct and ordain that any non-Muslim relative be disregarded and

disqualified in the application of this Schedule of Mawarith stated in section (a) above.

c) Should I die as a result of murder, I direct that the adjured murderer, whether principal or accessory, as convicted in a court of law, shall be disqualified to receive any part of my estate. My convicted principal or accessory murderers shall be disregarded as if they do not exist with regard to the distribution of my estate.

d) I direct that no part of my estate shall be given to relatives whose relationship to me, ascending, descending or sibling has occurred outside an Islamic or lawful marriage, or through adoption, step or foster relation at any link of such relationship. I further direct and ordain that out-of-Islamic-or-legal-marriage, adopted, step and foster children, and all relatives through them be disregarded and disqualified, as if they do not exist, with regard to the implementation of the Schedule of Mawarith and with regard to the distribution of the remainder of my estate, except for the following:

1- Legatees I specifically named in Article IV.

2- A person whose relation to me passes through his/her biological mother, even if it is out of wedlock.

e) I direct and devise that any fetus, conceived before my death, whose relationship to me qualifies it to be an heir according to the Schedule of Mawarith shall be considered as an heir if the following four conditions are fulfilled: 1) it must be either related to the deceased Grantor from the side of its biological mother or conceived to a marriage; 2) it must be maturely born alive (or if it is born alive but immaturely, its estimated mature birth was) within no more than 46 weeks from the death day of the Grantor; and if it is related from the side of its father 3) it is not proven illegitimate by a DNA test;³ and 4) it is either born to a living father or within no more than 46 weeks from the death day of its father, and if it is born immaturely, its estimated mature birth was within no more than 46 weeks from the death day of its father. I further direct and devise that, whenever there exist a fetus that may become an heir according to this section, the largest potential share of the fetus out of the residue and remainder of my estate after the execution of Articles III and IV, must be set aside until the said conditions are satisfied. Furthermore, I direct and devise that any other heir whose share may be affected should the fetus turns out to be an heir, must be given the lesser of the two potential shares and the difference should be set aside too.

Should the fetus be born, but qualifies for a lesser share, or should any of the preceding

³ A DNA test should be done not for the purpose of implementing this Last Will as no such test should be performed for the purpose of determining whether the fetus is an heir or not. This is because the Rule of Shari'ah is that a child born to a marriage is considered a child of its marriage father unless proven otherwise and such a prove results in breaking the marriage.

conditions be not satisfied, any surplus of the set aside amounts must be returned to the estate and distributed according to the Schedule of Mawarith as if the fetus never existed at all.

f) I direct, devise, and bequeath all the residue and remainder of my estate of every component, nature and kind and wherever it may be located after making provisions for payments of my debts, obligations and distribution as provided in Articles III and IV, be distributed to my heirs in accordance to Schedule of Mawarith. I further direct, devise and ordain that any portion of my estate disclaimed or refused to be received by any of the legatees and heirs named or referred to in this Last Will and Testament or the remainder of my estate in the event of non-existence of Muslim heirs shall be given to the Islamic Society of North America, Inc. (ISNA), as a contribution for supporting ISNA institutions and activities in North America.

ARTICLE VI: SEPARABILITY

I direct and ordain that if any part, article or section of this Last Will and Testament is determined invalid by a court of competent jurisdiction, the other parts shall remain valid and enforceable.

This document comprising of 42 (Forty Two) pages including The Schedule of Mawarith is made in ONE original copy. Of which I made two photo copies. I kept the original and deposited one copy with the Islamic Society of North America (ISNA), and one copy is with: _____, the appointed Executor.

TESTATOR'S SIGNATURE AND WITNESSES

In witness whereof, I have hereunto set my hand and seal this _____ day of _____ of the Year 20__.

Signature _____

(Legal Name)

(Muslim Name, if different)

WITNESSES

We hereby certify that the foregoing instrument was on the date thereof, signed, published, and declared by the Testator _____, as and for his/her Last Will and Testament, in our presence, who at his/her request and in his/her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, believing said Testator at the time of the signing to be of sound mind and memory.

1. _____ of _____
2. _____ of _____

NOTARIZATION

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 20__ before me, _____ personally appeared _____ and _____ and _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons executed the instrument.

WITNESS my hand and official seal.

Signature _____.

(This area for official notarial seal)

Title of document _____
Date of document _____ No. of Pages _____
Other signatures not acknowledged _____

**EXHIBIT A
MY ASSETS AT THE TIME OF SIGNING THIS LAST WILL**

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____

DO NOT COPY

EXHIBIT B

THE SCHEDULE OF *MAWARITH* THE ISLAMIC DISTRIBUTION OF THE ESTATE

CASE NO. (1):

ONE SON OR MORE, AND ANY NUMBER OF DAUGHTERS

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
1.a) with no other relatives.	He, or they get all 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 or with husband.	1/8 to wife, rest as in (1.a); or 1/4 to husband, rest as in (1.a).
1.c) with father and mother.	1/6 to father and 1/6 to mother, rest as in (1.a).
1.c.1) with one parent.	1/6 to the parent, rest as in (1.a).
1.c.2) with any possible combination of (1.b), (1.c), and (1.c.1)	Spouse and parents take shares mentioned above, and the rest as in (1.a).
1.d) with father of father, no parents; or father of father of father and no parents nor father of father (always discard father of mother in all the schedule of MAWARITH).	1/6 to father of father and rest as in (1.a). Presence of father prevents father of father and presence of father of father prevents father of father of father, and so on.

Surviving Heirs	Share of the Remainder
1.d.1) with father of father, and mother, no father.	1/6 to mother, 1/6 to father of father, rest as in (1.a).
1.d.2) with father of father and either mother of father or mother of mother or both together, no parents,	1/6 to father of father; 1/6 to either mother of father or mother of mother or divided between them equally; rest as in (1.a).
1.d.3) (1.d) or (1.d.1) or (1.d.2) with wife or husband	1/6 to mother or mother of father or of mother or divided between the two grandmothers equally; 1/6 to father of father; 1/8 to wife; or 1/4 to husband; and rest as in (1.a).
1.e) with either mother of father or mother of mother or both, no parents, and no father of father.	1/6 to mother of mother or mother of father or divided between them equally; rest as in (1.a).
1.e.1) (1.e) with wife or husband.	1/6 to mother of mother or mother of father or divided between them equally; 1/8 to wife or 1/4 to husband; rest as in (1.a).
1.f) (1.d), (1.d.1), (1.d.2), (1.d.3), 1.e) or (1.e.1), but instead of grandmother(s), there is one or more, same degree, great or grand great grandmothers (e. g., mother of mother of mother, mother of mother of father and mother of father of father), always disregard mother of father of mother and any great grand mother linked to the deceased through a male preceded by a female; and no parents, nor mother of mother nor mother of father.	Great grandmother(s), take 1/6 or share it equally; father or paternal grandfather 1/6; wife 1/8 or husband 1/4; rest as in (1.a). Presence of any grandmother prevents giving any share to any great grandmother and so on.
1.g) with children of deceased son(s) and/or daughter(s).	Within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last

Surviving Heirs	Share of the Remainder
	<p>Will document or (8.4) of the Revocable Living Trust Document, distribute the shares of children of deceased children and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then distribute the remaining two thirds or more to surviving sons and daughters according to the rule of (1.a).</p>
<p>1.g.1) (1.g) with husband or wife</p>	<p>First distribute the shares of the grandchildren and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then out of the remaining two thirds or more distribute to the surviving husband or wife 1/4 or 1/8 respectively, then distribute the remainder to the sons and daughters only according to the rule of (1.a).</p>
<p>1.g.2) (1.g) with one or two parents; or mother and parental grandfather with no father; or father and maternal grandmother with no mother; or parental grand parents with no parents; or maternal grandmother and paternal grandfather with no parents; or paternal grandfather and both maternal grandmother and paternal grandmother, with no parents. Or any one parent or grand parent alone in any of the mentioned combinations. We exclude maternal grandfather.</p>	<p>First distribute to the grandchildren and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then out of the remaining two thirds or more distribute 1/6 to each parent or grandparent or to both grandmothers equally between them, then distribute the remainder to sons and daughters only according to the rule of (1.a)</p>
<p>1.g.3) Any combinations of (1.g.1) and (1.g.2)</p>	<p>First distribute to the grandchildren and other recipients as mentioned in Article (IV) of the Last Will or Article (8)</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
1.g.4) for any other surviving combination under Case No. 1	<p>of the Revocable Living Trust; then out of the remaining two thirds or more distribute to the surviving husband 1/4 or to surviving wife 1/8, and distribute 1/6 to each parent or grandparent or to both grandmothers equally between them, then distribute the remainder to the sons and daughters only according to the rule of (1.a).</p> <p>First distribute to the grandchildren and other recipients as mentioned in Article (IV) or Article (8) of the Revocable Living Trust; then for the distribution of the remaining two thirds or more apply the rules (1.a) to (2.f).</p>

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.a) THROUGH (1.g) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

CASE NO. (2):
DAUGHTER OR DAUGHTERS; NO SONS

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.a) with no other relatives.	If one only, she takes all the remainder.

Surviving Heirs	Share of the Remainder
	If more than one daughter; they equally share all the remainder.
2.b) with wife or husband.	1/8 to wife, rest as in (2.a). 1/4 to husband, rest as in (2.a).
2.c) with father. (Whenever there is a father, disregard all brothers and sisters and apply to all sections of case 2).	1/2 to the one daughter, 1/2 to father. If more than one daughter; they share 2/3 equally, and 1/3 to father.
2.d) with mother.	1/4 to mother, 3/4 to daughter. If more than one daughter; they share 4/5 equally, and 1/5 to mother.
2.e) with both parents.	1/6 to mother, 1/3 to father, 1/2 to daughter. If more than one daughter; 2/3 to daughters equally, 1/6 to mother, and 1/6 to father.
2.f) with wife and father.	1/8 to wife, 1/2 to daughter, and 3/8 to father. If more than one daughter; 2/3 to daughters equally, 1/8 to wife, and 5/24 to father.
2.g) with wife and mother.	1/8 to wife, 7/32 to mother, 21/32 to daughter. If more than one daughter; 1/8 to wife, 7/40 to mother, and 7/10 to daughters equally.
2.h) 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 daughter; 3/27 to wife, 4/27 to mother, 4/27 to father, and 16/27 to daughters equally.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.i) with husband and father	1/4 to husband, 1/4 to father, and 1/2 to daughter. If more than one daughter; 3/13 to husband, 2/13 to father, and 8/13 to daughters equally.
2.j) with husband and mother.	1/4 to husband, 3/16 to mother, 9/16 to daughter. If more than one daughter; 3/13 to husband, 2/13 to mother, and 8/13 to daughters equally.
2.k) 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 daughter; 3/15 to husband, 2/15 to father, 2/15 to mother, and 8/15 to daughters equally.
2.l) with father of father, no father, and no brothers.	1/2 to father of father, 1/2 to daughter. If more than one daughter; 1/3 to father of father, and 2/3 to daughters equally.
2.l.1) (2.l) with wife or husband.	As in (2.f), but put father of father in place of father. As in (2.i), but put father of father in place of father.
2.l.2) (2.l) with mother; or without mother but with either mother of father or mother of mother, or with both.	As in (2.e), but put father of father in place of father, and grandmother(s) in place of mother; the two grandmothers take share of mother equally between themselves.
2.l.3) (2.l.2) with wife or husband.	As in (2.h), but put father of father in place of father, and grandmother(s) in place of mother; the two grand mothers take the share of mother equally between themselves. Or, As in (2.k), but put father of father in

Surviving Heirs	Share of the Remainder
<p>2.i.4) (2.i.2) or (2.i.3), but in place of mother, there are mother of mother of mother, mother of mother of father and/or mother of father of mother; disregard mother of father of mother. Always discard any great grand mother linked to the deceased by a male preceded by a female.</p>	<p>place of father, and grandmother(s) in place of mother; the two grandmothers take the share of mother equally between themselves.</p> <p>The great grandmother(s) take what is assigned to the mother in cases (2.i.2) and (2.i.3); the rest as in (2.i.2), and (2.i.3) respectively or share it equally. The same rule applies to grand great grand mothers; always a closer one prevents a farther one, same as mother prevents a grandmother.</p>
<p>2.m) with one or more son(s) of son(s) and any number of daughters of son(s).</p>	<p>1/2 to daughter, 1/2 to son(s) of son(s) and daughters of son(s) according to rules stated in (1.a). If more than one daughter; 2/3 to daughters equally, and 1/3 to son(s) of son(s) and daughters of son(s) according to rules stated in (1.a).</p>
<p>2.m.1) (2.m) with wife or husband.</p>	<p>1/2 to daughter, 1/8 to wife, or 1/4 to husband, 3/8 or 1/4 (the rest) to children of son(s) according to rules stated in (1.a) as in (2.m). If more than one daughter, 2/3 to daughters equally, 1/4 to husband, or 1/8 to wife, 1/12 or 5/24 (the rest) to children of son(s) according to rules stated in (1.a) as in (2.m).</p>
<p>2.m.2) (2.m.1) with both parents.</p>	<p>1/2 to daughter, 1/8 to wife, 1/6 to mother, 1/6 to father, and 1/24 to grandchildren according to rules stated</p>

Surviving Heirs	Share of the Remainder
	<p>in (1.a) as in (2.m). $\frac{6}{13}$ to daughter, $\frac{3}{13}$ to husband, $\frac{2}{13}$ to father, $\frac{2}{13}$ to mother, nothing to grand children. If more than one daughter; $\frac{16}{27}$ to daughters equally, $\frac{3}{27}$ to wife, $\frac{4}{27}$ to mother, $\frac{4}{27}$ to father, nothing to grandchildren. $\frac{8}{15}$ to daughters, $\frac{3}{15}$ to husband and $\frac{2}{15}$ to mother $\frac{2}{15}$ to father, nothing to grand children.</p>
<p>2.m.3) (2.m.1) with one parent.</p>	<p>$\frac{1}{2}$ to daughter, $\frac{1}{8}$ to wife, $\frac{1}{6}$ to parent, and $\frac{5}{24}$ to children of son(s) according to rules stated in (1.a) as in (2.m); $\frac{1}{2}$ to daughter, $\frac{1}{4}$ to husband, $\frac{1}{6}$ to parent, and $\frac{1}{12}$ to children of son(s) according to rules stated in (1.a) as in (2.m). If more than one daughter; $\frac{2}{3}$ to daughters, $\frac{1}{8}$ to wife, $\frac{1}{6}$ to parent, and $\frac{1}{24}$ to children of son(s) according to rules stated in (1.a) as in (2.m); $\frac{8}{13}$ to daughters, $\frac{2}{13}$ to parent, and $\frac{3}{13}$ to husband, nothing to grandchildren.</p>
<p>2.m.4) (2.m) with one parent, no spouse.</p>	<p>$\frac{1}{2}$ to daughter, $\frac{1}{6}$ to parent, and $\frac{1}{3}$ to children of son(s) according to rules stated in (1.a) as in (2.m); If more than one daughter; $\frac{2}{3}$ to daughters, $\frac{1}{6}$ to parent, and $\frac{1}{6}$ to children of son(s) according to rules stated in (1.a) as in (2.m).</p>
<p>2.m.5) (2.m) with both parents, no spouse.</p>	<p>$\frac{1}{2}$ to daughter, $\frac{1}{6}$ to each parent, and $\frac{1}{6}$ to children of son(s) according to rules stated in (1.a) as in (2.m);</p>

Surviving Heirs	Share of the Remainder
	If more than one daughter; $\frac{2}{3}$ to daughters, $\frac{1}{6}$ to each parent, and nothing to children of son(s).
<p>2.m.6) any of (2.m) through (2.m.5) but with father of father, no father and no brother(s); Or with father of father and grandmother(s) of either side, no father and no brother(s), and no mother.</p>	As in (2.m) to (2.m.5), but replace father of father for father, and grandmother(s) for mother. Share of grandmothers is divided equally between them.
<p>2.n) with daughters of son(s) and no sons of sons.</p>	<p>$\frac{3}{4}$ to the daughter, and $\frac{1}{4}$ to daughter(s) of son(s), equally between them. If more than one daughter; all to daughters; nothing to daughter(s) of son(s).</p>
<p>2.n.1) (2.n) with husband or wife.</p>	<p>$\frac{9}{16}$ to the daughter, $\frac{1}{4}$ to husband and $\frac{3}{16}$ to daughter(s) of son(s), equally between them. Or, $\frac{21}{32}$ to daughter, $\frac{1}{8}$ to wife and $\frac{7}{32}$ to daughter(s) of son(s), equally between them. If more than one daughter; $\frac{1}{8}$ to wife or $\frac{1}{4}$ to husband and the remainder to daughters; nothing to daughter(s) of son(s).</p>
<p>2.n.2) (2.n) with one or both parents.</p>	<p>$\frac{15}{24}$ to the daughter, $\frac{4}{24}$ to parent and $\frac{5}{24}$ to daughter(s) of son(s), equally between them. Or, $\frac{1}{2}$ to daughter, $\frac{1}{6}$ to each parent and $\frac{1}{6}$ to daughter(s) of son(s), equally between them. If more than one daughter; $\frac{1}{6}$ to parent or $\frac{1}{6}$ to each parent and the remainder to daughters; nothing to daughter(s) of son(s).</p>

Surviving Heirs	Share of the Remainder
<p>2.n.3) with any combination of (2.n.1) and (2.n.2).</p>	<p>1/2 to the daughter, 1/6 to parent, 1/4 to husband and 1/12 to daughter(s) of son(s), equally between them. Or, 6/13 to daughter, 2/13 to each parent and 3/13 to husband, nothing to daughter(s) of son(s). Or, 51/96 to the daughter, 1/6 to parent, 1/8 to wife and 17/96 to daughter(s) of son(s), equally between them. Or, 1/2 to daughter, 1/6 to each parent, 1/8 to wife, and 1/24 to daughter(s) of son(s), equally between them.</p> <p>If more than one daughter; 8/13 to the daughters equally between them, 2/13 to parent, 3/13 to husband and nothing to daughter(s) of son(s), Or, 8/15 to daughters, 2/15 to each parent and 3/15 to husband, nothing to daughter(s) of son(s). Or, 16/24 to the daughters, 4/24 to parent, and 3/24 to wife, 1/24 to daughter(s) of son(s). Or, 16/27 to daughters, 4/27 to each parent and 3/27 to wife, nothing to daughter(s) of son(s),</p>
<p>2.o) with sister(s) of same parents (no brothers), or with brother(s) of same parents alone or brother(s) and any number of sisters of the same two parents.</p>	<p>1/2 to the daughter, 1/2 to sister(s) equally between them or to brother(s) or to brother(s) and sister(s) , according to the rule (1.a).</p> <p>If more than one daughter; 2/3 to daughters, 1/3 to sister(s) equally between them or to brother(s) or to brother(s) and sister(s) , according to the rule (1.a).</p>
<p>2.o.1) (2.o) with wife, or husband.</p>	<p>1/2 to daughter, 1/8 to wife and 3/8 to sister(s) and/or brother(s) as in (2.o). 1/2 to daughter, 1/4 to husband, 1/4 to sister(s) and/or brother(s) as in (2.o).</p>

Surviving Heirs	Share of the Remainder
	<p>If more than one daughter: $\frac{2}{3}$ to daughters, $\frac{1}{4}$ to husband, or $\frac{1}{8}$ to wife, the rest to sister(s) and/or brother(s) as in (2.o).</p>
<p>2.o.2) (2.o) and (2.o.1) with mother. (if there is father disregard brothers and sisters and apply Sections 2c, 2e and 2f).</p>	<p>$\frac{1}{2}$ to daughter, $\frac{1}{6}$ to mother, the rest (= $\frac{1}{3}$) to sister(s) and/or brother(s) as in (2.o) or (2.o.1). Or, $\frac{1}{2}$ to daughter, $\frac{1}{8}$ to wife, $\frac{1}{6}$ to mother, the rest (= $\frac{5}{24}$) to sister(s) and/or brother(s) as in (2.o) or (2.o.1). Or, $\frac{1}{2}$ to daughter, $\frac{1}{4}$ to husband, $\frac{1}{6}$ to mother, the rest (= $\frac{2}{24}$) to sisters and/or brother(s) as in (2.o) or (2.o.1) respectively.</p> <p>If more than one daughter: $\frac{2}{3}$ to daughters, $\frac{1}{6}$ to mother, the rest (= $\frac{1}{6}$) to sister(s) and/or brother(s) as in (2.o) or (2.o.1) respectively. Or, $\frac{2}{3}$ to daughters, $\frac{1}{8}$ to wife, $\frac{1}{6}$ to mother, the rest (= $\frac{1}{24}$) to sister(s) and/or brother(s) as in (2.o) or (2.o.1) respectively. Or, $\frac{8}{13}$ to daughters, $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, nothing to sisters and brothers.</p>
<p>2.o.3) (2.o.2) with either mother of mother or mother of father or both; no mother.</p>	<p>As in (2.o.2), but grandmother takes the share of mother, and grandmothers share the same equally.</p>
<p>2.p) with uncle(s) from same parents as the father.</p>	<p>$\frac{1}{2}$ to daughter and rest to uncle or uncles equally between them.</p> <p>If more than one daughter; $\frac{2}{3}$ to daughters, and rest to uncle, or uncles equally between them.</p>
<p>2.p.1) (2.p) with husband or wife</p>	<p>$\frac{1}{2}$ to daughter, $\frac{1}{4}$ to husband or $\frac{1}{8}$ to wife and rest to uncle, or uncles equally between them.</p>

Surviving Heirs	Share of the Remainder
<p>2.q) with one grandmother, either side, or both grandmothers.</p>	<p>If more than one daughter; $\frac{2}{3}$ to daughters, $\frac{1}{4}$ to husband or $\frac{1}{8}$ to wife and rest to uncle, or uncles equally between them.</p> <p>$\frac{5}{6}$ to daughter, and $\frac{1}{6}$ to grandmother or to grandmothers, equally between them.</p> <p>If more than one daughter; $\frac{5}{6}$ to daughters, and $\frac{1}{6}$ to grandmother(s).</p>
<p>2.q.1) (2.q) with wife or husband</p>	<p>$\frac{1}{4}$ to husband or $\frac{1}{8}$ to wife, $\frac{1}{6}$ to grandmother or to grandmothers, equally between them and the rest to daughter (s).</p>
<p>2.r) with children of deceased daughter(s)</p>	<p>Within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last Will document or (8.4) of the Revocable Living Trust Document, distribute the shares of children of deceased daughters and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then for the distribution of the remaining two thirds or more apply the rules (2.a) to (2.q).</p>

Surviving Heirs

Share of the Remainder

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (2.A) THROUGH (2.S) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (2), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

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). And when they are with children of deceased daughter(s), within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last Will document or (8.4) of the Revocable Living Trust Document, distribute the shares of children of deceased daughters and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then distribute the remaining two thirds or more to surviving heirs according to the rules of cases No. (1) and (2).

CASE NO. (4):
PARENT(S), NO CHILDREN AND NO CHILDREN OF SONS

Surviving Heirs

Share of the Remainder

4.a) Father alone; or father with brother(s) and/or sister(s).

All remainder to father alone, nothing to brother(s) and sister(s).

Surviving Heirs	Share of the Remainder
4.a.1) Father with wife, or husband, with (or without) any number of brother(s) and sister(s).	1/4 to wife; or 1/2 to husband; and 3/4 or 1/2 (the rest) to father; nothing to brothers and sisters.
4.a.2) Father with mother of mother, no mother, with or without husband or wife, no brothers	1/3 to mother of mother and 2/3 to father; Or 1/6 to mother of mother, 1/2 to husband and 1/3 to father; Or 1/4 to mother of mother, 1/4 to wife and 1/2 to father.
4.b) Both parents, with no brothers nor sisters, or with no more than one sibling (full or half of either side).	1/3 to mother, 2/3 to father; nothing to the brother or sister.
4.b.1) (4.b) with husband or wife.	1/4 to wife; 1/4 to mother; 1/2 to father; Or 1/2 to husband; 1/6 to mother; 1/3 to father; nothing to the sibling.
4.b.2) Both parents, with two or more brother(s) and/or sister(s), full or from either side, and with or without wife or husband.	1/6 to mother; 5/6 to father; nothing to sibling(s). 1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to father nothing to sibling(s).
4.c) Mother only.	She takes all remainder.
4.c.1) Mother with husband or wife.	1/4 to wife, or 1/2 to husband and 3/4 or 1/2 (the rest) to mother.
4.c.2) Mother with only one brother, or one sister, of same parents, or of father side with none from the mother side.	1/3 to mother, 2/3 to brother. 2/5 to mother, 3/5 to sister.
4.c.3) (4.c.2) with husband, or wife.	1/3 to mother, 1/2 to husband, or 1/4 to wife, 1/6 or 5/12 (the rest) to brother. 4/13 to mother, 3/13 to wife, and 6/13 to sister.

Surviving Heirs	Share of the Remainder
<p>4.c.4) Mother with only one full or father-side brother with one or more sibling(s) of mother side with or without wife or husband</p>	<p>2/8 to mother, 3/8 to husband, and 3/8 to sister.</p> <p>1/6 to mother, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (2/3 or 1/2) to full or paternal half brother;</p> <p>1/6 to mother, 1/4 to wife, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (5/12 or 1/4) to full or paternal half brother;</p> <p>Or, 1/6 to mother, 1/2 to husband, 1/6 to the one sibling of mother side and the rest (1/6) to full or paternal half brother;</p> <p>Or 1/6 to mother, 1/2 to husband and 1/3 to siblings who share the mother (maternal siblings and full brother, equally between them regardless of gender).</p>
<p>4.c.5) Mother with at least one full brother, any number of full sisters, any number of father-side brother/sisters, one or more sibling(s) of mother side with or without wife or husband</p>	<p>1/6 to mother, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (2/3 or 1/2) to full brother(s) and sister(s) to be divided among them according to the rule in (1.a), nothing to paternal half brother/sisters;</p> <p>1/6 to mother, 1/4 to wife, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (5/12 or 1/4) to full brother(s) and sister(s) to be divided among them according to the rule in (1.a), nothing to paternal half brother/sisters;</p> <p>Or, 1/6 to mother, 1/2 to husband, 1/6 to</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>4.c.6) Mother with only one full or father-side sister with one or more sibling(s) of mother side with or without wife or husband; no full or father side brothers.</p> <p>4.c.7) Mother with only one full sister and any number of father-side brothers/sisters and one or more sibling(s) of mother side with or without wife or husband</p>	<p>the one sibling of mother side and the rest (1/6) to full brother(s) and sister(s) to be divided among them according to the rule in (1.a), nothing to paternal half brother/sisters; Or 1/6 to mother, 1/2 to husband and 1/3 to siblings who share the mother (maternal siblings and full siblings, equally among them regardless of gender), nothing to paternal half brother/sisters.</p> <p>1/5 to mother, 1/5 to the one sibling of mother side and 3/5 to the full or father side sister; Or 1/6 to mother, 1/3 to siblings of mother side (equally among them regardless of gender) and 1/2 to the full or father side sister; Or 2/13 to mother, 2/13 to the one mother-side sibling, 3/13 to wife and 6/13 to the full or fatherside sister; Or 2/15 to mother, 4/15 to the mother-side siblings (equally among them regardless of gender), 3/15 to wife and 6/15 to the full or father side sister, Or 1/8 to mother, 1/8 to the one mother-side sibling, 3/8 to husband and 3/8 to the full or father side sister, Or 1/9 to mother, 2/9 to the mother-side siblings (equally among them regardless of gender), 3/9 to husband and 3/9 to the full or father side sister.</p> <p>1/6 to mother, 1/6 to the one sibling of mother side, 1/2 to full sister and 1/6 to paternal one brother or one sister or brothers and sisters according to the rule in (1/a);</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	<p>Or, 1/6 to mother, 1/3 to siblings of mother side (equally among them regardless of gender) and 1/2 to full sister, nothing to paternal brothers and sisters;</p> <p>Or 2/13 to mother, 2/13 to the one mother-side sibling, 3/13 to wife and 6/13 to full sister, nothing to paternal brothers and sisters;</p> <p>Or 2/15 to mother, 4/15 to the mother-side siblings (equally among them regardless of gender), 3/15 to wife and 6/15 to full sister, nothing to paternal brothers and sisters;</p> <p>Or 1/8 to mother, 1/8 to the one mother-side sibling, 3/8 to husband and 3/8 to full sister, nothing to paternal brothers and sisters;</p> <p>Or 1/9 to mother, 2/9 to the mother-side siblings (equally among them regardless of gender), 3/9 to husband and 3/9 to full sister, nothing to paternal brothers and sisters.</p>
<p>4.c.8) Mother with at least one full brother and any number of full sister(s), and any number of brothers and sisters of father side.</p>	<p>1/6 to mother, 5/6 (the rest) to the full brother or to full brother(s) and full sister(s) according to rules in (1.a); nothing to brothers and sisters of father side.</p>
<p>4.c.9) (4.c.8) with husband, or wife.</p>	<p>1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to full brother or to full brother(s) and full sister(s) as in rules (1.a), nothing to brothers and sisters of father side.</p>
<p>4.c.10) Mother with at least one father-side brother and one or more father-side sister(s), no full</p>	<p>1/6 to mother, 5/6 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).</p>

Surviving Heirs	Share of the Remainder
brother(s) and sister(s).	
4.c.11) (4.c.10) with husband or wife.	1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to brother or to brother(s) and sister(s) as in rules (1.a).
4.c.12) (4.c.10) or (4.c.11) with one or more sibling(s) of mother side.	1/6 to mother; 1/6 to sister or brother of mother side; 1/4 to wife or 1/2 to husband, and the rest (5/12, or 1/6) to the brother or to brother(s) and sister(s) of father side according to rules in (1.a). Or 1/6 to mother, 1/3 to sister(s) and brother(s) of mother side equally among them regardless of gender, 1/4 to wife, and the rest (1/4) to brother(s) and sister(s) of father side according to rules in (1.a). Or 1/6 to mother, 1/2 to husband, 1/3 to sister(s) and brother(s) of mother side equally among them regardless of gender and nothing to father side brother(s) and sister(s).
4.d) Mother with two or more full sisters, or with two or more sisters of father side but no full sisters.	1/5 to mother, 4/5 to sisters equally between them.
4.d.1) Mother with one full sister and one or more sister(s) of father side.	1/5 to mother, 3/5 to the one full sister, and 1/5 to sister(s) of father side, equally between them.
4.d.2) (4.d), or (4.d.1) with wife or husband.	2/13 to mother, 3/13 to wife, and 8/13 to sisters mentioned in (4.d), equally between them. Or, 2/13 to mother, 3/13 to wife, 6/13 to the one full sister, and 2/13 to sister(s) of father side, equally between them.

Surviving Heirs	Share of the Remainder
	<p>Or, 1/8 to mother; 3/8 to husband; and 4/8 to sisters mentioned in (4.d), equally between them.</p> <p>Or, 1/8 to mother; 3/8 to husband; 3/8 to the one full sister; and 1/8 to sister(s) of father side, equally between them.</p>
<p>4.e) Mother with one brother of mother's side or one sister of mother's side.</p>	<p>2/3 to mother, 1/3 to brother or sister.</p>
<p>4.e.1) (4.e) with husband or wife.</p>	<p>1/4 to wife, 1/2 to mother, 1/4 to brother or sister.</p> <p>1/2 to husband, 1/3 to mother, 1/6 to brother or sister.</p>
<p>4.f) Mother with more than one sibling of mother's side.</p>	<p>1/3 to mother, 2/3 to brother(s) and sister(s), equally between them regardless of gender.</p>
<p>4.f.1) (4.f) with husband or wife.</p>	<p>1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s), equally between them regardless of gender.</p> <p>1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s), equally between them regardless of gender.</p>
<p>4.g) Mother with father of father, no brother(s), no sister(s).</p>	<p>1/3 to mother, 2/3 (the rest) to the father of father.</p>
<p>4.g.1) (4.g) with husband or wife.</p>	<p>1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest) to the father of father.</p>
<p>4.h) Mother with children of full brother(s), at least one of them is a male, no brothers/sisters. Or mother with daughter(s) of full brother(s), no brothers/sisters.</p>	<p>1/3 to mother, 2/3 (the rest) to son of brother or to children of brother(s) according to rules in (1.a). Or 2/5 to mother and 3/5 to the one niece; or 1/3 to mother and 2/3 to nieces,</p>

Surviving Heirs	Share of the Remainder
	equally between them.
4.h.1) (4.h) with wife or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, and the rest (5/12 or 1/6) to son or children of brother(s) as in rule (1.a). Or, 4/13 to mother, 3/13 to wife and 6/13 to the niece; or 2/8 to mother, 3/8 to husband and 3/8 to niece, or 4/15 to mother, 3/15 to wife and 8/15 to nieces equally between them; 2/9 to mother, 3/9 to husband and 4/9 to nieces equally between them.
4.i) Mother with one or more full sibling(s) of father, at least one of them is a male, and any number of half uncles/aunts of either side.	1/3 to mother, 2/3 (the rest) to brother or siblings of father according to rules in (1.a); discard all half uncles/aunts.
4.i.1) Mother with one or more full sister(s) of father, with any number of father side brother(s)/sister(s) of father, no full brothers of father; any number of mother side sibling(s) of father.	2/5 to mother, 3/5 to the full aunt if there are no father-side siblings of father; or 1/3 to mother, 1/2 to full aunt and 1/6 to father side siblings of father according to the rules in (1.a). If there is one father side sibling of father, she/he takes this 1/6. Or, 1/3 to mother, 2/3 to full aunts equally between them and nothing to father side siblings of father. Always discard mother side uncles and aunts.
4.i.2) (4.i) and (4.i.1) but instead of full siblings(s) of father there are father side sibling(s) of father and any number of mother side sibling(s) of father.	Same as in (4.i) and (4.i.1) but put father side uncle(s) and aunt(s) in place of full uncles and aunts. Discard mother side uncles and aunts.
4.i.3) (4.i) and (4.i.1) with wife, or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest to)

Surviving Heirs	Share of the Remainder
	<p>brother of father or brother(s) and sister(s) of father as in rule (1.a). Or, $\frac{4}{13}$ to mother, $\frac{3}{13}$ to wife and $\frac{6}{13}$ to one full aunt; or $\frac{4}{15}$ to mother, $\frac{3}{15}$ to wife and $\frac{8}{15}$ to full aunts, nothing to all half brother(s) and half sister(s) of father; or, $\frac{2}{8}$ to mother, $\frac{3}{8}$ to husband and $\frac{3}{8}$ to one aunt; or $\frac{2}{9}$ to mother, $\frac{3}{9}$ to husband and $\frac{4}{9}$ to full aunts, nothing to all half brother(s) and half sister(s) of father;</p>
<p>4.i.4) (4.i.2) with wife, or husband.</p>	<p>Apply same distribution as in 4.i.3 but put father side siblings of father in place of full siblings of father; discard all mother side siblings of father.</p>
<p>4.j) Father of father with mother of mother, and no father, no mother and no more than one brother/sister.</p>	<p>$\frac{1}{3}$ to mother of mother, $\frac{2}{3}$ (the rest) to father of father; Or $\frac{1}{6}$ to mother of mother, $\frac{1}{3}$ to father of father and $\frac{1}{2}$ to sister; Or $\frac{1}{6}$ to mother of mother, $\frac{5}{12}$ to father of father and $\frac{5}{12}$ to brother.</p>
<p>4.j.1) (4.j) with at least two full siblings or at least two paternal siblings but no full siblings.</p>	<p>$\frac{1}{6}$ to mother of mother, $\frac{5}{6}$ (the rest) to be divided between siblings and father of father (considering father of father as a brother and applying the rule in 1.a), unless grandfather's share goes below $\frac{1}{3}$, if it does, he gets $\frac{1}{3}$; and $\frac{1}{2}$, i.e., the rest to siblings according to the rule (1.a) Or if two or more sisters: $\frac{1}{6}$ to mother of mother, $\frac{1}{6}$ to grandfather and $\frac{2}{3}$ to sisters.</p>
<p>4.j.2) Father of father with mother and one or more brother(s) and any</p>	<p>$\frac{1}{6}$ to mother, $\frac{5}{6}$ (the rest) to be divided between siblings and father of</p>

Surviving Heirs	Share of the Remainder
<p>number of sisters, all of same parents or of father's side but no full brothers/sisters.</p>	<p>father (considering father of father as a brother and applying the rule in 1.a), unless grandfather's share goes below 1/3, if it does, he gets 1/3; and 1/2 (the rest) to siblings according to the rule (1.a) Or if two or more sisters, no brothers: 1/6 to mother, 1/6 to grandfather and 2/3 to sisters.</p>
<p>4.k) With children of deceased daughter(s).</p>	<p>Within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last Will document or (8.4) of the Revocable Living Trust Document, distribute the shares of children of deceased daughters and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then for the distribution of the remaining two thirds or more apply the rules (4.a) to (4.j).</p>

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (4.A) THROUGH (4.J) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (4), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

CASE NO. (5):
HUSBAND OR WIFE, NO CHILDREN AND NO SON(S) OF
SONS AND NO PARENTS

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
5.a) Wife only or husband only, no other relatives.	1/4 to wife, or 1/2 to husband; the rest (3/4 or 1/2 to The Islamic Society of North American Inc. of Indiana to be used as a <i>Waqf</i> whose principal be invested and net return only be used for ISNA activities in North America.
5.b) Wife or husband with at least one child of daughter(s).	1/4 to wife or 1/2 to husband, rest (3/4 or 1/2) to child(ren) of daughter(s) according to the rule (1.a).
5.b.1) Wife or husband with at least one child of either: children of daughter(s) or daughter(s) of son(s), or with any combination of children of children of daughter(s) and children of daughters of son(s) provided there are neither children of daughter(s) nor children of son(s), and no other relatives.	1/4 to wife or 1/2 to husband, rest (3/4 or 1/2) to surviving child(ren) of child(ren) of daughter(s) and/or child(ren) of daughter(s) of sons, according to the rule (1.a).
5.c) Husband, or wife with one or more full brother(s) and any number of full sisters; or with no full brothers or full sisters but with one or more father-side brother(s) and any number of father-side sisters .	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).
5.c.1) Husband, or wife with one or more full brother(s) and any number of full sisters; and with one or more father-side brother(s) and any number of father-side sisters .	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to the full brother or to full brother(s) and full sister(s) according to rules in (1.a); discard paternal brothers and sisters.

Surviving Heirs	Share of the Remainder
<p>5.d) Husband, or wife, with only full sister(s), or only father-side sisters, no brothers .</p>	<p>1/2 to husband, or 1/4 to wife; the rest (1/2 or 3/4) to the sister, or equally between sisters.</p>
<p>5.d.1) Husband, or wife, with one or more full sister(s), and one or more father-side sister(s), no brothers .</p>	<p>1/2 to husband, the rest (1/2) to the full sister, discard paternal sisters; Or 3/7 to husband, the rest, (4/7), to the two or more full sisters equally between them, discard paternal sisters; Or 1/4 to wife, 9/16 to the full sister, and 3/16 to the paternal sister or sisters equally between them; Or 1/4 to wife, 3/4 to the full sisters equally between sisters, nothing to paternal sisters.</p>
<p>5.d.2) Husband, or wife, with only full sister(s), and one or more father-side brother and any number of father side sisters; no full brothers.</p>	<p>1/2 to husband, the rest (1/2) to the full sister, discard paternal brothers and sisters; Or 3/7 to husband, the rest (4/7) to two or more full sisters equally between them, discard paternal brothers and sisters; Or 1/4 to wife, 1/2 to the full sister, and 1/4 to the paternal brother(s) or brother(s) and sisters according to the rule in 1.a; Or 1/4 to wife, 2/3 to full sisters equally between sisters, and 1/12 to the paternal brother(s) or brother(s) and sisters according to the rule in 1.a;</p>
<p>5.e) Husband, or wife, with no siblings but with one or more son(s) of full brother(s) and any number of daughters of full brother(s). Or Husband or wife with no siblings and no sons/daughters of full brothers, but with one or more</p>	<p>As in (5.c), (5.c.1), (5.d), (5.d.1), (5.d.2) but niece(s) and nephew(s) replace sister(s) and brother(s).</p>

Surviving Heirs	Share of the Remainder
<p>son(s) and any number of daughters of son(s) of father side brothers. Or all other combinations of (5.c) and 5.d) but with nieces and nephews instead of sisters and brothers.</p> <p>5.f) Husband, or wife, with one or more brother(s) of father and any number of sisters of father of same grandparents ; or of grandfather side but no brothers of father from same grandparents .</p> <p>5.g) Husband or wife with father of father, no other relatives</p> <p>5.h) Husband or wife with father of father and mother (or no mother and instead mother of mother or mother of father or both); no other relatives</p>	<p>1/2 to husband, or 1/4 to wife, and the rest (1/2 or 3/4) to uncle, or uncles and aunt(s), according to the rules in (1.a).</p> <p>1/2 to husband, or 1/4 to wife, 1/2 or ³/₄ (the rest) to father of father.</p> <p>3/7 to husband, 2/7 to mother (or to either grand mother or shared equally between them), and 2/7 to father of father; Or 1/4 to wife, 1/3 to mother (or to either grand mother or shared equally between them), and 5/12 to father of father.</p>
<p>5.i) Husband or wife with father of father and brother(s) of both parents; or of father side and no brothers of same parents.</p>	<p>1/2 to husband; 1/3 to father of father; and 1/6 to the brother(s) equally between them; Or 1/4 to wife, 3/8 to each of father of father and the one brother; Or 1/4 to wife, 1/3 to father of father, and 5/12 to brothers equally.</p>
<p>5.j) With children of deceased daughter(s).</p>	<p>Within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last Will document or (8.4) of the Revocable Living Trust Document, distribute the shares of children of deceased daughters and other recipients as</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then for the distribution of the remaining two thirds or more apply the rules (5.a) to (5.i).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (5.A) THROUGH (5.I) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (5), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

CASE NO. (6):

SIBLINGS, NO SPOUSE, NO CHILDREN, NO CHILDREN OF SON(S) AND NO PARENTS

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.a) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; no brothers/sisters of mother side.	All remainder shall be distributed to the one full brother when he is alone or to full brother(s) and sister(s) on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.
6.b) One or more full sister(s); no full or half brothers and no sisters either of father side or mother side.	The one sister takes all the remainder; Two or more sisters share equally all the remainder.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.c) (6.a) or (6.b) with father of father.	1/2 to full brother or to full sister and 1/2 to father of father; 2/5 to each of father of father and full brother and 1/5 to sister; 1/3 to father of father and 2/3 to full brothers or to sisters, according to the rule of (1.a); nothing to father side brothers and sisters.
6.d) One or more full sister(s); and one or more sister(s) of father side; no full or half brothers and no sisters of mother side.	3/4 to the full sister and 1/4 to the father-side sister; or 3/4 to the full sister and 1/4 to the father-side sisters to be divided equally between them. Or if full sisters are two or more, all remainder to full sisters to be divided equally between them; and nothing to father-side sister(s).
6.e) (6.d) with father of father.	1/2 to the full sister; 1/6 to the father-side sister(s) equally between them; and 1/3 to the father of father. Or if full sisters are two or more, 2/3 to full sisters to be divided equally between them; 1/3 to father of father; and nothing to father-side sister(s).
6.f) One or more full sister(s); and one or more brother(s) of father side and one or more sister(s) of father side; no full brothers and no brothers/sisters of mother side.	1/2 to the one full sister, or 2/3 to the two or more full sisters equally between them; 1/2 or 1/3 (the rest) to the sisters and brothers of the father side to be distributed according to rules (1.a).
6.g) (6.f) with father of father	1/2 to the full sister; 1/6 to the father-side brothers and sister(s) to be divided between them according to rule (1.a); and 1/3 to the father of father. Or if full sisters are two or more, 2/3 to full sisters to be divided equally

Surviving Heirs	Share of the Remainder
	between them; 1/3 to father of father; and nothing to father-side brother(s) and sister(s).
6.h) Any combination of father-side brothers and sisters; no full brothers, no full sisters and no sisters/brothers of mother side; with or without father of father.	Apply rules (6.a) and (6.c) after putting "father-side" in place of "full"
6.i) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; with one or more mother-side brother(s)/sister(s).	1/6 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; and the rest (5/6 or 2/3) to full brother or full brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.
6.j) At least one father-side brother and any number of father-side sisters, with no full brothers and no full sisters; with one or more mother-side brother(s)/sister(s).	1/6 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; and the rest (5/6 or 2/3) to father-side brother or father-side brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a).
6.k) One or more full sister(s); no full or father-side brothers and one or more sister(s)/brother(s) of mother side.	1/4 to mother-side brother or sister or 2/5 if they are two or more, equally between them regardless of gender; 3/4 or 3/5 to the one sister; Or, 1/5 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; 4/5 or 2/3 to the two or more full sisters equally between them.

Surviving Heirs	Share of the Remainder
6.l) (6.i) or (6.j) or (6.k) with father of father.	Nothing to brothers and sisters from mother side, and distribution will be as in (6.c).
6.m) With children of deceased daughter(s).	Within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last Will document or (8.4) of the Revocable Living Trust Document, distribute the shares of children of deceased daughters and other recipients as mentioned in Article (IV) of the Last Will or Article (8) of the Revocable Living Trust; then for the distribution of the remaining two thirds or more apply the rules (6.a) to (6.l).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (6.A) THROUGH (6.l) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (6), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

CASE NO. (7):
CHILDREN OF DAUGHTER(S) OR CHILDREN OF CHILDREN OF DAUGHTERS OR CHILDREN OF SON(S)'S DAUGHTERS, NO CHILDREN, NO CHILDREN OF SON(S) NO PARENTS, NO GRAND PARENTS, NO SPOUSE AND NO SIBLINGS

Surviving Heirs	Share of the Remainder
7.a) One or more, male or female children of daughters, no other relatives	All the remainder must be distributed to the one, or between them according to the rule in (1.a).
7.b) One or more, male or female children of children of daughters and/or children of daughters of sons, no other relatives	All the remainder must be distributed to the one or between them according to the rule in (1.a).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (7.a) THROUGH (7.b) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (7), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

CASE NO. 8:
SEMULTANIOUS DEATH AND ALL OTHER CASES

8.a. Person who may inherit from each other if they die one after the other shall not inherit from each other if they die simultaneously. The remainder of the estate of a deceased person must be distributed to all other heirs and beneficiaries in such a way as if the person who died simultaneously with the deceased person did not exist.

8.b. Surviving relatives who are not mentioned in cases (1) through (7) must be disregarded. However I direct and ordain that all cases not specifically mentioned in this schedule must be referred to the Islamic Society of North America (ISNA), of Plainfield, Indiana for opinion on the distribution of estate and that the advice of ISNA must be followed to the letter. Opinion given in writing by ISNA must be considered final and binding to all concerned

persons.

8.c. Further, for any interpretation, if needed, of any of the cases and sub-cases in the Schedule of Mawarith or any of the Articles and provisions of the Last Will and Testament or the Living Trust or any other testator's document of which this Schedule of Mawarith is part, I ordain that the Executor, the Trustee and/or any court of competent jurisdiction shall and must seek the advice of and refer the matter to The Islamic Society of North America (ISNA) and that both the Executor, Trustee and courts must follow and implement the advice, resolution or opinion given by ISNA as being my final and binding will and desire.⁴

***** ***** *****

⁴ A Muslim man who is married to more than one wife, whether or not one of them has an officiated marriage contract, must add the following at the end of this Schedule of Mawarith:

CASE NO. 9:

Since I am married to and lived with each of the following women _____

(add here names of all wives including one who has a marriage contract)

as a husband and wife, I hereby ordain and direct that the share of wife, wherever it appears in this Schedule, must be distributed equally between those who survive me of the above named women provided she remained tied to me in the bondage of marriage at the time of my death.

He and all the wives must execute the Waiver of Right of Election and the contract of distributing joint and other properties. If this footnote is irrelevant there must be no reference in the Schedule of Mawarith to Case No. 9.

WAIVER OR RELEASE OF RIGHT OF ELECTION

(A waiver signed by the husband must accompany the wife's Last will and another waiver signed by the wife must accompany the husband's Last Will)

I, _____, am the husband/wife of _____.
We are of the Muslim faith and we believe in the Shari'ah, the Law of Islam.

We have had our last will and testament prepared in accordance with Shari'ah, and the distribution provisions of our last will and testament is in accordance with the Shari'ah's Schedule of Mawarith.

I have been advised by legal counsel that pursuant to the laws of the State of _____ and other states or jurisdictions that upon my wife's/husband's death, the law of the state or jurisdictions in which she/he shall die domiciled that I may be entitled to an elective share or augmented share of my wife's/husband's estate or an amount which is pursuant to the intestate laws of the State of _____ or another state or jurisdiction which may not be in accordance with the distribution provisions of the Schedule of Mawarith as set forth in my wife's/husband's last will and testament. I realize that the entitlement of the intestate laws of the State of _____, other states and jurisdictions may be higher than the entitlement of the Shari'ah's Schedule of Mawarith

I have made a fair and reasonable disclosure to my wife/husband as to the assets, properties and financial obligations of what I own jointly and individually.

A copy of the list of assets, properties and financial obligations is attached to and made part of this waiver and release form. I have had an opportunity to seek independent legal advice from my legal advisor and/or counsel with Islamic scholars, and I agree to receive a share of my wife's/husband's estate in accordance with the Laws of Islam as contained in her last will and testament, and not in accordance with the laws of the State of _____ or any other state or jurisdiction.

For mutual promises, for good consideration made by my wife/husband and based on my faith in Islam and the Islamic Shari'ah, I knowingly and voluntarily waive my respective rights to elect to take any action against the last will and testament of my wife/husband and/or to take a surviving spouse's share under the intestate laws of the State of _____ or any other state or jurisdiction. I acknowledge that I have received a copy of this waiver form, and a copy of my wife's/husband's waiver or release of right of election form, and a copy of my wife's/husband's list of assets, property and financial obligations.

I declare and announce that this waiver/release of right shall be legally binding on me and cannot be revoked and/or modified except by a written consent from all the heirs of my wife/husband after her/his death. I further agree that the due heirs of my wife/husband, as shall be determined in accordance with the Schedule of Mawarith, shall have full right to enforce this Waiver on me through any court of justice anywhere in the world. I also understand that any and/or all of the heirs shall have the right, individually and collectively, to waiver their right to the distribution of the estate of wife/husband in my favor or in favor of any other heir, their own children or any other person.

Dated: _____
Name: _____
Signature: _____

Witness 1 _____

Witness 2 _____

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 20__ before me, _____
personally appeared _____ and _____ and
_____ personally known to me (or proved to me on the basis of satisfactory
evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me
that they executed the same in their authorized capacities and that by their signatures on the instrument the
persons executed the instrument.
WITNESS my hand and official seal.

Signature _____.

(This area for official notarial seal)

Title of document _____
Date of document _____ No. of Pages _____
Other signatures not acknowledged _____

DO NOT COPY

CONTRACT FOR DISTRIBUTION IN ACCORDANCE WITH THE ISLAMIC LAW OF JOINT AND SIMILAR PROPERTIES UPON THE INCIDENCE OF DEATH OF ANY PARTY

This contract is concluded between _____ and _____, husband and wife.⁵

We, the undersigned, understand and agree that for mutual promises, for good consideration made between us, and in accordance with our belief in the Islamic Shari'ah, that upon our respective death we shall make the required distribution of our assets which are in joint ownership, co-ownership, community ownership, tenancy-in-common and any similar legal arrangement of owning together in accordance with the schedule of Mawarith.

If we own real property wherever located and if the real property is in joint ownership, co-ownership, community ownership, tenancy-in-common and/or any similar arrangement, only for the purpose of distribution to heirs mentioned in the Schedule of Mawarith and upon the death of either one or both of us, it is presumed that the interests of each one of us in such property(ies) are equal in a such a way that each one of us owns an undivided 50% share or unit of the real property, unless we designate ownership differently in the deed, title or any other document that substantiates our ownership to the real property. We agree and understand that the share or unit of ownership that the deceased party owned will not be retained by the surviving spouse, co-owner, joint owner or tenant-in-common, but will be distributed to the heirs of the deceased in accordance with the Schedule of Mawarith.

In the event of the death of one of us, the surviving spouse or joint tenant shall distribute the 50% share of the deceased spouse in the real property to his or her heirs pursuant to the Schedule of Mawarith.

In the event there is personal property, including bank and investment accounts, stocks, interests in businesses and any and all other properties wherever located and if these properties are in joint ownership, co-ownership, community ownership, tenancy-in-common and/or any similar arrangement, the same principles and rules, as mentioned in the preceding Sections above, should be applied in the event of the death of one of us.

⁵ If joint property is between other persons such as partners, parents and children or any others, the phrase 'husband and wife' should be changed accordingly.

We agree that this agreement shall be legally binding to each one of us and can only be revoked and/or modified by the undersigned parties in writing. We further agree that the due heirs of the deceased party, as shall be determined in accordance with the Schedule of Mawarith, shall have full right to enforce this agreement on the surviving party in any court of justice anywhere in the world. We also understand that any and all of the heirs shall have the right, individually and collectively, to waiver and disclaim their rights to the distribution of these properties, real or personal or both, in favor of the surviving spouse, any other heir, their own children or any other person.

Each party had entered into this contract after exercising his/her full right to independent legal advice and counseling and/or advice of an Islamic scholar before signing this within agreement. We have been advised by our own legal counsel that pursuant to the laws of the State of _____ and other states or jurisdictions that upon our death, the law of the state or jurisdictions in which we shall die domiciled that our surviving spouse may be entitled to full control and ownership of such properties. We knowingly and voluntarily waive our respective rights to elect to retain full ownership of such properties or to take any action against this agreement.

This agreement shall be legally binding on the heirs at law of the parties to this agreement, and shall be enforceable in the courts of any jurisdiction.

We further acknowledge that we have reviewed this agreement, have sought the advice of legal counsel and/or Islamic counsel, and that we have each received a copy of this agreement.

Dated: _____
Wife: _____
Signature: _____

Dated: _____
Husband: _____
Signature: _____

Witness 1 _____

Witness 2 _____

STATE OF -----

COUNTY OF -----

On the ____ day of _____, 20__ before me, _____
personally appeared _____ and _____ and
_____ personally known to me (or proved to me on the basis of satisfactory
evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me
that they executed the same in their authorized capacities and that by their signatures on the instrument the
persons executed the instrument.

WITNESS my hand and official seal.

Signature _____.

(This area for official notarial seal)

Title of document _____
Date of document _____ No. of Pages _____
Other signatures not acknowledged _____