

The Islamic Will & Testament

I, _____, born on _____ and currently residing in _____, being of sound mind and memory, do hereby revoke any and all of my former wills and amendments and declare this is my last will and testament.

PREAMBLE

The *Shahada*: Testimony of Faith

Ash-hadu alla ilaha illallahu wa ash-hadu anna muhammadan 'abduhu wa rasuluh: I testify that there is no true deity except Allah, alone without any partners and that Muhammad (PBUH) is His *abd* (Obedient worshiper) and Messenger.

I testify that Allah's promise is true, the meeting with Him is true, Paradise is true, the Day of Judgment is coming without any doubt, and that Allah (Who is exalted above all deficiency and imperfection) will surely resurrect those in the graves.

Most Important Counsel To My Beloved

This is my counsel to my beloved relatives and friends, my Muslim brothers and sisters, and all those remain after me:

Strive to be true Muslims, worshiping our Creator (may He be exalted) as He alone is to be worshiped, directing your absolute fear, hope, love, and submission to Him alone.

Obey Allah and His Messenger (PBUH) and hold fast to His *Sunnah* (teachings), and to the guidance of the *Salaf* (righteous early Muslims).

Strive to spread and establish the religion of Islam.

I exhort you with what *Ibrahim* and *Yaqub* exhorted their children: <<**O my children, Allah has chosen for you this true religion, then die not except in the faith of Islam.**>> [2:132] and I exhort you with the Messenger Muhammad's (PBUH) last exhortation to his followers: <**The prayer... The prayer...**> [Ahmad; authentic]

Death in the Presence of Righteous

When I approach Death:

- (1) I ordain that I be attended when dying by Muslims of knowledge and piety, who will remind me to have good thoughts about my Lord, to hope for His mercy and forgiveness, and to utter the *Shahada* from time to time.
- (2) I ordain the removal from my presence of all that chases away the angels of mercy, such as pictures or statues of humans and animals, dogs, bells, improperly attired women, music, smoking, etc..
- (3) When my soul departs, I ordain that my family or those present:
 - close my eyes.
 - make good supplications for me (without raising their voices), invoking mercy and forgiveness for me.
 - do not announce my death on loud speakers or in newspapers.
 - stop encouraging me to say the *Shahada* after my soul had departed from my body
 - hasten to pay off my debts.

Submission and no Excessive Mourning

- (4) I ask Allah (T) to guide my family to act in a manner that will lead to my comfort, merciful testament, and my Lord's pleasure.

No person dies before his appointed time. Death is tragic only for the one who lived out his life in self-deception without submitting to Allah 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. Upon my death I ordain that you:

- maintain patience, self-composure, and submission to Allah's decree.
- do not raise the voice, nor wail and lament me, nor strike the seeks, nor call our with the calls of ignorance. This is forbidden by Allah, as it reflects lack of understanding and dissatisfaction with His will, may He be exalted.
- mourn for no more than three days, except for a widow who is allowed to mourn her husband for four lunar months and ten days, i.e., until her iddah (period of waiting before she can consider remarrying) is completed. Mourning is to feel sadness in the heart without objecting Allah's decree.

Body Preparation, Funeral, Processing and Prayer

(5) I ordain that all my burial rites and funeral procedures be done by Muslims in complete accordance with the Islamic religion and the Sunnah of the Messenger (PBUH). Absolutely no non-Islamic religious services or observances shall be conducted upon my death, or on my body. I further ordain that:

- no autopsy or embalmment be done on my body - unless required by law.
- no unjustified reasons delay proceeding with my burial, such as to wait for a specific day, or for the arrival of a particular person.
- my body be washed three or five times (or more, if needed) with soap and water, adding perfume that last time.
- my body be wrapped with three plain white perfumed pieces of cloth free of ornaments and other articles.
- I be buried where I die: my body shall not be transported over any unreasonable distance from the locality of death, unless long distance transportation is required to reach the nearest Muslim cemetery.
- my funeral procession be expedited.
- no women or burning incenses accompany my funeral procession.
- no voices be raised with the Quran, the Shahada, or any supplications while walking in my funereal; rather, I ordain that silence be maintained, and that those present contemplate the situation and supplicate for me in their hearts.
- the funeral prayer upon me be conducted outside the graveyard and not among the graves.
- the largest possible number of Muslims pray upon me, that they be arranged in a minimum of three lines, and that they be instructed to be sincere in supplicating plentifully for me.

Burial and Grave

- (6) I ordain that my grave be dug deeply and in accordance with the specifications of the Sunnah; I further ordain that:
- my grave be made of a Lahd: In the bottom of the grave, in its wall facing the Qiblah (direction of the city of Makkah in the Arabian Peninsula), a horizontal hole is dug large enough for my body.
 - my body be buried without casket or any other encasement that separates the wrapped body from the surrounding soil. In the event that the local laws require casket encasement, I ordain that such encasement be of the simplest, most modest, and least expansive type, and that the encasement be left open during burial and filled with dirt - unless prohibited by law.
 - my body be laid in the lahad on the right side, with the face to the Qiblah, and my back be supported with bricks.
 - the man who lays down my body says: Bismillahi waala millati Rasulillah (in Allah's name, and upon the religion of Allah's Messenger (PBUH)).
 - no pillow or the like be placed beneath my head in the grave, no perfumes or decorations be sprinkled in my grave, and no other worldly possessions be buried with me.
 - those present pour three handfuls of earth into the head end of the grave.
 - after the burial, Muslims sit for a short period of time around my grave (around 1 hour which is the time needed to slaughter and prepare a came), supplicating for me quietly, and asking Allah to grant me mercy, forgiveness and firmness of words when questioned by the angel in the grave.
- (7) I ordain that:
- no structure of cement, brick, clay, marble, or any other materials be built over my grave
 - the soil over my grave be raised no more that a hand span
 - no fence be built around my grave.
 - no writing, inscriptions, or symbols be placed on my grave: it may only be marked with a simple rock.

Avoiding violations of Islam

- (8) I ordain that all innovations and violations of Islam be prevented at my funeral. Thus, no one may wear black as a sign of mourning, or perform other practices of non-Muslims. In addition, I ordain that:

- no pictures, decorations, flowers, wreaths, flags, or symbols be involved at any stage of the process of conducting my burial, nor be placed at the site of my grave.
- no recitation of the Quran (not even surat ul-fatiha or Yasin) be done over my body during the funeral procedures.
- no gatherings be arranged where condolences are offered and the Quran is recited for my benefit on Fridays, after forty days, annually, etc..

Condolences

(9) I ordain that people be instructed to express their condolences in proper Islamic terms and manners. My family may not prepare food for the people who visit to comfort them, nor are they to hire or appoint men to recite Quran for the Occasion.

I declare myself free before Allah, the Most High, from every action, and every saying that conflicts with the Sunnah of the noble Messenger (PBUH).

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, 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 divide as I wanted them to be divided.

ARTICLE I - FUNERAL AND BURIAL PROCEDURES

(1) I hereby nominate and appoint one of the following, in this sequence, as directed by their availability and willingness, to execute all foregoing and necessary provisions for my proper Islamic funeral and burial.

(I) _____

(II) _____

(III) _____

(IV) The Immam of the Nearest Islamic Masjid in the city of death

(2) In the event of legal difficulties in the execution of this Article, I direct my Administrator to seek counsel from learned Muslim men or reputable Islamic organizations.

ARTICLE II - EXECUTOR AND GUARDIAN

(1) I hereby nominate and appoint one of the following, taken in this sequence, as dictated by their availability and willingness, to be the Executor of this will and Testament.

(I) _____

(II) _____

(III) _____

(IV) The Immam of the Nearest Islamic Masjid in the city of death

(2) I give my Executor (or Executrix), herein named, power to settle any claim for or against my estate, and power to sell any property, real, personal or mixed, in which I have an interest.

(3) I direct that no bond or surety for any bond be required for my Executor in the performance of his/her duties.

(4) It is my will that no other action shall be held in the court in the administration of my estate than to prove and record this will, and to return an inventory and appraisal of my estate and list of claims.

GUARDIAN

(5) I hereby nominate and appoint one of the following, taken in the same sequence as dictated by their availability and willingness, and so long as said person remains an upright and practicing Muslim of sound mind and judgement, to be the guardian of the persons and estates of such of my children as shall be minors at and after my death, during their minority:

- (I) _____

- (II) _____

- (III) _____

- (IV) The Immam of the Nearest Islamic Masjid in the city of death

ARTICLE III - ASSETS AND LIABILITIES

ASSETS

(1) I own or am owed the following amounts and items, debts, trusts, businesses, properties, bank accounts, cash, etc...

Item	Description	Location

LIABILITIES

(2) I owe the following amounts and items, debts, trusts, etc.

Item	Description	Location

ARTICLE IV - DEBTS AND EXPENSES

- (1) I direct that all trust properties be returned to their rightful owners, I further direct that my Executor, herein named, first apply that assets of my estate to the payment of my legal debts, including such expenses incurred by my last illness or burial, as well as the expenses of the administration of my estate. I direct said executor to pay any outstanding obligations that are binding on me before Allah, including unpaid zakah (obligatory Islamic Charity), vows, Kaffarat (expiating Islamic obligations), and unperformed Hajj (pilgrimage to Makkah).
- (2) I direct that all inheritance, estate and succession taxes (including interest and penalties thereon), payable by reason of my death, shall be paid out of, and be charged generally against, the principal of my residuary estate without reimbursement from any person; except that this provision shall not be construed as a waiver of any right which my executor has, by law or otherwise, to claim reimbursement for any such taxes which become payable on account of property, if any, over which I have a power of appointment.
- (3) I direct that a _____10% of the remaining estate after paying all debts and liabilities be donated to one of the mosque or Islamic Schools that is under construction as directed by the Executor of the will.

ARTICLE V - CONTRIBUTIONS AND TRANSFERS

Charitable Contributions

- (1) I bequeath the following items and amounts as charitable contributions to the named persons and organizations

Name of Person or Organization	Item or Amount
Total A - Charitable Contribution	

Other Testamentary Contributions

- (2) I bequeath the following items and amounts to the named persons and organizations

Name of Person or Organization	Item or Amount
Total B - Other Contribution	

- (3) The forgoing percentages are taken from the residual estate after execution of Article IV. The sums of Total A and B must not exceed one third of the remainder of the estate after execution of Article IV. Otherwise, each of the forgoing contributions must be reduced proportionally to bring the total to within the one-third limit.

ARTICLE VI - DISTRIBUTION OF THE REMINDER OF THE ESTATE

- (1) I direct, devise and bequeath all of the residue and remainder of my estate after the execution of ARTICLE IV and V only to my Muslim heirs whose relationship to me, whether ascending or descending, has occurred through Islamic or lawful marriage at each and every point. The distribution of the residue and remainder of my estate shall be made strictly in accordance with the Islamic law of inheritance.
- (2) I direct that no part of my residual estate shall be inherited by any non-Muslim relative.
- (3) Should I die as a result of murder, I direct that the adjudged murder, principal or accessory in the murder, shall be disqualified to receive any part or share of my estate.
- (4) I further direct that no part of my estate shall be given to relatives whose relationship with me, whether ascending or descending, has occurred through non-Islamic or non-lawful marriage, or through adoption, at each and every point, except legatees specifically named in Article V.

(5) I direct, devise and bequeath all of the remainder and residue of my estate, after the execution of ARTICLE's IV and V and section I through 4 of ARTICLE VI, as well as any portion of my estate disclaimed or refused to be received by any of the legatees named or referred to in this will and Testament, to a reputable Islamic organization - a contribution designated to establishing Islamic centers and spreading Islam.

ARTICLE - SEPARABILITY

I direct and ordain that if any part of this last will and testament is determined invalid by a court of competent jurisdiction, the other parts shall remain valid and enforceable.

CONCLUSION

This is my will, which I have laid out.

<<Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allah is All-Hearer, All-Knower.>> [2:181]

I Ask Allah to guide me and all the Muslims and grant us righteousness, a good end, and death upon the testimony of Islam.

<<Glorified be your Lord, the Lord of Honor and Power! (He is free) from what they attribute to Him. And peace be on the Messengers, And all praise and thanks be to Allah, Lord of the Creation>> [37:180-182]

In witness whereof, I have hereunto set my hand this ___ day of _____ of the year _____ which corresponds to _____ 143_ A.H.

In the presence of the witnesses hereinafter named, who attest the same at my request.

Testator's signature

WE HEREBY CERTIFY that the forgoing instrument was, on the date thereof, signed, published and declared by the Testator, _____ as and for his last Will and Testament, in our presence, who at his request and in his her presence, and in the presence of each other, have hereunto subscribed our names as witness thereto, believing said Testator at the time of so signing to be of sound mind and memory.

Signature of Witness	Name, Address and Phone No.

This document is made in three copies, all the same and all original. One copy is with me, one is deposited with _____ and one is with:

