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INTRODUCTION

The Islamic inheritance system is unique. Almost all of its rulings are given in the Qur'an itself, sometimes to the minute details. It is also mandatory as Muslims are told by God in the Qur'an that the terms of inheritance are set by God, their obedience is rewarded by the pleasures of Heaven and the transgression of these terms is a reason for a humiliating punishment in the Hell fire [4: 13-14].

The Islamic inheritance system is summarized in this schedule.

Here are a few points that we included in the forms of last will and living trust that need to be explained here because we've noticed that some people are using this schedule without looking at these important points in the other documents:

IMPORTANT NOTES

- 1. According to the Islamic law, the incidence of death is the cause of transfer of property from the deceased to the heirs. Distribution only assigns properties to individual heirs.** The immediate implication of this principle is that, while claims of creditors and dues expenses are on the estate the estate remainder is owned by heirs and the testator cannot by any way limit their ownership. Consequently any clauses that limit the ownership of heirs such as "property should only be handed after the age of 25" is not valid from Shari'ah point of view. The same also applies to creation of a trust B without consent of all heirs.
- 2. 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. . .**
- 3. Whenever there are minors, Appointment of guardian for minors is necessary. A guardian for Muslim minors Must be Muslim, righteous, adult, female or male.** The guardian/custodian of Muslim children must be their mother provided that all the following four conditions are satisfied: 1)- she is then Muslim, 2)- she remains unmarried and lives either alone or with a close relative (not outside the following: her parents, grandparents, uncles/aunts, sisters/brothers, children) or she is married to a brother of the

children's father, 3)- she is then physically, mentally and legally fit and competent to provide the minor children with adequate care, proper up-bringing, and especially Islamic education, and, 4)- she is then willing to take the responsibility as a guardian/custodian. Should the children's mother not exist or any of these conditions be unsatisfied or laps at any time, custody/guardianship goes to the children maternal grandmother provided all the following four conditions are satisfied: 1)- she is then Muslim, 2)- she is then single or married to the children grandfather, 3)- she is then physically, mentally and legally fit to provide the children with proper care, adequate up-bringing, and especially Islamic education, and, 4)- she is then willing to take the responsibility as a guardian/custodian. Should the maternal grandmother not exist or should any of the above conditions be unsatisfied or laps after custody is granted, guardianship/custody goes to the paternal grandmother under the same conditions. The next in line for custody/guardianship is any of the children adult sisters, then maternal aunts, then paternal aunts, in this order, subject to the conditions 1-4 mentioned above (except the sentence 'or married to a brother of the children's father'), then, custody/guardianship goes to the children's father, any adult brother, then paternal grandfather.

4. **The Shari'ah allows a person to allocate a maximum of one third to non-heirs. The objective of this is to provide an opportunity to a person to gain more reward by giving to charity and/or to persons to whom the testator likes to do good.** Such giving can only be done by the testator in a last will and cannot be done at all if there is no last will. Any giving by a last will to heirs is invalid because it disturbs the shares assigned by God in the Qur'an and any distribution by a last will that exceeds one third of the distributable estate (i.e., after debts and expenses) should be reduced proportionally to one third.
5. **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 and adjustments arising from the issues of "Radd", "Hajb", and "Awl", so that it leaves minimum room for opinionated court judgments.
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 of the Schedule of Mawarith.**
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 Shari'ah-given rights of unregistered wives in the estate. **The Shari'ah requires that any share of a wife, wherever it comes in the Schedule of Mawarith, be equally distributed between the surviving**

wives. This you will find in a footnote at the end of the Schedule of Mawarith.

8. **Joint, community, co-ownership and tenancy in common:** 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. While it is permissible to have joint properties for the purpose of facilitating transactions and procedures, **according to Shari'ah, 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.**
9. **Inheritance to Non-Muslims: The Shari'ah does not allow any inheritance between Muslims and non-Muslims, both ways.** This means that no part of the residue and remainder of a Muslim's 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. **Accordingly, any non-Muslim relative must be disregarded and disqualified in the application of the Schedule of Mawarith.**

However, it is permissible, and often may be a good deed, to assign within the one third of Wassiyah, a distribution to non-Muslim relatives, especially a mother or a wife.

10. **Should the deceased die as a result of murder, the adjured murderer, whether principal or accessory, as convicted in a court of law, must be disqualified to receive any part of the estate.**
11. **Marriage and adopted, step and foster children:** In regard to the application of the Schedule of Mawarith and the Islamic inheritance system, marriage or wedlock is defined as either official marriage recorded with the appropriate branch of government within the USA or abroad or Islamic marriage performed between a man, husband, and a woman, wife, without any official recording. Islamic-only marriage can be proven strictly by either written and witnessed documents, confession of both spouses, confession of a surviving spouse attested/confirmed by two heirs of the deceased spouse whose shares would be reduced as a result of their testimony or certification by at least ten persons who know the couple when they were both alive for at least three years as husband and wife.

Since the Islamic inheritance law is based on both lineage and marriage, no part of a Muslim's estate can be given to relatives whose relationship to the deceased, ascending, descending or sibling has occurred outside marriage, or through adoption, step or foster relation at any link of such relationship. Out-of-marriage, adopted, step and foster children, and all

relatives through them must be disregarded and disqualified, as if they do not exist, with regard to the implementation of the Schedule of Mawarith. The only exception to this rule is a person whose relation to the deceased passes through his/her biological mother.

However, it is permissible, and often may be a good deed, to assign within the one third of Wassiyah, a distribution to any of these persons, especially fostered orphans, step children and the like.

12. A fetus that may be a potential heir: Any fetus, conceived before the death of the deceased, whose relationship qualifies it to be an heir according to the Schedule of Mawarith shall be considered as an heir within certain conditions (Please refer to Article V Section e).
13. Disclaimer: Should for any reason an heir disclaim in whole or in part her/his share of inheritance under the Schedule of Mawarith should be distributed to her/his assignee(s). In case there is no assignee disclaimed share should be distributed to disclaimant's children equally between them regardless of their gender on the ground of being owned by their parent and gifted to them.
14. Common disaster: Persons who die simultaneously, with no definitive evidence to determine a sequential order of their deaths, do not inherit from each other. Each one of them should be considered non-existing in regard to the distribution of the other's estate.

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.
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	1/6 to father of father; 1/6 to either mother of father or mother of mother or

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>or both together, no parents,</p>	<p>divided between them equally; rest as in (1.a).</p>
<p>1.d.3) (1.d) or (1.d.1) or (1.d.2) with wife or husband</p>	<p>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).</p>
<p>1.e) with either mother of father or mother of mother or both, no parents, and no father of father.</p>	<p>1/6 to mother of mother or mother of father or divided between them equally; rest as in (1.a).</p>
<p>1.e.1) (1.e) with wife or husband.</p>	<p>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).</p>
<p>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.</p>	<p>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.</p>
<p>1.g) with children of deceased son(s) and/or 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 children 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>
	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).
1.g.1) (1.g) with husband or wife	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).
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.	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)
1.g.3) Any combinations of (1.g.1) and (1.g.2)	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 to the surviving husband 1/4 or to surviving wife 1/8, and distribute 1/6 to each parent or grandparent or to

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
1.g.4) for any other surviving combination under Case No. 1	both grandmothers equally between them, then distribute the remainder to the sons and daughters only according to the rule of (1.a). 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).

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. 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).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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.
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.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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 place of father, and grandmother(s) in place of mother; the two grandmothers take the share of mother equally between themselves.
2.l.4) (2.l.2) or (2.l.3), but in place of	The great grandmother(s) take what is

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>mother, there are mother of mother of mother, mother of mother of father and/or mother of father of father; 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>assigned to the mother in cases (2.1.2) and (2.1.3); the rest as in (2.1.2), and (2.1.3) 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 in (1.a) as in (2.m). 6/13 to daughter, 3/13 to husband, 2/13 to father, 2/13 to mother, nothing to grand children. If more than one daughter; 16/27 to daughters equally, 3/27 to wife, 4/27 to</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	<p>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); If more than one daughter; $\frac{2}{3}$ to daughters, $\frac{1}{6}$ to each parent, and nothing to children of son(s).</p>
<p>2.m.6) any of (2.m) through (2.m.5) but with father of father, no father</p>	<p>As in (2.m) to (2.m.5), but replace father of father for father, and grandmother(s)</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>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>	<p>for mother. Share of grandmothers is divided equally between them.</p>
<p>2.n) with daughters of son(s) and no sons of sons.</p>	<p>3/4 to the daughter, and 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>9/16 to the daughter, 1/4 to husband and 3/16 to daughter(s) of son(s), equally between them. Or, 21/32 to daughter, 1/8 to wife and 7/32 to daughter(s) of son(s), equally between them. If more than one daughter; 1/8 to wife or 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>15/24 to the daughter, 4/24 to parent and 5/24 to daughter(s) of son(s), equally between them. Or, 1/2 to daughter, 1/6 to each parent and 1/6 to daughter(s) of son(s), equally between them. If more than one daughter; 1/6 to parent or 1/6 to each parent and the remainder to daughters; nothing to daughter(s) of son(s).</p>
<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</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<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>2.o.1) (2.o) with wife, or husband.</p>	<p>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>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). 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>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). If more than one daughter: 2/3 to daughters, 1/4 to husband, or 1/8 to wife, the rest to sister(s) and/or brother(s) as in (2.o).</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<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>1/2 to daughter, 1/6 to mother, the rest (= 1/3) to sister(s) and/or brother(s) as in (2.o) or (2.o.1). Or, 1/2 to daughter, 1/8 to wife, 1/6 to mother, the rest (= 5/24) to sister(s) and/or brother(s) as in (2.o) or (2.o.1). Or, 1/2 to daughter, 1/4 to husband, 1/6 to mother, the rest (= 2/24) to sisters and/or brother(s) as in (2.o) or (2.o.1) respectively.</p> <p>If more than one daughter: 2/3 to daughters, 1/6 to mother, the rest (= 1/6) to sister(s) and/or brother(s) as in (2.o) or (2.o.1) respectively. Or, 2/3 to daughters, 1/8 to wife, 1/6 to mother, the rest (= 1/24) to sister(s) and/or brother(s) as in (2.o) or (2.o.1) respectively. Or, 8/13 to daughters, 3/13 to husband, 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>1/2 to daughter and rest to uncle or uncles equally between them.</p> <p>If more than one daughter; 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>1/2 to daughter, 1/4 to husband or 1/8 to wife and rest to uncle, or uncles equally between them.</p> <p>If more than one daughter; 2/3 to daughters, 1/4 to husband or 1/8 to wife and rest to uncle, or uncles equally between them.</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.q) with one grandmother, either side, or both grandmothers.	5/6 to daughter, and 1/6 to grandmother or to grandmothers, equally between them. If more than one daughter; 5/6 to daughters, and 1/6 to grandmother(s).
2.q.1) (2.q) with wife or husband	1/4 to husband or 1/8 to wife, 1/6 to grandmother or to grandmothers, equally between them and the rest to daughter (s).
2.r) 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 (2.a) to (2.q).

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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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).
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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	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. 2/8 to mother, 3/8 to husband, and 3/8 to sister.
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	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; 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; 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; Or 1/6 to mother, 1/2 to husband and

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<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>1/3 to siblings who share the mother (maternal siblings and full brother, equally between them regardless of gender).</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 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;</p> <p>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>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>1/5 to mother, 1/5 to the one sibling of mother side and 3/5 to the full or father side sister;</p> <p>Or 1/6 to mother, 1/3 to siblings of mother side (equally among them</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<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>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 father side 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); 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; 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; 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; 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</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	<p>and sisters; 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 brother(s) and sister(s).</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>
<p>4.c.11) (4.c.10) 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 brother or to brother(s) and sister(s) as in rules (1.a).</p>
<p>4.c.12) (4.c.10) or (4.c.11) with one or more sibling(s) of mother side.</p>	<p>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)</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	<p>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).</p>
<p>4.d) Mother with two or more full sisters, or with two or more sisters of father side but no full sisters.</p>	<p>1/5 to mother, 4/5 to sisters equally between them.</p>
<p>4.d.1) Mother with one full sister and one or more sister(s) of father side.</p>	<p>1/5 to mother, 3/5 to the one full sister, and 1/5 to sister(s) of father side, equally between them.</p>
<p>4.d.2) (4.d), or (4.d.1) with wife or husband.</p>	<p>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. Or, 1/8 to mother; 3/8 to husband; and 4/8 to sisters mentioned in (4.d), equally between them. 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. 1/2 to husband, 1/3 to mother, 1/6 to brother or sister.</p>
<p>4.f) Mother with more than one</p>	<p>1/3 to mother, 2/3 to brother(s) and</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
sibling of mother's side.	sister(s), equally between them regardless of gender.
4.f.1) (4.f) with husband or wife.	1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s), equally between them regardless of gender. 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s), equally between them regardless of gender.
4.g) Mother with father of father, no brother(s), no sister(s).	1/3 to mother, 2/3 (the rest) to the father of father.
4.g.1) (4.g) with husband or wife.	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.
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.	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, 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	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.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>half uncles/aunts of either side.</p>	
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>4.i.3) (4.i) and (4.i.1) with wife, or husband.</p>	<p>1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest to) brother of father or brother(s) and sister(s) of father as in rule (1.a). Or, 4/13 to mother, 3/13 to wife and 6/13 to one full aunt; or 4/15 to mother, 3/15 to wife and 8/15 to full aunts, nothing to all half brother(s) and half sister(s) of father; or, 2/8 to mother, 3/8 to husband and 3/8 to one aunt; or 2/9 to mother, 3/9 to husband and 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>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>4.j) Father of father with mother of mother, and no father, no mother and no more than one brother/sister.</p>	<p>1/3 to mother of mother, 2/3 (the rest) to father of father; Or 1/6 to mother of mother, 1/3 to father of father and 1/2 to sister; Or 1/6 to mother of mother, 5/12 to father of father and 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>1/6 to mother of mother, 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 1/3, if it does, he gets 1/3; and 1/2, i.e., the rest to siblings according to the rule (1.a) Or if two or more sisters: 1/6 to mother of mother, 1/6 to grandfather and 2/3 to sisters.</p>
<p>4.j.2) Father of father with mother and one or more brother(s) and any number of sisters, all of same parents or of father's side but no full brothers/sisters.</p>	<p>1/6 to mother, 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 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</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	Trust; then for the distribution of the remaining two thirds or more apply the rules (4.a) to (4.j).

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).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>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.</p>	<p>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).</p>
<p>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 .</p>	<p>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).</p>
<p>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 .</p>	<p>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.</p>
<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>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<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 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>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>
<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>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>5.g) Husband or wife with father of father, no other relatives</p>	<p>1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to father of father.</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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	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.
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.	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.
5.j) 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 (5.a) to (5.i).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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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.
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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	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 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	Apply rules (6.a) and (6.c) after putting "father-side" in place of "full"

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>brothers, no full sisters and no sisters/brothers of mother side; with or without father of father.</p>	
<p>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).</p>	<p>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.</p>
<p>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).</p>	<p>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).</p>
<p>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.</p>	<p>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.</p>
<p>6.l) (6.i) or (6.j) or (6.k) with father of father.</p>	<p>Nothing to brothers and sisters from mother side, and distribution will be as in (6.c).</p>
<p>6.m) With children of deceased daughter(s).</p>	<p>Within the rules of Wasiyyah Wajibah as given in Section (IV. a) of the Last</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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:
SIMULTANIOUS 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.¹

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¹ 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.