Colorado Muslims Community Center



15528 E. Hampden Circle Aurora, CO. 80013

In the Name of Allah, the Most Gracious, the Most Merciful

IMPORTANT: If you wish to use this template, please ensure the document is duly signed, dated and witnessed in accordance with English Law and Shariah principles. A Will which is unsigned, or undated or not independently witnessed by TWO persons will not be valid. Please ensure the TWO witnesses are NOT family members, or married to family members, not named Executors and Trustees of the Will, or married to them, and finally are independent adults of sound mind.

Islamic Last Will and Testament OF Full Name (First Last):

ADDRESS

COUNTRY DATE OF BIRTH TELEPHONE TODAY'S DATE

ARTICLE I: PREAMBLE

The Prophet Muhammad (may peace be upon him) ordered all Muslims to prepare a Last Will & Testament. Abdullah bin 'Umar narrated that the Prophet (pbuh) said, "It is not permissible for any Muslim who has something to will to stay for two nights without having his Will and Testament written and kept ready with him." (Sahih Al-Bukhari).

While being in full mental capacity and good health or not good health, I, a Muslim, do hereby declare and certify this as my Last Will and Testament. I also do hereby declare that this document revokes any and all former wills and codicils that I may have previously written.

I bear witness that there is none worthy of worship except Allah (God), and I bear witness that Prophet Muhammad (pbuh), is His servant and Messenger. I ask my relatives, friends and anyone reading this will, whether or not they believe as I do, to respect my beliefs and wishes. Please do not obstruct or alter this document. Rather, ensure that I am buried as I ask, and that my property is divided as I ask.

I also say to my relatives and friends what the prophets Ibrahim and Ya'cob (Peace be upon them) said to their sons: "O my sons, indeed God has chosen for you this religion, so do not die except while you are Muslims." (Surat-ul-Bagarah, 2:132).

Distribution of Inheritance According to the Quran

Allah (SWT) says in the Quran in Surah An-Nisaa: verses 7-14

For men is a share of what parents and close relatives leave, and for women is a share of what the

- ^{7.} parents and close relatives leave, be it little or much an obligatory share.
- ^{8.} And when [other] relatives and orphans and the needy are present at the [time of] division, then

provide for them [something] out of it [i.e., the estate] and speak to them words of appropriate kindness.

9. And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak

offspring behind and feared for them. So, let them fear Allah and speak words of appropriate kindness.

- ^{10.} Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e. Hellfire].
- ^{11.} Allah instructs you concerning your children [i.e. their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. (Literally, "that which is left."). And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children, and the parents [alone] inherit for him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, (Although the siblings themselves do not inherit in this case.) after any bequest he [may have] made or debt. Your parents or your children you know not which of them, are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.
- ^{12.} And for you is half of what your wives leave if they have no child. But if they have a child, for you is one

fourth of what they leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one is a sixth. But if they are more than two, they share a third, (these shares are divided equally between males and females), after any bequest which was made or debt,

Date: -----

Initials: -----

as long as there is no detriment [caused]. (This is a condition for any bequest. If it has been violated by the deceased, his bequest is not to be honored, or it may be adjusted by the executor). [This is] an ordinance from Allah, and Allah is knowing and Forbearing.

- 13 These are the limits of Allah, and whosoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.
- 14 And whosoever disobeys Allah and His Messenger and transgresses His limits He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.

ARTICLE II: MY IMMEDIATE FAMILY

A. I am married to ______ and all references in this Will to my husband/wife (s) are

references to this person.

B. I am the father/mother of the following children whose names and dates of birth are:

1	_2
3	_4
5	_6

ARTICLE III: EXECUTOR/PERSONAL REPRESENTATIVE

A. I hereby appoint the person named below to serve as the executor/personal representative of my estate. I thereby entrust control of my entire estate (cash, bank accounts, real property, shares in any business, and any other property not mentioned in this Will), to the person named below, who shall distribute it according to my wishes and Islamic law.

_____, or, if he/she fails to survive me or declines to serve, then

_____, if he/she fails to survive me or declines to serve, the Imam of the local Sunni Muslim community.

B. I direct that my executor takes all actions legally permissible to execute the distribution of my estate as simply and as expeditiously as possible.

C. I give my executor power, if needed for the purpose of the execution of this will to sell my property, real, personal or mixed, without a court order and without bond.

D. I give my executor power to settle any claim for or against my estate, or myself in prison.

ARTICLE IV: ARBITRATION

Any disputes regarding this Will shall be adjudicated via private, binding Arbitration by a neutral Arbitrator. I hereby appoint

_____ to serve as the Arbitrator. If he/she/it is unable or unwilling to serve as

Arbitrator, I direct that

be appointed. The Arbitrator shall use his/her/its judgment and knowledge to resolve any and all disputes regarding this Will while adhering strictly to the directions contained therein as well as Islamic law. The judgment of the Arbitrator shall be final and legally enforceable, no matter whether the disputing parties consider his/her/its judgment imperfect. The Arbitration will occur in the Denver Metropolitan Area according to rules and laws set forth herein and/or adopted by the Arbiter.

ARTICLE V: BURIAL ARRANGEMENTS

I ordain that my body be prepared for burial in keeping with the Sunni Muslim Law (Shariah). I ask that under no circumstances shall my body be voluntarily turned over for an autopsy, or embalming, or organ donation. My body must be prepared for burial, and buried, according to the Shariah.

Absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body, or at the grave site. No p i c t u r e s, symbols, or music should be involved at any stage of my burial.

My body may not be transported over any unreasonable distance from the locality of my death unless necessitated by the circumstances or consensus of my Muslim family members. My grave should face in the direction of the Ka'aba in Makkah, Saudi Arabia. My body must be buried without casket or any other encasement that separates the shroud from the surrounding soil. My grave must be covered with dirt only. My burial must take place as soon as possible, preferably before sunset on the day of my death or the following day.

ARTICLE VI: CUSTODY OF MINOR CHILDREN AND GUARDIAN

Date: -----

Initials: -----

If, at my death, any of my children are minors, I recomm	nend thatmy Spouse	be appointed
guardian of my minor children, provided he/she is a Musli	im. If he/she is unable or unwilling to serve	as personal
guardian, I recommend that	_be appointed guardian of my minor childr	en. If he/she is
unable or unwilling to serve as personal guardian, I recor	mmend that	be
appointed guardian of my minor children. If he/she is unab	ble or unwilling to serve as personal guardia	n, I recommend
that		

_ be appointed guardian of my minor children.

In all cases, I urge that all my minor children be raised as practicing Sunni Muslims and not in any way be indoctrinated into any other faith, religion, or sect of Islam. I direct that no bond be required of any personal guardian. Any property or other inheritance that this Will gives to any of my minor children shall be administered in trust by their guardian in their best interest.

ARTICLE VII: DEBTS AND EXPENSES

I direct my executor:

A. Return to the rightful owners all trust and property that they placed in my care as Amanah i.e. without any in debtness to me.

B. To first, apply the assets of my estate to the payment of all my legal debts, including such expenses incurred by my illness and burial as well as the expenses of the administration of my estate.

C. To pay any outstanding "obligation due upon me by to God" binding on me, including unpaid zakat, kaffaraat (Missed obligation fasting) of unperformed pilgrimage (Hajj),etc.

ARTICLE VIII: BEQUESTS

I direct my executor to pay the following amount from (after settling A, B & C above) any remainder of my estate to the people or groups listed below. The following entities are not already guaranteed a portion of my estate, and the total must not exceed 33 percent (one third) of the remainder of my estate.

1		tal remainder	2.	% of
the total remainder				
3	% of the to	otal remainder	TOTA	٩L
DEOUESTS (month is the	(1	0/-f(1-(-+))		

% of the total remainder

ARTICLE IX: DISTRIBUTION OF THE REMAINDER OF MYESTATE

1. Distribute the residue and remainder of my estate strictly in accordance with the tenets of Sunni Muslim law of inheritance.

2. In case of any difficulty or disputes in distributing my estate according to this Will, the matter should be referred to the previously declared Arbitrator.

3. The residue and remainder of my estate after the execution of Articles I to VII and Article VIII sections 1 to 6 above be donated to the following person/s or organization/s for the advancement of Islam.

4. Any portion of my estate disclaimed or refused to be received by any of the legatee's names or referred to in this document be donated to the following person/s or organization/s for the advancement of Islam.

ARTICLE X: SEPARABILITY

If any part of this will is determined invalid by a court, the other parts shall remain valid and enforceable.

ARTICLE XI: DEFINITION AND ADMINISTRATIVE PROVISIONS

5.01 DEFINITIONS: Except as otherwise provided in my Will, the definitions of terms in my Will shall be as defined in the Probate Laws of the state of my domicile in effect at my death.

5.02 PREDECEASED BENEFICIARY: If any beneficiary under this Will shall die within two hundred forty (240) hours after my death or under such circumstances that there is no sufficient evidence that such beneficiary survived me by at least two hundred forty (240) hours, I direct that such beneficiary shall be deemed to have predeceased me and not to have survived me and the provisions of this my Will shall take effect accordingly.

5.03 BENEFICIARY UNDER DISABILITY: If under the provisions of this my Will any payment or distribution shall become due to a beneficiary who is under the age of eighteen (18) years or whose ability to manage his or her property or business affairs is, in the sole judgment of my Personal Representative, materially impaired due to illness or other cause, my Personal Representative shall nevertheless have full discretionary power to make such payment or distribution directly to such beneficiary or to his or her guardian, conservator, custodian under the Gifts to Minors laws of the state of my domicile or other legal representative or to any other person selected by my Personal Representative for the benefit of such beneficiary and the receipt by any of the above specified persons to whom such distribution is made shall be a full, complete and valid receipt for such distribution. My Personal Representative may conclusively presume any beneficiary's ability to manage his or her property or business affairs to be materially impaired if so advised by a physician having personal knowledge of his or her condition.

5.04 ISSUE: The issue of a person means all his lineal descendants of all generations with the relationship of parent and child at each generation being determined by the definition of child and parent contained in the Probate laws of the state of my domicile at the date of my death.

5.06 BY REPRESENTATION: Whenever a distribution to issue by representation is called for by this Will the assets shall be divided into as many shares as there are then living issue in the nearest degree of kinship and then deceased issue in the same degree who left then living issue, each then living issue in the nearest degree receiving one share and the share of each then deceased issue in the same degree being divided among his issue in the same manner.

5.07 SIMULTANEOUS DEATHS: If it cannot be determined if my spouse survived me, this Will shall be administered as if my spouse had survived.

5.08 NO BOND: I direct that no Personal Representative or any successor shall be required to give any bond in any jurisdiction and that, if notwithstanding this direction any bond is required by any law, statute or rule of court, no sureties be required.

5.09 COMPENSATION: Any fiduciary under this Will shall be entitled to reasonable compensation and to reimbursement for expenses.

5.10 POWER OF PERSONAL REPRESENTATIVE: In administering my Estate my Personal Representative may exercise the following powers: to hold, retain, invest, reinvest and manage without diversification as to kind, amount or risk of nonproductivity in realty or personalty and without limitation by statute or rule of law; to retain independent investment advisors and consultants; to conduct banking activities and to sign checks on behalf of my Estate or Trust; to delegate to others the authority to conduct banking activities and to sign checks on behalf of my Estate or Trust; to delegate to others (such as a financial advisor) the authority to give trading instructions with respect to the Estate's or Trust's brokerage accounts; to maintain Margin accounts; to trade in all types of options; to partition, sell, exchange, grant, convey, deliver, assign, transfer, lease, option, mortgage, pledge, abandon, borrow, loan, contract, distribute or allocate in cash or kind or partly in each at fair market value on the date of distribution or allocation and without requiring pro rata distribution or allocation of specific assets and without requiring pro rata allocation of the tax bases of such assets; hold in nominee form; continue businesses; carry out agreements; deal with itself, other fiduciaries and business organizations in which my Personal Representative may have an interest; effect transactions between any trusts created by me or between any trusts created by my estate; establish reserves; release powers; and abandon, settle or contest claims. In exercising discretion regarding distribution of assets with different income tax bases, my Personal Representative shall exercise such discretion in a manner which will not result in disallowance of any marital or charitable deduction otherwise allowable in determining the federal estate tax due in my estate and in the exercise of such discretion my Personal Representative shall be under no duty to make any compensatory adjustments as a consequence of any such distribution.

My Personal Representative, and any successor, shall have, in addition to their powers set forth above, and not by way of limitation thereof, all powers as set forth in any Fiduciary Powers Act or similar laws as prescribed in the statutes of the State of the situs of my estate, it being my intention to incorporate said powers, by reference thereto, the same effect as though such language were set forth verbatim in this instrument. aid powers shall be exercisable by my Personal Representative(s) without the necessity of obtaining a court order.

ARTICLE XII: CONCLUSION

This concludes my Last Will and Testament. "Then, whoever alters it [i.e. the bequest] after he has heard it - the sin is only upon those who have altered it." (Surah al-Baqarah 2:181).

I subscribe my name to this Will this day______of____, 202 at____am/pm and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am of age or otherwise legally empowered to make a Will, under no constraint or undue influence.

Signature, Date and Time:

WITNESSES

On this day,	date of	, the undersigned declared
to us that this instrume	ent was his/her Will and requested us to act as witnesses	to it. He/ She thereupon signed this Will in
our presence, all of us	being present at the same time. We now, at his/her reque	est, in his/her presence, and in the presence of
each other, subscribe	our names as witness and declare that we understand this	s to be his/her Last Will, and that, to the best
of our knowledge the	testator is of the age of majority, or is otherwise legally e	empowered to make a Will, and under no
constraint or undue in	fluence.	

Witness 1.	
Name and Signature	Date and Time

Witness 2. _____ Name and Signature

Date and Time

* OPTIONAL*

HEALTH CARE PROXY, LIVING WILL & NOTARIZATION

If the time comes when I am incapacitated and can no longer actively take part in decisions for my own life and I am unable to direct my physician as to my own	***OPTIONAL* **	
medical care, I wish this statement to stand as a testament of my wishes.	Subscribed and sworn to be	fore me this
<i>I</i> ,		day of_, Notary
hereby appoint the following individual as my health care agent/s.	Public	Signature & Seal
Name:		
Phone#		
Address:		
This health care proxy shall take effect if and when I become unable to make my own health care decisions. In respect of each decision made for me by my agent, it is my wish and direction that my agent be guided solely by Islamic Shariah as to what my own	In case of emergency, on numbers):	contact (include phone
cision would have been in the same circumstances. ithout		
limiting the unrestricted scope of my agent's authority		
hereunder, I expressly authorize my agent to direct that no treatment be conducted or withheld from me if to do so is against the teachings of Islam, to the best of understanding of my agent. I direct that medication be judiciously administered to me to alleviate pain. I do not intend any direct taking of my life. I also direct that "life support systems" may be used in a judicious manner and its use discontinued, just like any other medicine, if physicians, hospitals and other health care providers and any court or judge honor the	value. The "life support sys limited to artificial respira resuscitation, artificial mea hydration, and any pharma my family, all We hope this will benefit yo will to be legal in	tion, cardiopulmonary ans of providing nutrition and aceutical drugs. I direct that u and your family. For a
decision of my agent/alternate agent. This request is made, after careful reflection, while I am of sound mind.	most states, you have to be of sound mind. The will mu witnessed by two people w	ust be signed by you and who will not receive
Name:Signature:		nd/ or an attorney for legal
Witness 1.	advice. Please also feel free information with your fries	

Witness 2. _____ Name and Signature Pray for the people at The Islamic Bulletin who prepared the original form of this sample will, which was subsequently edited by the Islamic Community Center of Atlanta. Jazakum Allah Khairan (May God Reward You). If you have further questions, contact:

Colorado Muslims Community Center 15528 E. Hampden Cir, Aurora, CO.80013

* OPTIONAL*

DETAILED DISTRIBUTION OF MY ESTATE

I again direct executor of my Will to strictly adhere to the Islamic law governing the distribution of estate. I further direct that previously named Arbitrator______be consulted for interpretation of the Islamic Law governing estate distribution, prior to the distribution of estate applicable in this section. Should any of my heirs who are not Muslims at the time of execution of this Will, accept Islam prior to my death they shall become eligible heirs and receive inheritance according to the Islamic law. Adopted children and their heirs are not to be considered as my heirs in all of the distributions below.

It is preferred to contact the Islamic authority listed above, especially if the following condition exist:

- ${\bf v}$ If I am not survived by sons, daughters, grandsons, father and brother with same biological mother or father as mine
- v If all the applicable shares below amount to a total of more than one (100%)

The following is a summary of the Islamic law governing the distribution of estate; this is neither to be construed as being complete nor does it exclude all the other Islamic Law governing the distribution of estate.

SPOUSE

- **If the surviving spouse is** husband, **he is to be given from my estate:**
- One fourth (1/4), if I am survived by sons, daughters, grandsons or father
- One half (1/2), if none of the above survives me, but survived by brothers or sisters with same biological mother or father as mine
 - The full amount of the estate, if I'm not survived by son, grandson, daughter, father, mother, brother or sister.
 - **If the surviving spouse is** wife, **she is to be given from my estate:**

One eighth (1/8), if I am survived by sons, daughters, grandsons or father

One fourth (1/4), if none of the above survives me but survived by my mother or

brothers/sisters with same biological mother or father as mine. (This amount is to be shared equally if more than one wife).

The full amount, if I'm not survived by son, grandson, daughter, father, mother, brother or sister.

At the time of writing this Will, my spouse is ______whose date of birth is _______ and social security number is ______. contact info: ______.

FATHER

My father, if he survives me, is to be given from my estate as follow: One

sixth (1/6), if I am survived by sons or grandsons

One sixth (1/6) of the estate plus residual estate after distributing shares as per guidelines to surviving daughters, granddaughters, spouse, mother or grandmother

My father is ______ whose date of birthis _____ and the social security number is ______, contact info if alive: ______

MOTHER

Y My mother, if she survives me, is to be given from my estate as follow:

One sixth (1/6) of the estate, if I am survived by sons, daughters, grandsons, granddaughters', husband, father or brothers with same biological mother or father as mine.

One third (1/3) of the estate, if my wife or father survives me but none of the above survives me.

One third (1/3) of the estate, if none of the above survives me. The full

amount, if none of the above survives me.

My mother is ------ whose date of birth is / / and the social security

contact info if alive: number is -----

CHILDREN

 If at least one of my sons survives me, all <u>remaining</u> estate after executing Section A of Article V and Section B Item 1, 2 and 3 of Article V, is to be distributed among my children, with sons inheriting double the share of daughters.

- Υ If none of my sons survive me and one daughter survives me, she inherits one half (1/2) of the estate.
- Υ If none of my sons survive me, and more than one daughter survives me, two thirds (2/3) of my estate is distributed equally among them.

At the time of writing this Will, I have the following biological children:

1.	, who is my,, who is my	(son/daughter), whose date of birthis contact info:
2.	, who is my / /and the social security number is	(son/daughter), whose date of birthis contact info:
3.	, who is my / /and the social security number is	(son/daughter), whose date of birth is contact info:
4.	, who is my / /and the social security number is	(son/daughter), whose date of birth is contact info:

If additional children, attach a separate sheet with all the information and refer to the above section.

As used in writing this Will, the words "my children" shall mean the biological sons and daughters listed above, and any others hereafter born to me.

BROTHERS AND SISTERS (sharing my biological mother or father)

In presence of father or one or more of my sons or grandsons, the surviving brothers or sisters are not given any share.

In the presence of mother or daughter(s), only brother(s) from the same father will get share, which is remainder of my estate after executing Section A of Article V and Section B Item 1, 2, 3 and 4 of Article V, to be distributed equally among all my brothers from same father.

If I'm NOT survived by sons, daughters, grandsons, father or mother, remainder of my estate after executing Section A of Article V and Section B Item 1of Article V, is distributed in the following manner:

Υ Maternal Brothers and Sisters (from my mother but different father than mine) will each

receive one sixth (1/6) of my estate, will total of all this to not exceed one third (1/3) of the total estate.

 Υ Paternal Brothers and Sisters (from my father with same mother or different mother) will share

the remainder of the estate with brother inheriting double the share of sisters.

 Υ If no brother survives me and if one sister survives she gets half (1/2) and if more than one sister survive then the remainder is to be equally divided.

At the time of writing this Will, I have the following siblings from my biological father and/or

mother (Paternal: from same father, Maternal: if from same mother but different father):

1.	1, who is my(paternal/maternal)	
	(brother/sister), whose date of birth is/ /and the social	security number is
2.	2, who is my(paternal/maternal)	
	(brother/sister), whose date of birth is / / and the social	l securitynumber is
	contact info:	
3.	3, who is my(paternal/maternal)	
	(brother/sister), whose date of birth is/ /and the social	security number is
	contact info:	

If additional siblings, attach a separate sheet with all the information and refer to the above section.

Remainder from the all of the above percentage-based calculation. if any. shall be applied to the closest male heir(s) or distributed between heir(s) in proportion to their shares listed in the sections above.

In the case, that any of my heirs, pre-decease me or is ineligible for inheritance, I direct that their share be distributed among the eligible heirs in proportion to their shares listed in the instructions in this section above. In the case that all of my heir's pre-decease me or become ineligible, I direct that the remainder of my estate, after executing Article III and Section A of Article V, be distributed to the following individuals and/or organizations:

1	, whose address is	, a amount equal to
	percent (<u>%</u>) of my remaining estate.	
2	, whose address is	, a amount equal to
]	percent (%)of my remaining estate.	