

# FATAWA INHERITANCE 2007

## Distribution under General Inheritance Rules

**Subject: Inheritance without a will**

From: Asma

Sent: Wednesday, January 10, 2007 12:21 PM

Question

Assalamu Alaikum wa Rahmatullahi wa Barakatuh

Thank you so much for responding very fast. My father passed away on November 26, 2006. My dad did not have a Will made, he was in process of making it. He had made many attempts to make it, attended seminars as well anyway now, my mom is alive (alhumdallah) and wants to know what need to be done. She has been getting different opinions from people regarding Will distribution. My dad and mom worked for years and now they are retired. My parents were getting Pension and as per company rules they had to have each other as beneficiary and same thing apply to 401K. As per company rule they are default to each other as beneficiary. Now does my mom need to distribute to her three daughters and no sons. My dad has two brothers and sister alive. My parent had their both name on home, bank accounts as well as property back home in India. Neither of my sisters or I want any thing from our mom right now. My mom is in process of making a Will now and can the Will distribution wait or everything needs to be done now. Sorry, my questions are very long and I had to explain the situation. Please call if I didn't make any sense. Thanks

Asma

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Sr. Asma

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

May Allah bless the soul of your late father and give him a lot of mercy and forgiveness. Your questions are intelligent and important and let us tackle them one at a time.

1. It is a Shari'ah obligation for Muslims who live under non-Islamic laws of property and inheritance that they must make an appropriate document for the distribution of their estate after they are gone. Otherwise there is a big chance their estate may not be distributed according to Shari'ah. This means that while your late father missed that chance, your mother and also every one of you and every Muslim in America must do that without delay. You may use the form of my website [www.kahf.net](http://www.kahf.net) but always consult your own legal advisor in your state.

2. Properties in joint names of your parents are assumed as owned on the basis of half/half by each one of them unless we have evidence otherwise. (Please notice that Shari'ah does not mix properties of husband and wife and any joint ownership is considered merely procedural to facilitate management of the property as a form of delegation of authority but does not transfer property to the surviving party). Therefore, for all such properties that have the names of mother and father without evidence of the proportions of each, we consider that one half is owned by the mother and the other one half, as of the day of the death of your father, becomes a part of his estate. This applies to the properties here in America (home, bank account, autos, etc.) and the property in India if it is also joint (regardless of who paid for it because we assume that the spouse who paid more than the other had given the excess over one half as a gift to his/her spouse).
3. Pension (from social security and from a private plan) is a monthly payment deserved each month because of previous employment. It is not an owned property by the deceased. Therefore it is not a part of the deceased estate and it does not need to be distributed according to the rules of inheritance (BTW, these rules are mandatory as given clearly in the Qur'an 4:11-14). Therefore whoever is the beneficiary that was selected by the pensioner (your father) or defined in law has the right to whatever is assigned to her/him. However, by consent of this beneficiary, it is permissible to distribute the pension according to the same rules of inheritance. Hence, the part of your father's pension that is assigned to your mother can be taken fully by her with no claim by any other; of course all my talk is from the Shari'ah point of view. (BTW, it is not always a legal requirement that a spouse must be the beneficiary in a private pension, so now your mother must assign the guardian of any one who is a minor among you as a beneficiary)
4. 401K is a different story. These are funds saved by your father plus funds granted by his employer during his employment plus the gain on both funds. Hence, the balance of 401K on the day of his death WAS ACTUALLY OWNED BY HIM. Consequently, we consider the fact that your mother is appointed as a beneficiary only as a procedure to facilitate handling after death. The balance of this fund on the day of death must be added to the estate for appropriate distribution as inheritance.
5. The Shari'ah laws of property and inheritance mandates that ownership of the net estate is transferred to the heir by virtue of the incidence of death because God made this transfer in the Qur'an. However, actual distribution is different from transfer of ownership. Actual distribution may require certain procedures depending on the nature of the property (e.g., real estate, autos, cash, etc.) but in general actual distribution must be done as soon as possible, it becomes a must if one or more of the heir ask for their shares.
6. The distribution of the estate of your late father as defined above in No. 2 and 4 plus any property that is in his name alone and with the info you gave especially that there is no surviving son or parents is as follows: after settlement of all debts (including any mortgage or car payment) and funeral and last sickness expenses; the remainder is divided: to your mother 1/8 (so that she becomes an owner of 5/8 of all joint properties), 2/3 to the three girls equally between them and the remaining 5/24 to your father's siblings (including assigning shares of deceased

siblings and distributing these shares to the springs of the deceased siblings, as an obligatory Wasiyyah as adopted by Islamic laws of most Arab countries, yet this point of obligatory Wasiyyah is challenged by some Scholars) in such a way that a male gets twice as much as a female (i.e., if we assume that there are no springs of deceased siblings, each of his brothers gets 2/24 and the sister gets 1/24).

Finally, if you have any further questions or explanation please email me again.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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**RE: Inheritance of husband and wife**

From: Hajara

Sent: Tuesday, March 27, 2007 7:23 AM

Question

Salaam alaykum,

I have a question arising from the revocable living trust document you sent me.

On page 60, Case number 5a where surviving heirs are only wife or husband, no other relatives. The share of the remainder is 1/4 to wife, or 1/2 to husband and the rest (3/4 or 1/2) goes to ISNA or charity.

The question is if this is a Shari'ah position or if this was a personal preference. In other words, can the remainder of the estate go to the spouse or must it be distributed as above. If the answer to the above question is yes (i.e. wife or husband cannot inherit more than 1/4 or 1/2 in the case of no other relatives), then who is eligible for the remainder? Any charity? Any non-relative? etc

I look forward to your response.

Thank you.

Hajara

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Sr. Hajara

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

This is an interesting case. Yes, the answer is that between husband and wife there is no "rendering" That is each of them can only take the share that is given in the verse and any remainder goes first to " 'Uli al Arham" these are relatives who are linked to the deceased through a "womb" such as children of deceased daughters, maternal uncles, children of daughters of son(s), paternal grandfather and the like. If these do not exist as assumed in

the mentioned line, the 3/4th or 1/2 go to the state treasury (usually ministry of Islamic religious affairs. In Muslim communities that have no such public ministry or department of government, this remainder must be given to a major Islamic/charitable organization such as ISNA in the USA or any similar org in other countries.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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**Subject: Distribution of wealth in inheritance**

From: Ateeq through Living Shari`ah of Islam on line

Sent: Thursday, November 01, 2007 5:09 AM

Question

Assalaamu alaikum Sheikh,

Please guide me on the under-mentioned question in accordance to the Shari'ah act:

We would like to distribute the wealth of our family which includes our mother with 4 of her sons. Our father passed away some years back. The mother lives with one of the brothers. Jazakallah

Ateeq

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina

Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Ateeq

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

You mean "distribute the wealth of the father who passed away" may Allah give mercy and blessing to his soul. Otherwise each member in the family owns his/her own property and can do whatever she/he likes to do with it. All estate that were in the name of your father should be distributed in accordance with the Shari'ah as follows (I suppose that the four sons are children of both father and mother because your word "her sons" may mean that some of them were from another marriage of hers, if so any child who is not the child of the deceased do not inherit from the deceased):

1. After settling all debts, expenses, taxes or any thing that is bequeathed as Wasiyyah be the deceased (the Wasiyyah is only valid to a max of one third of the estate net of debts, expenses and taxes) the remainder should be divided as follows: 4/32 (= 1/8) to the mother and 7/32 to each of the four sons.
2. This applies on the estate as it was on the day of death. If some part is changed since then you must go back to that situation unless the five of you consent to such changes.

If during life time of the father the properties were in the names of both husband and wife. After his death she is considered to own one half of every thing they owned together. In this case the above mentioned distribution apply to his share of this common property.

Wa Allahu A'alam  
Wa Alhamdu Lillahi Rab al Alamin

Wassalam  
Prof. Dr. Monzer Kahf

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**Subject: two or more Generation Inheritance**

From: A.Samad

Sent: Tuesday, August 21, 2007 3:30 PM

Question

ASSALAMOAALIKUM PROFESSOR

My Grandfather "S" his father "M" died leaving one son "S" and 3 daughters All the 1 son and 3 daughters died after their father "M". My grandfather "S" had 2 sons my father "Y" and his brother "I" no sisters. My grandfather "S" died in 1973, his wife my grandmother died 1994. My father "Y" died in 1996 and his brother "I" died in 2003 The problem is after I have done many exhaustive enquiries, all we know is My grandfather "S" and his 3 sisters are inheritors of their father "M" estate. What we don't know if the wife of: "M" was alive when "M" died whether the 3 daughters died before or after their husband's, and the children of the 3 daughters who died before whom and all the other minute details we do not know.

I am asking based on the 3 daughters and my grandfather "S" since no other information is known all who would have known have all passed away, can we go ahead and distribute the estate based on what we know?

This was to be the work of my fore-parents but I in my capacity as eldest son of "Y" I have been entrusted with this issue along with my uncle "I" son also eldest child of "I" we want to sort out this issue which goes way back in the 1950's when my grandfather's father "M" died.

Can you please inform me the best way to deal with this issue.SHUKRAN. Please do not put my name on the internet. Please reply as soon as possible as me and my cousin may have to go overseas where the estate is located.SHUKRA

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad,  
wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Samad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Yes you have to work on whatever info available and you go in distributing the estate of M on a step by step basis until you reach the now existing persons.

Wa Allahu A'alam  
Wa Alhamdu Lillahi Rab al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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**Subject: inheritance of a deceased woman**

From: A.Samad

Sent: Saturday, August 18, 2007 3:05 PM

Question

Assalamoalaikum Professor

My sister died leaving our mother {mother of all the children} 6 sisters 3 Brothers. My late sister was survived by one son and her husband. The husband has since remarried. Question: Is my mother entitled to inherit from her deceased daughter. Although the husband of my sister has remarried is he entitled to any inheritance of his deceased wife? My father had predeceased my sister. There are no ascendants or descendants. Can you inform me how my deceased sister's inheritance has to be distributed? SHUKRAN

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. AbdulSamad,

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

1. When your father dies as you said before your sister she must have inherited her appropriate share of his net estate, therefore this share must be added to her properties. . .
2. When your sister died her net estate must be distributed as follows: 1/4 to her surviving husband regardless of whether he remarries after her death or not and regardless of whether he was married to another woman during your sister's life time or not. Her surviving mother takes one sixth, the remaining 7/12 is to her surviving son and nothing to her siblings.

Wa Allahu A'alam  
Wa Alhamdu Lillahi Rab al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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**Subject: Distribution of inheritance**

From: Shahriar

Sent: Monday, February 12, 2007 1:32 PM

#### Question

Hello, I have a question for you ON my parent's behalf.

My parents are planning to do a WILL as per ISLAMIC law. They have two children, me (their SON) and my sister (their daughter). My parents want to know how they would divide the belongings between me and my sister as per Islamic law. This WILL shall be in effect upon my parents' death.

Is there any website? My mother was saying she heard 60% to son and 40% to daughter. Another person gave some other information.

If my parents have \$50.00 cash and some properties worth another \$50.00, how much will the son get and the daughter get? Can you also refer me to some sites.

Your help will be appreciated. Thanks  
Shahriar

#### My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Shahriar

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

The distribution of estate after the death of a person is given essentially in the Qur'an and mainly in Surah No. 4.

If there are no parents (of the deceased) and the deceased left only children as in your case should any of your parents die the distribution must be to the other spouse and to the two children. All of the three have shares that vary according to which parent dies first. **ONE IMPORTANT THING IS THAT IN ISLAM EACH SPOUSE OWNS HIS/HER PROPERTY INDEPENDENT FROM THE SPOUSE.** This means that if the property is registered in both names together it is considered as if it were owned half/half by each one of them. For instance if the father dies first leaving behind his wife and the two children but no parents of his, distribution is: 1/8 of his net estate (after any debt, expenses and taxes) to his wife, the remaining will be two shares to the boy and one share to the girl that makes: 3/24 to the wife, 7/24 to the girl and 14/24 to the boy. If the mother dies first the distribution of her net estate will be: 1/4 to her husband, 1/4 to the girl and 1/2 to the boy. **PLEASE GO TO MY WEBSITE [www.kahf.net](http://www.kahf.net) AND READ CAREFULLY THE LAST WILL AND IF YOU HAVE ANY QUERY COME BACK TO ME.**

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

From: Shahriar

Sent: Tuesday, February 20, 2007 8:19 AM

Question

Salam Wa Laikum,

Thank you very much for your response.

My parents do travel a lot via air and they feel that they should write up a WILL to distribute their wealth to me (their only son) and to my sister (their only daughter).

They are considering a will that will take place in the unfortunate scenario of (1). both of their deaths. (2). Either one of their death all my parents wealth are in both of their names, meaning 50%-50%.

My parents want to know, if they both die how much according to Islam their SON is supposed to get and how much their daughter?

For e.g., if they leave behind have \$50.00 cash and \$50.00 worth property after paying all their debts and taxes, then from these wealth how much the ONE SON and ONE DAUGHTER will receive?

If the Father (my father) dies first then how much the ONE WIFE (my mother), the ONE SON (me) and the One DAUGHTER (my sister) will receive?

If the MOTHER (my Mother) dies before then how much the ONE HUSBAND (my father), the ONE SON (me) and the One DAUGHTER (my sister) will receive?

Hope to hear from you soon. Allah Hafez.

Shahriar

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Shahriar,

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

Please read my answer again, I already gave you the distribution according To the Islamic Law under all different possibilities. Remember you did not mention whether any of your parents has any parents because if they do their parents also inherit not only their children. I also advise you to read the last will form and the Schedule of Mawarith that is attached to it you will find them on my website [www.kahf.net](http://www.kahf.net).

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

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## **Inheritance from/to non-Muslims**

**Subject: Inheritance from a Christian father**

From: waheed

Sent: Thursday, January 04, 2007 6:50 PM

Question

AsSalaam Alaikum from Wyoming.

About 25 years ago I had the pleasure of meeting you at the Quincy, Mass Masjid.

Jazakallah for your continued service to Islam.

I have a question for which I need guidance. We have a sister in the community who had become Muslim about 20 years ago. MashaAllah she is a devout Muslim even though her husband divorced her a few years back. She also has three sons with that marriage. She is of meager financial means.

She has written to me a letter asking if she as a Muslim can inherit money from her Christian father. Also if she can receive any money from him while he is still alive. I would appreciate it very much if you can respond to these questions as soon as possible.

Jazakallah. Mohammed Waheed

Dr. Waheed

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Dr. Waheed

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

Thank you for writing and for remembering me after such a long time, Are you in Wyoming these days or it is just a name of domain?

My answer to both questions is positive: Yes she can take from her non-Muslim relatives, here is the detail:

In the life time of her father (or any other non-Muslim relative or not including a government): accepting a gift is permissible from non-Muslims and we don't question their sources of the gift. The only exception is if we know for sure that the gifted item or thing itself is stolen or taken by coercion from its true owner or if it is Haram to own by a Muslim such as a bottle of wine.

Gift in a last will or any similar document: A Muslim can also accept any gift from the estate of any testator regardless of the limit of one third that is known in Shari'ah for giving to non-heirs because this limit came in our Shari'ah and we can't impose our law on other people (who don't believe in it or do not accept it). If her father gives her any part of his estate in a last will, it is permissible to accept it. A Jew once died in Madinah and he made his will that all his seven orchards be given to the Prophet Muhammad, pbuh. The Prophet, pbuh, took them and there is no report that he asked whether this exceed the one third limit or not. But the principle is what is most important here: we cannot impose our law on persons who do not choose it.

Gift from intestate persons: Again when a non Muslim dies with no last will or a similar document, the state law applies. If this state law gives a Muslim any amount or part of this estate, the Muslim is entitled to it by virtue of the state law. This is not an Islamic inheritance and we CANNOT APPLY OUR LAWS TO GOVERNMENTS AND

PERSONS WHO DO NOT ACCEPT IT. She is entitled to take what the law gives her regardless of where does it come from as long as it is not, itself, stolen or prohibited. Finally, What is our law, in this regards, that we as Muslim must apply: our principle is that there is no inheritance between non-Muslims and Muslims. This means two things: for Muslims who live under non-Islamic laws, they are required to prepare their own last wills or similar documents and clearly mention in them that no non-Muslim relative may inherit any part of the Muslim's estate. For Muslims who live under Islamic inheritance laws, as in most Muslim countries, there is no inheritance between Muslims and non-Muslims, both ways by law. Then a Muslim does not need to mention any thing about this issue because the law takes full charge of it.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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**Subject: Bequeath to non-Muslims and/or to heirs**

From: Hajara

Sent: Tuesday, March 20, 2007 9:15 AM

Question

salaam alaykum DR Kahf,

I have been asked 2 specific questions related to Islamic wealth distribution:

- 1) Can you leave anything to children who are not Muslims either from the two thirds or one third portion of an estate?
- 2) Is it permissible to bequeath more to a particular child out of the one third. For example if you want to even out the distribution between daughters and sons by giving an additional share to daughters out of the one third portion. Thank you.

Hajara

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Sr. Hajara

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

Kindly notice that the Islamic inheritance system is mandatory, being Muslims we have no choice but to abide by it. See please Verses 4:11-12 and especially Verses 4:13-14. Additionally the Prophet, pbuh, prevents any tampering with this distribution by saying: ""There must be no Wasiyyah to a share-taking heir [لا وصية لوارث]. This is, in fact based on the Islamic principle of private ownership. The properties are all, really, owned by God and we are only temporary agents 'Vicegerents' of Him; therefore once one of us

dies his/her property returns to the Original Owner and He decides to whom to give (look at the sentence before last in Verse 4:11, it reads: ""Your parents and your children, you don't who of them is closer to you in benefit."" This is in the context of inheritance. Then after it the Verse reads: ""An obligation from God"" in reference to the distribution that is mentioned earlier in the Verse.

In confirmation of this meaning Abu Bakr, the nearest Companion to the Prophet, pbuh, said: God made a charity to you by allowing you to freely dispose of one third of your estate [through Wasiyyah] so that you may gain more reward.

I think with the above I answered all your questions:

- 1) The one third that is subject to Wasiyyah (distribution after death of the estate at will of the testator) is meant to gain more reward by doing good to other people who do not inherit or to good causes. Being good to a non-Muslim child is an act of kindness. IT IS PERMISSIBLE TO GIVE, WITHIN THE LIMIT OF ONE THIRD, TO A NON MUSLIM CHILD OR PERSON RELATIVE OR NOT. However, a non-Muslim, regardless of his/her relation may not inherit at all and the only share that may be given to her/him is by Wasiyyah and within the mentioned limit.
- 2) You cannot assign to any person who deserves a share any amount by Wasiyyah and if such assignment happens it is invalid and can't be executed. However, if there is a good reason, such as a handicap or illness, a child may be given in life time or a Waqf (trust) may be created also in life time to his/her benefit. If there is no good reason, it is forbidden to differentiate between children in gifts, this giving and the creation of such a trust are considered gifts.
- 3) The intention to equate males and females in inheritance is sinful because GOD did not give them equal share and what GOD does is the exact justice. We need to understand this within the context of Islamic law of financial responsibility within the family, the Mahr at marriage and the separation of property between husband and wife.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

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**Subject: Inheritance of a non-Muslim child**                   "

From: Samad

Sent: Friday, August 17, 2007 9:22 PM

Question

Assalamoalaikum, I have 2 questions.

I have a sister who has children from Christian men she does not pray salaah, fast nor wear Islamic clothing and eats Haraam meat also. She does not do anything to indicate she is a Muslim. She was born a Muslim our father was a Hafiz of The Holy QUR'AN.

QUESTION: Our father's inheritance in terms of money has to be done. Is she entitled to any of her father's inheritance? Please inform me.

Next query. My grandfather of India left a plot of land in India for his 3 sons. Two sons died after their father as Muslims, the last son is alive at the moment his father predeceased him. This last son who is alive goes to church and has said he is not a Muslim. At the time when my grandfather wrote the land in the 3 sons names my grandfather knew the son now alive was not a Muslim.

QUESTION: How this plot of land in India which has the non-Muslim son's name has to be done. Does the non Muslim child inherit? Please inform me.

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina

Muhammad, wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. AbdulSamad

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

1. If this sister of yours does not indicate that she is Muslim in her normal life and when she meets you and other Muslims, she does not inherit from her father who was Muslim because she is not considered a Muslim and the Shari'ah does not allow inheritance between Muslims and non-Muslims. If your father made any Islamic last will, it may not be difficult to prevent her from taking any share of his estate. But if your father did not leave any Islamic last will (please see my website for a form [www.kahf.net](http://www.kahf.net)) you may not succeed in preventing her if she takes you to court in the West Indies. However, if she calls herself a Muslim and feels ashamed or apologetic about her behavior that you mentioned, she is counted as a Muslim and has a share according to Shari'ah. I assume you know the Shari'ah distribution of estate and if you don't please consult the Schedule of Mawarith on my website.
2. The lot in India is already recorded in the three names, it means I assume that each one owns one third of it, it is no more a matter of Inheritance because it was given as a gift in the life time of grandfather. According to Shari'ah a gift can be to any person regardless of relationship and religion. Inheritance rules are different as you noticed in the first question. Accordingly, each of the three sons owns/owned one third of the lot and the heirs of the deceased two sons will inherit the share of each one of them, depending on who are these heirs (e.g., children, wife, mother and if there are no children who died before the other because a brother inherits if there are no children and a father.

Wa Allahu A'alam

Wa Alhamdu Lillahi Rab al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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## **Do Children of a Deceased Child Inherit?**

**Subject: Inheritance of children of a deceased child**

From: Ibrahim through Islam on line

Sent: Sunday, January 07, 2007 6:16 AM

### Question

assalam u alaikum. I am only brother with sisters. our father expired 4 years ago and after 7-8 months my grandmother ( my father`s mother) expired. she was bed-ridden and demented for few years before her death and not being aware of anything around her even my father`s death. Now she had some property gifted to her by my grandfather many years ago when he was alive, and some bank accounts in a joint name with my father. we have signed all the necessary documents to release the money from the bank as required. I understand that b.coz of my father`s death before his mother we don`t have any rights on these property and as well she has not done any will or waseeyah wajeelah as she herself was demented. My father has many brothers and sisters. Now where do we stand in the share from the bank accounts or from the land. Please enlighten me about these issues with reference from hadith and quran. Also we own a house where we live, my mother and sisters, is in a joint name of my father and one of his brother who is childless as they bought the land together and my father constructed the building. My uncle lives in another country with his wife. We want to transfer all the documents in my mother`s and my uncle`s name instead of my father. Please guide me with the view of hadith and quran as how to go about these and will there be anybody else,s share in these. Kindly oblige. Thanking you in anticipation.

Dr. Ibrahim s m

### My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Ibrahim

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

1. Let me first explain the issue of the Wassiyyah Wajibah: It is a requirement by law imposed by the state (the legislative body) that adopted the Islamic inheritance law. It exists in all Arab countries that enacted family laws (Saudi Arabia does not have family law and courts there go by the jurisprudence of the Hanbali school. These inheritance laws impose it on the basis of ancient opinion in Fiqh that gives such an authority to the ruler if the grandparent does not make own will. Hence, if you were in a country like Egypt, Syria, Jordan, Iraq or Algeria, it will apply automatically. It means: You and your sister are assigned the share of your father from his mother if he were to survive her.
2. If you don't live under a law that adopts the Wassiyyah Wajibah, like India or UK or if the property is in such country, it is the judgment of the court that will apply. Of course it must be an Islamic court or arbitration that is accepted by all your uncles and your siblings. In other word, if you agree on an arbitration committee and this committee decides to apply the Wassiyyah Wajibah, it must apply. Otherwise you can't apply it. It is not in the simple Fiqh that is known to simple Imams or Molwis in mosques.
3. Properties (like the bank account as you described) that are in joint names are assumed owned on equal footing by the joint persons unless there is evidence otherwise. If the bank account that was in your father and grandmother names is a

- joint account, the share of each one is one half of the balance unless it is known with appropriate evidence that the distribution is otherwise. If your father owns have of that balance, Your father's estate must be divided to his mother, your mother and his children. If the only heirs are what you mentioned in your letter the distribution will be: 1/6 to your grandmother, 1/8 to your mother and 17/24 to you and your sisters on the basis of one share to a female and tow to a male. Of course, this is done after payment of debts and expenses if any.
4. The house: You can always separate the value of the land from the value of construction above it. If what you mentioned in your letter represents the fact as it happens and this fact is not disputed by any of your uncle, mother and sisters, the value of the land must be distributed to its joint owners (as you mentioned uncle, mother, sisters? and father) equally if no evidence otherwise. If you know and all of you accept it that distribution of ownership is not equal then you apply the fact that is not disputed by all of you. The share of your father in the value of the land and the value of the construction must be distributed as in No. 3 above and the share of your grandmother of it must be distributed as in No. 2 above.
  5. Once every one knows his/her right you can make the records in the real estate recording office the way you like, I prefer that any such record must only reflect the actual distribution unless some of you intends to gift his/her share to another.
  6. Your asking for evidence from Qur'an or Hadith is not in its place because in all the above, except No 2, there is no specific text in either the Qur'an or the Hadith. We, of course, have to apply and rely on the general principles of evidence, of taking people's action for what they mean, of general justice that are established in the Qur'an and the Sunnah.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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**Subject: Wassiyah Wajibah**  
From: Kamran  
Date: Sat, 27 Oct 2007 20:13:31

Question  
X has two sons, Y and Z.  
Y has two sons, A and B.  
Z has two sons, C and D.  
Z dies. Would Z's sons (C and D) inherit their father's share of X's estate upon the eventual death of X? Or is Z's share extinguished by his death?  
Kamran

My Answer:  
Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad,  
wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Kamran

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

The Qur'an and Sunnah do not provide for this case. Therefore it is purely a matter of Ijtihad (human opinion established on the basis of deducting from both the general principles and specific texts that deal with related issues). This evidently creates a variety of views among the Fuqaha, many of them go for giving the whole estates of X to the surviving son in your example.

However there is another view that argues that the grandfather X must have created a voluntary bequeath (a Wassyyah) to give some of his estate to the children of the deceased child. These go also further to argue that if X did not do for any reason the judge can impose it on the estate and this is called then Wassyyah Wajibah [obligatory or presumed-by-law Last Will]. This view is adopted by the majority of inheritance laws in Arab countries including Egypt, Syria, Iraq Jordan, Lebanon, Algeria, etc. I believe in this view. Accordingly, the rules of Wassyyah apply to your assumed case. They include a limit of one third, that a second level heir's share must not exceed an equal higher level's share (a grandson's share must not exceed a son's share and a granddaughter's share must not exceed a daughter's share), the any left over shall be rendered to the higher level heirs only, etc. Notice that these rules apply to the great grand children and to the case of great grand children with grand children.

Applying these rules to your example: Out of X's estate, C and D get one third divided equally between them, Y get two thirds and A and B get zero.

Wa Allahu A'alam

Wa Alhamdu Lillahi Rab al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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## **Rationale of the Female/Male Shares in Inheritance**

**Subject: Inheritance male/female shares**

From: Shahid through Islamic Society of North America

Sent: Wednesday, January 10, 2007 10:24 AM

Question

Assalamu Alaikum

We were discussing about the inheritance system of Islam. We couldn't find any justification of the law that daughters will get half share than the sons. Can you satisfy us.

Thanking you in anticipation. Wassalam

Shahid

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin  
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in  
Dear Br. Shahid  
Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

The real justification is the Verse 4:11 for distribution to sons and daughter and to parents with no children, Verse 4:12 for distribution to husband and wife and Verse 4: 176 for distribution to full or father-side brothers and sisters when there are no children or parents.

When we say the Verses it means the WORDS OF GOD. God is the CREATOR AND LAW GIVER, We don't question His Words, decisions and actions! He have full faith that God is absolutely MOST JUST, MOST KNOWLEDGEABLE, MOST WISE AND MOST MERCIFUL. WE COMPLETELY AND FULLY TRUST HIS DECISIONS.

On the other hand, we have a few cases where males are equal to females: Verse 4:11 mentions the case of parents with children, here, parents are equal, each takes one sixth. And we have the case of siblings of mother side with no children they are equal, males and females.

In other words, these are clear-cut texts [Nass نص] on the issue and we don't argue the Law Giver.

On the other hand, the explanation of this position can be discussed without bearing any charge on the text or its implementation (i.e., no matter what explanation that can be given, it is a human understanding, subject to argument, and no matter what conclusion we may reach, the text remains applicable and binding as it is since it is the kind of text that DOES NOT AFFORD ANY OTHER MEANING. This explanation centers around the family financial responsibility and property laws in Shari'ah.

In our Shari'ah a husband is required to provide a Mahr (a obligatory marriage gift, usually substantial, for instance the Mahr of the Prophet, pbuh, in most of his marriages was 400 dirham, that is twice the Nisab of Zakah or approximately the gross earning of man in 400 days), and to provide all expenses of his wife and his household regardless of her income and wealth and the wife is not required to spend on herself or her household any penny. Her properties are kept separate from his and he will have no say (not even being informed) about what she does with her own property. Property law in Shari'ah postulates complete and separate ownership of property between husband and wife unless they choose by a separate contract to be partners, like any strangers, in certain ventures or properties.

On the other hand, she is permitted to take her expenses and expenses of the household from him even without his knowledge if necessary and she is also permitted to give usual and customary charity (Sadaqah) even without his knowledge (she will be rewarded by God and he will also be rewarded without reducing her reward as we are told by our beloved Prophet, pbuh). A female takes her share in the inheritance and invests it in a cumulative way without needing to reduce it by any normal expenses while all the financial burden is on the male! We notice, generally speaking, that in all cases of such big differences in the financial responsibility, the verses give double share to the male compared with the female. In remote cases where such differences are not so evident the shares are equal, especially the share of the mother, it is basically a matter of honoring, recognition and appreciation.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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**Subject: explanation of inheritance system**

From: Mimi

Sent: Friday, April 27, 2007 11:22 AM

Question

Assalamo Alikom Dr. Kahf:

I hope that you are well and in good health.

I have discussed my will with my daughter, and as I know in Shari'ah if you have a boy in family, he gets 2/3 and girl 1/3.(I have a son & daughter.) from the assets from his father and his mother.

She made it clear that she will carry my wish, but she seems not happy and fully understanding why son gets more when God said they are equal.

I told her as much as I know, which is with extra the boy has more responsibilities towards his family, and no one can share her inheritance with her. She believes she is educated but more than her brother, and she will never need his assistant. So no responsibilities exist on her. And if something happened to him or to the father or to the mother, she will be responsible too.

Would you kindly explain it more.

Thank you so much for your help, and may God bless you and yours. Wsalam Alikom, Mimi

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Sr. Mimi Hassan

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

Please inform your daughter the following points:

1. The inheritance system and specifically the shares of daughters and boys came in the Qur'an itself and as Muslims we have no choice but to accept them even if we sometimes do not understand the wisdom behind them.
2. We know with complete confidence that God is Just and Merciful and He gave us this distribution so there must be JUSTICE AND MERCY behind it.
3. Boys give Mahr in marriage, it is obligatory and very substantial in many marriages; girls receive this Mahr and are not required to spend it on the family, themselves or the husband. They save it and invest it. Husbands are the one ones who are FULLY RESPONSIBLE FOR ALL EXPENSES OF THE WIFE AND THE CHILDREN.

4. I know, as every body else know, that there are women who are much better to their parents than men and they help them more than the boys, financially and otherwise. But According to the Shari'ah the financial responsibility toward parents and all women in the family (such as sisters, aunts, etc.) falls first on the boys and only if they are not able then on others.
5. If some part of the Shari'ah is not implemented in certain areas, that does not mean we can be excused not to implement other parts, even when they appear, stand alone, as inconsistent with other practices that exist (and that are in deviation from the Shari'ah). For instance, if your daughter did not ask for a substantial Mahr when she got married this does not excuse her not to implement the Islamic code of inheritance. Or if she shares family expenses of her own or spend on her parents, and the boy does not shoulder his responsibility, all that does not make a premise to violate the Shari'ah in inheritance.
6. Finally, good children can be rewarded materially and spiritually by their parents while alive, but not by changing the inheritance system because the latter is mandatory as clearly mentioned in Verses 4:10-4:14. Reward while alive can be by giving the good child more money as gifts and by preying to God to help her and be bountiful to her. Of course, we cannot tamper with the inheritance shares because whence one of us dies, she/he is no longer an owner and the estate goes back to God Who gave us clear and detailed instruction about how to distribute it.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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## **Inheritance and Community Property**

**Subject: Inheritance of community property**

From: A.Samad

Sent: Tuesday, September 04, 2007 7:52 PM

Question

Assalamoalaikum Professor

A husband and wife had a house jointly on their names. The husband worked bringing the money while the wife did not work to bring in money but stayed at home as a housewife looking after their 2 boys and 3 daughters.

Now the wife died in 2002 and the husband transferred the wife portion of the property on his name. QUESTION: Is this right according to the LAWS OF ISLAM? All the 5 children are alive is the children entitled to the portion of their mother's joint property held together between father and mother?

A man dies leaving 2 sons, 3 daughters and a wife. The wife is not the mother of the children. The mother of the 5 children died. The husband remarried but has no children from this wife. QUESTION: How should the estate of the deceased has to be distributed?

Please reply direct to my e-mail. SHUKRAN.  
Please do not put my name on the internet.  
SAMAD

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad,  
wa ala Aalihi wa Sahbihi Ajma'in

Dear Br. Samad,

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

When properties are recorded in names of husband and wife together, it amounts to one of them gives the other a gift, regardless of who pays for the property. At death one half has to be distributed according to Islamic inheritance and the other half is still owned by the surviving.

It is not permissible according to Shari'ah, for the surviving spouse to transfer all the property in her/his name. Please apply this rule to your questions and get the answer from the Schedule of Mawarith on my website [www.kahf.net](http://www.kahf.net)

Wa Allahu A'alam

Wa Alhamdu Lillahi Rab al Alamin

Wassalam

Prof. Dr. Monzer Kahf

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## **Distribution of Insurance, Pension, 401K and Money in Providence Fund**

### **RE: Distribution of money in Central Providence Fund of Singapore**

From: Saidah

Sent: Saturday, March 10, 2007 5:03 AM

Question

Salam Dr Monzer

I was one of the participants at the Waqf Conference in Singapore. Perhaps you may remember me - I approached you during the tea break and told you that I will write to you regarding inheritance issues.

First and foremost I must tell you that I am impressed and was enlightened with your universal outlook of Islam where such view is much lacking in our society.

My question is:

In Singapore all employees will have a mandatory Central Provident Fund Account where both the employer and employee are required to contribute a certain % (now 33%) of the wages. These monies can be withdrawn when the member reaches 55 years of age. In summary it is like a pension fund. Members are encouraged to make a nomination so that in the event of death before reaching 55years the money will go to the nominee.

A fatwa was given that although the member may make a nomination, the monies nominated are considered to be held in trust and must be grouped with other assets of the deceased for distribution according to faraid.

My question is that a member who is a sole breadwinner may nominate the money to his wife who is not working and children as he knows that they would be in dire financial hardship without him. Upon his death, the CPF Board would release the money to the wife and adult children. The amount due to the children who are minors will be remitted to the Public Trustee to be held in trust until the child reaches majority age.

Arising from the fatwa, the family of the deceased, e.g., his parents and siblings would demand that the moneys received by the deceased's wife and children be redistributed according to faraid. At times, they even insist that the home which the wife and children are staying be sold and proceeds distributed according to faraid. This has created a lot of family quarrel and tension as usually the beneficiaries would demand their share according to faraid but are not ready to undertake the responsibility of caring the deceased's immediate family.

Can you enlighten me with your view on the said issue?. My personal view is that since it was the deceased intention that he wants his CPF moneys and asset to go to his immediate family by nominating them as beneficiary - so why should it be distributed to the other beneficiaries. Unless if he doesn't nominate i totally agree that faraid law applies.

Can you also confirm whether the 1/3 ruling on willing away of one's asset to a non beneficiary is mentioned in the Quran or it is in the Hadith. If in the Quran which verse is that? Can a Muslim do a will and will away his assets according to his wishes.

I am looking forward to your reply.

Was salam

My Answer

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Sr. Saidah

Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

Thank you for the email and for your kind complement.

Your question touches on a very important and basic matter. According to our religion, God is the Factual owner of all properties and human being can only own for a temporary period. Our ownership is not absolute. It is He who gave it to us for as long as we live. The moment a Muslim dies her/his property goes back to Allah and He distributes it according to His Wisdom. We have no authority on distributing our estate. This distribution is given almost completely in the Qur'an itself with very little room for Sayings of the Prophet, pbuh, and even much smaller room for Ijtihad and opinions of scholars. This is expressed nicely by Sayyidina Abu Bakr al Siddiq when he said that Allah had made a charity on us by allowing us to distribute one third of the estate as we wish.

Two important points came in the Qur'an very clearly: 1) the distribution includes always parents. 2) The distribution is of the net after expenses, debts and Wasiyyah.

The Hadith explains these two points by two authentic Hadith that make the following statements: 1) The Wasiyyah must not disturb the distribution given by God; 2) The maximum amount of the Wasiyyah is one third.

The Fatwa that CPF balance is part of the estate and subject to Faraid is definitely correct because this is a fund that was owned by the deceased during his/her life. It is unlike life insurance money that only becomes the right of a beneficiary by the incidence of death itself and therefore it was not owned by the deceased when she/he was alive.

You said it right: there is a financial obligation, when there are young children and a widow who takes care of them, on the parents of the deceased to supply his family. Furthermore, we need to realize that marriage is only a contract between husband and wife, it is not a divine knot as in Catholicism. Therefore it breaks by either divorce or death of either party. When the husband dies the widow is no more his wife and the responsibility of spending on her, if she needs, becomes on her children and her own family unless she is taking care of young children, then it becomes on the closest relative of the children.

In other words, if there are young children their parental grand father becomes financially responsible for the household expenses of the children and of their mother/care giver.

Doesn't the AMLA mention this responsibility? I suppose it must mention it.

Consequently you can hold the parental grand father for his financial responsibility and I believe his share of the amount of the CPF must not be given to him unless we are sure he will shoulder this responsibility. The same idea must also apply of his share of other items of the estate. If there is no parental grand father, parental uncles are responsible for the same. And Here again any share that they may deserve (they only inherit if there is no son and no father of the deceased) must be held for the contingency of not fulfilling their responsibility. This is the idea we apply now in America for Muslims: we have instate it in the Islamic estate planning that the share of such potential heirs must be held until they fulfill their financial duties and the mother/care giver of minor children can withdraw from these shares in she need for the household expenses.

Additionally the wealth and income of the wife is COMPLETELY INDEPENDENT OF HER HUSBAND including the Mahr she gets at marriage. This means that SHE, LIKE ANY RATIONAL PERSON, MUST MAKE HER FINANCIAL PLANNING SAVING AND INVESTMENT TO FACE ALL POSSIBILITIES INCLUDING DEATH OF HER HUSBAND AND DIVORCE. She is an independent person and must act as independent person too.

hope I clarified this issue but if not please come back again for further explanations.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabb al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

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## **Funds Earned after Death: Life Insurance Benefit, etc.**

**Subject: Is life insurance benefit an inheritance or not?**

From: Mokhtar  
Sent: Friday, April 13, 2007 4:17 AM

Question

Assalamu Alaikum Dr Monzer,  
I tried to follow you fatwa on whether the money received from life insurance is considered inheritance or not. I just want to make sure because many of us here (in the American University of Sharjah in the UAE) are required to divide the benefits by our HR department. If it is an inheritance then we have to find out the correct way to do it. If it is not inheritance then we will be free to determine such division. Best regards,  
Mokhtar

My Answer

Bismi Allah al Rahman al Rahim  
Al Hamdu li Allah Rabb al 'Alamin  
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in  
Dear Br. Mokhtar  
Al Salamu Alaykum Wa Rahmatullahi Wa Barakatuh

It is exactly as you said it. You can treat death benefit as inheritance but you don't have to do so because it was not owned in life time. So one may have a choice unless a government authority interferes and put it in either way then it becomes binding on people of that country.

Wa Allahu A'lam  
Wa Alhamdu li Allah Rabb al 'Alamin  
Wassalam  
Sincerely,  
Dr. Monzer Kahf

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**Support of Wife after Death of Husband**

**Subject: Support of wife after death of husband**

From: Safiyyah  
Sent: Thursday, November 01, 2007 9:49 PM

Question

As Salaamu Alaikum:  
My husband and I are almost 60years old; converts to Islam. We have no living parents. We have NO Muslim relatives. If I read the schedule correctly, why is ISNA entitled to such a large part of the estate in the event my husband dies, leaving me alone or vice versa?  
I don't understand. Who will support me? ISNA?  
With all due respect, please respond. Fiamanallah  
Sister Safiyyah

My Answer:

Bismillah al Rahman al Rahim

Alhamdu Lillahi Rab al Alamin, wa al Salatu wa al Salamu ala Sayyidina Muhammad,  
wa ala Aalihi wa Sahbihi Ajma'in

Dear Sr. Safiyah

Assalamu Alaykum wa Rahmatu Allahi wa Barakatuh

Your concern is extremely legitimate. What I'll do is first to explain the rationale of inheritance in this regards and then suggest a way to address your concern.

Rationale of inheritance between husband and wife:

1. Shari'ah does not mix the properties of husband and wife, they are independent and each of them is fully entitled to wealth and earning before and during marriage.
2. Husband alone, poor or rich, is required to spend on the wife, family and household. She is not required to put any penny even if she has income and wealth. She may even give him her Zakah and he may use it to provide her with sustenance...
3. Marriage is not a company or partnership. It is a contract to create a family in which the husband is the king and she is the queen. It is an EXCHANGE contract. It also may be brought to an end by either party or by mutual consent, It comes to an end by death. It is very different from the Catholic marriage! There are no more relations after death. This means that husband is not responsible for wife's living after his death. She is required to be always ready for such an incidence and they both may plan for that before hand.
4. Whatever is given in the Qur'an, verse 4:12 is just like a reconciliatory bonus to help overcome the death grievances. This is fixed as mentioned in the Qur'an.
5. The general rule is: the estate of any one who dies with no relatives must go to Bait al Mal (the treasury of the Islamic government). In America, we don't have such a treasury therefore we give it to ISNA or any similar organization of one's choice.
6. Of course, in an Islamic state, the government, and the society at large, is responsible for the living of any person who has no sufficient means to live on. ISNA in America is not!

Suggested solution:

I suggest that you and your husband create a living trust (it is treated in Shari'ah as a temporary family Waqf) in which you mention that all your property together shall be used for your living expenses and the living expenses of the surviving spouse and after the demise of the surviving spouse whatever is left should go to ISNA or any similar org. Of course there are many other points and details that must be mentioned in such a trust document.

I also suggest that you read carefully the document on my website that is called living trust. It requires changes to make it fit your situation without loosing its general perspective (who knows may be in the near future some of your relatives be turn into Islam!) and consult a lawyer before you make it final.

If you want I can help you in: send you a word copy of the living trust and review any changes you make on it from Shari'ah point of view only since I'm not a lawyer and cannot review it from legal point of view.

Wa Allahu A'alam  
Wa Alhamdu Lillahi Rab al Alamin  
Wassalam  
Prof. Dr. Monzer Kahf

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