

In the name of Allah, the Most Beneficent, the Most Merciful

# LAST WILL AND TESTAMENT\*

OF \_\_\_\_\_ DATED \_\_\_\_\_ / \_\_\_\_ /20\_\_

I, \_\_\_\_\_, an American **citizen/resident** presently residing at \_\_\_\_\_ being of sound mind and memory, do hereby revoke any and all former Wills and codicils made by me, and do make, direct, publish, and declare this my last Will and Testament.

At the time of the execution of this Will, my immediate family consists of: My HUSBAND/WIFE, \_\_\_\_\_ herein sometimes referred to as "SPOUSE," and my children, \_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_ born \_\_\_\_\_, \_\_\_\_\_ born \_\_\_\_\_, and \_\_\_\_\_ born \_\_\_\_\_ herein sometimes referred to as "child" or "children".

## Preamble

I bear witness that there is no deity but Allah, the One, the Merciful, the Almighty -- Creator of the heavens and the earth and all therein -- God of Abraham, Moses, Jesus, Muhammad, and all the Prophets, mercy and peace be upon them all. He is One God and He has no partner. And I bear witness that the Prophet Muhammad is His Servant and His Messenger and the last of all the Prophets, mercy and peace be upon him. I bear witness that Allah is the Truth, that His promise is Truth, that the Meeting with Him is truth. I bear witness that Paradise is truth, and that Hell is truth. I bear witness that the coming of the Day of Judgment is truth, there is no doubt about it, and that Allah, who is exalted above all deficiencies and

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imperfections, will surely resurrect the dead of all generations of mankind, first and last and those in between.

This is my counsel to my relatives and friends, my Muslim brothers and sisters, and all those who remain after me: that they strive to be true Muslims, that they submit to their Creator -- may He be exalted -- and worship Him as He alone is to be worshipped, fear Him as He alone is to be feared, and love Him and His Prophet Muhammad with a complete love that is rivaled by nothing besides them. Let them obey Him and hold Fast to His *Shari'ah*. Let them spread and firmly establish His religion of Islam, and let them die only in a state of complete submission to His Will.

I remind them that no man and no woman dies before his/her time. The exact duration of each life span is precisely determined before we are born, by the All-Powerful Creator, may He be exalted. Death is tragic only for the one who lived out his/her life in self-deception without submitting to the Creator and preparing for the final return to Him. So, do not preoccupy yourselves with my death, but instead make the proper preparations for your own.

Maintain patience and self-composure as the religion of Islam requires. Do not wail at all and do not mourn more than is permitted in *Shari'ah*. Islam permits female relatives to mourn for no more than three days. Wailing and excessive lamentation are forbidden by the Creator, and it only reflects lack of understanding and dissatisfaction with the Will of the Creator, may He be exalted.

Finally, I ask all my relatives, friends and all others -- whether they choose to believe as I believed or not -- to honor my right to these beliefs. I ask them to honor this document which I have made, and not to try to obstruct it or change it in any way. Rather, let them see that I am buried as I have asked to be buried and let my properties be divided as I wanted them to be divided.

#### **ARTICLE I: FUNERAL AND BURIAL RITES**

1. I direct that no autopsy or embalming be done on my body unless required by law, that without unjustified delay my body be washed, wrapped with cloth free of any ornaments and other articles, prayed for, then buried, which all should be done by Muslims in complete accordance with Islamic tenets.
2. I direct that absolutely no non-Islamic religious service or observance be conducted for me upon my death, or on my body. I further direct that no pictures, crescents and stars, decorations, crosses, flags, any symbols-Islamic or otherwise-or music be involved at any stage of the process of conducting my burial or ever be placed at the site of my grave.
3. I direct that my body shall not be transported over any unreasonable distance from the locality of my death, particularly when such

transportation would necessitate embalming, unless when long distance transportation is required to reach the nearest Muslim cemetery, or any other cemetery selected by my PERSONAL REPRESENTATIVE/EXECUTOR.

4. I direct that my grave be dug deep into the ground in complete accordance with the specifications of Islamic practice, that it face the direction of Qiblah (the direction of the Holy City of Mecca in the Arabian Peninsula towards which Muslims face during prayers). I also direct that my grave be leveled with ground or slightly mounded with no construction or permanent structure of any kind over it. The marking -if necessary- should be a simple rock or a marker, merely to indicate the presence of the grave. There should be no inscriptions, or symbols on the said marking.
5. I direct that my body be buried without a casket or any encasement that separates the wrapped body from the surrounding soil. In the event local laws require casket encasement I direct that such encasement be of the simplest, the most modest, and the least expensive type possible. I further direct that the encasement be left open during burial and filled with dirt unless prohibited by law.
6. In the event of legal difficulties in the execution of any section of this Article, I direct my PERSONAL REPRESENTATIVE/EXECUTOR to seek counsel from the **ISLAMIC SOCIETY OF NORTH AMERICA, Inc., (ISNA)** currently located in Plainfield, Indiana, USA (Tel: 317 839-8157).

#### **ARTICLE II: PERSONAL REPRESENTATIVE/EXECUTOR AND GUARDIAN**

1. I hereby nominate and appoint my **BELOVED HUSBAND/WIFE**, presently residing at same address as above as my PERSONAL Representative/Executor to execute this my last Will and Testament. In the event he/she shall be unwilling or unable to be my PERSONAL Representative/Executor, I nominate and appoint my **SON/DAUGHTER**, to be my successor PERSONAL Representative/Executor, and in the event she/he shall be unwilling or unable, I nominate and appoint **SON/DAUGHTER**, to be my successor PERSONAL Representative/Executor, and in the event no two of my children can be my PERSONAL REPRESENTATIVE/EXECUTOR, I nominate and appoint \_\_\_\_\_ of \_\_\_\_\_ to be my PERSONAL Representative/Executor, and in the event he/she shall be unwilling or unable to be my PERSONAL Representative/Executor, I nominate and appoint the **PRESIDENT OF THE LOCAL MUSLIM COMMUNITY, CENTER, ASSOCIATION OR MOSQUE** that is closest to my normal residence at the time of my death to be my PERSONAL Representative/Executor.
2. I direct that my PERSONAL REPRESENTATIVE/EXECUTOR be fully empowered to take decisions on my behalf without any need for a court order, that no bond or surety for any bond be required for her/him in the performance of her/his duties.

3. I hereby further nominate and appoint MY **PERSONAL REPRESENTATIVE/EXECUTOR**, named above, in the same order, to be the guardian of the persons and estates of such of my children who are minor at and after my death, during their minority, provided that if my wife becomes guardian and she gets married to other than a blood brother of mine she shall relinquish the guardianship of any of my minor children. Under such circumstances, the guardian of my children shall be the next qualified person as stated in the marriage agreement published on the website of Monzer Kahf at [www.kahf.net](http://www.kahf.net).

**ARTICLE III: DEBTS AND EXPENSES**

1. I direct that my PERSONAL REPRESENTATIVE/EXECUTOR apply first, the assets of my estate to the payment of all my legal debts including such expenses incurred by my last illness, funeral and burial as well as the expenses of the administration of my estate. I direct the said PERSONAL REPRESENTATIVE/EXECUTOR to pay any "Obligations to Allah" (Huquq Allah) that are binding on me under the tenets of Islam including any unpaid Zakah and Kaffarat.

2. My PERSONAL REPRESENTATIVE/EXECUTOR, in his/her sole discretion, may pay my legal debts, including funeral expenses, and costs of administration of my estate (including the expenses of any ancillary proceedings that may be necessary in another state or country), and I hereby authorize and empower my PERSONAL REPRESENTATIVE/EXECUTOR, in case of any claim made for or against my estate, to settle and discharge the same at the absolute discretion of my PERSONAL REPRESENTATIVE.

3. To the extent assets of my probate estate, exclusive of real estate and tangible personal property, are insufficient to pay all or any part of my legal debts, funeral expenses, administrative expenses, or general cash devises under this Will or any codicil thereto, my PERSONAL REPRESENTATIVE/EXECUTOR shall demand payment thereof from the Trustee of the REVOCABLE LIVING TRUST as provided therein; subject, however, to the terms, conditions and limitations of the Trust Agreement which are applicable to payment of such sums.

4. I direct that my PERSONAL REPRESENTATIVE/EXECUTOR and the Trustee under the LIVING TRUST and any Successor Trustees may pay out of the corpus of such Trust estate, all estate, inheritance, succession and other taxes (together with any interest or penalty thereon), assessed by reason of my death imposed by the government of the United States, or any state or territory thereof, in respect of all property required to be included in my gross estate for estate or like tax purposes by any of such governments, whether the property passes under this Will or otherwise, including property over which I have a power of appointment, without contribution by any recipient of any such

property.

**ARTICLE IV**

**POUR-OVER TO \_\_\_\_\_ REVOCABLE LIVING TRUST**

1. All the rest, residue and remainder of the property which I may own at the time of my death, I direct and devise unto the Trustee of the REVOCABLE LIVING TRUST and any Successor Trustees thereto and my PERSONAL REPRESENTATIVE/EXECUTOR that said property be added to the corpus of the Trust fund therein established as an integral part thereof, to be held, administered and distributed by the Trustee in accordance with all the terms and provisions of the said Trust Agreement as the same may be amended at the time of my death, notwithstanding that any such amendment may have been made subsequent to this Will or any Codicil hereto. The receipt of said Trustee under said Trust Agreement shall be a full acquittance and discharge to my PERSONAL REPRESENTATIVE for the property so distributed. Upon distribution to the Trustee, the administration of my estate shall cease with respect to the assets passing to the Trustee, and the Trustee shall not be subject to the control of the court in which my Will is probated.
2. If for any reason the Trust set out above shall not be in existence at the time of my death, or if for any reason a court of competent jurisdiction shall declare this testamentary transfer to the Trustee of said Trust to be invalid, then I direct that said rest, residue and remainder of my estate be held, managed, invested and reinvested in exactly the same manner described in said Trust, giving, if the court shall allow, effect to all then existing amendments of said Trust, and managed by the same Trustee or the successor or successors therein named and defined; thus, for those purposes I do hereby incorporate that same instrument of Trust, by reference, into this, my Last Will and Testament. If the court shall not allow that Trust to be incorporated into this Will with its amendments, it shall be incorporated in its original form without regard to said amendments, if any such amendments have been made.

**ARTICLE V**

**BENEFICIARIES OF OUR INSURANCE POLICY (optional<sup>†</sup>)**

As reinforcement and restatement of the beneficiaries mentioned in our Insurance Irrevocable Trust, my WIFE/HUSBAND and I hereby determine the beneficiaries of the death benefits of our insurance policy/policies No. \_\_\_\_\_ with \_\_\_\_\_ company/companies, and we instruct and direct my PERSONAL REPRESENTATIVE/EXECUTOR to see to it that the Trustee of our

<sup>†</sup> [This Article is optional because one may not have a life insurance policy or may have one and have an irrevocable insurance trust for the use of its proceeds but may not like to reinforce it in this Last Will.](#)



individual appears to be of sound mind and under no duress, fraud or undue influence. I further declare under penalty of perjury under the laws of the State of [ ] that I am not related to the individual executing [Last Will and Testament] by blood, marriage, or adoption, and, to the best of my knowledge, I am not entitled to any part of the individual's estate upon his or her death under a this Last Will or a Living Trust now existing or by operation of law.

**WITNESSES:**

Name \_\_\_\_\_ Name \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
Signature \_\_\_\_\_ Signature \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
(Print name of Notary)  
\_\_\_\_\_  
My commission expires

