

# LAST WILL AND TESTAMENT

LAST WILL AND TESTAMENT OF

\_\_\_\_\_  
[Name of Testator]

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**THE STATE OF** \_\_\_\_\_ **COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_,

Social Security # \_\_\_\_\_ Driving License or I.D. # \_\_\_\_\_,

a resident of \_\_\_\_\_,

County of \_\_\_\_\_, State of \_\_\_\_\_, above the age of 18 years, hereby declare this instrument to be my Last Will and Testament, hereby revoking all wills made by me before this date.

## Preamble

I bear witness that there is no deity worthy of worship besides Allah, the One, the Merciful, Almighty God—Creator of the Heavens and the Earth and all therein—God of Ibrahim (Abraham), Musa (Moses), Isa (Jesus), Muhammad and all the other Prophets, may peace be upon them all; and I bear witness that Muhammad, peace be upon him, is His servant and His Rasool and is the last of the chain of the Prophets.

This is my counsel to my relatives and friends, my Muslim brothers and sisters, and all those who remain after me: that they should strive to be true Muslims. They should worship Allah alone as He should be worshipped and fear Him as He should be feared in conducting their affairs. They should love Him and His Prophet Muhammad, peace be upon him, with a complete love. Let them obey Him and hold fast to His Shari’ah. Let them spread and firmly establish His Deen of Al-Islam, and let them die only in a state of complete submission to His will as a Muslim.

Finally, I ask all my relatives, friends, and all others—whether they choose to believe as I believe or not—to honor my Constitutional Rights to those beliefs. I ask to honor this document which I have made, and not to 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**

I ordain that no autopsy or embalment 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, pray Salat-ul Janaza and then buried, which should be done by Muslims in compliance with the Religion of Al-Islam.

**A.** I hereby nominate and appoint \_\_\_\_\_

Social Security # \_\_\_\_\_ Driving License or I.D. # \_\_\_\_\_ to execute these and other necessary provisions for my proper Islamic funeral and burial. In the event that he/she is unwilling or unable to execute my burial wishes,

I nominate and appoint \_\_\_\_\_

Social Security # \_\_\_\_\_ Driving License or I.D. # \_\_\_\_\_ to execute these provisions. And in the event that both of them are unwilling to execute, I nominate and appoint the local Muslim community in the area where I died to execute these provisions of funeral and burial.

**B.** I ordain that absolutely no non-Islamic religious services shall be conducted upon my death, or on my body.

**C.** I ordain that my body shall 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 expensive type possible.

**D.** I ordain that my grave be level with the ground or slightly mounded. The marking should be simple and inexpensive to indicate the presence of my grave.

**Article II**  
**Debts and Expenses**

**A.** I direct that all trust properties shall be returned to the rightful owners. I further direct that my executor hereinafter named first apply the assets of my estate to the payment of all my legal debts—including such expenses incurred by my last illness and burial as well as the expenses of the administration of my estate. I direct stated executor to pay any outstanding “obligations to Allah” (Huquq-Allah) which are binding on me including unpaid Zakah, Kaffarat or unperformed Hajj.

**B.** 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.

**Article III**

**Distribution of Remainder of My Estate**

**A.** I direct and bequeath that all the remainder of my estate after the execution of Articles II be distributed to my following heirs, provided these heirs survive me, as follows:

Name	Relationship	Specific or General Bequest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**B.** Should I die as a result of murder, I direct that the adjudged murderer, principal, or accessory in the murder, shall be disqualified to receive any part or share of my estate.

**C.** I direct that any fetus conceived before my death, whose relationship to me qualifies it to be an heir according to this Article shall be considered an heir if the fetus is born alive within a maximum of 275 days of my death. I further direct that whenever there exists a fetus who may become an heir according to this section, the whole distribution of the residue and remainder of my estate after the execution of Articles II and III, shall be delayed until after the birth of the fetus, and distribution of the remainder of my estate be adjusted in accordance with Exhibit "A" attached herewith.

**D.** I direct and ordain that any bequest that lapse due to the fact that a legatee predeceased me or any bequest that is disclaimed or refused by any of the legatees named or referred to in this Last Will and Testament shall be given to either Islamic Directions and Enhancement Associations DBA Garland Makkah Masjid, 3301 West Buckingham Road, Garland, Texas 75042 Tel: 972-675-4000 or the following other individual or entity:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

**Article VI**

**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.

**Article V**

**Executor and Guardian**

I hereby nominate and appoint \_\_\_\_\_

Social Security # \_\_\_\_\_ Driving License or I.D. # \_\_\_\_\_ to be the executor of this, my Last Will and Testament.

In the event that he/she is unwilling or unable to act as executor, I nominate and

appoint \_\_\_\_\_

Social Security # \_\_\_\_\_ Driving License or I.D. # \_\_\_\_\_ to be the executor of my Will.

I give my executor herein named power to settle any claim for or against my estate. If need arises I give my executor the power to sell any property, real, personal or mixed, in which I have an interest, without court order and without bond. I direct that no bond or surety for any bond be required from my executor in the performance of his/her duties.

If my spouse \_\_\_\_\_ should not survive me,

I appoint \_\_\_\_\_

Social Security # \_\_\_\_\_ Driving License or I.D. # \_\_\_\_\_ as guardian, if a guardian be necessary during the minority or other disability of any of my child, and I direct that no bond shall ever be required of any such guardian.

SIGNED at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in the presence of the undersigned witnesses who have attested this instrument at my request.

**Self-Proving Affidavit**

Testator \_\_\_\_\_

The above instrument is published this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_,  
as the Last Will and Testament and signed by \_\_\_\_\_, the  
testator, in our presences, and we in the presence of one another, sign our names.

Witness #1 \_\_\_\_\_  
Name Signature

Witness #2 \_\_\_\_\_  
Name Signature

Before me on this day personally appeared whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, the said testator, declared to me and the said witnesses in my presence that said instrument is his/her Last Will and Testament, and that he/she had willingly made and executed it as his/her free act and deed for the purposes therein expressed; and the said witnesses, each on their oath stated to me in the presence and hearing of said testator, that the said testator had declared to them that the said instrument is his/her Last Will and Testament, and that he/she executed the same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said testator and at his/her request; that he/she was at the time eighteen years of age or over (or, being under such age, was or had been lawfully married, or was then a member of the armed forces of the United States or of an auxiliary thereof or of the maritime Service) and was of sound mind; and that each of said witnesses was then at least fourteen years of age.

Subscribed and sworn to before me by the said \_\_\_\_\_, testator, and by the said \_\_\_\_\_ and \_\_\_\_\_, witnesses,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

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**Exhibit 'A'**  
**THE ISLAMIC LAW OF INHERITANCE**  
*Allah's Commandment in the Holy Qur'an*

*In the name of Allah, the Compassionate, the Merciful.*

“For every parent and relative We have appointed the rightful heirs to inherit what they leave. As for those with whom you have made firm agreements, give them their share. Surely Allah is a Witness to everything.”  
4:[33]

“Allah commands you concerning your children: that the share of a boy shall be twice that of a girl. In case where there are more than two girls, their share will be two thirds of the estate; but if there is only one girl, her share will be one half of the estate. If the deceased left children, each of the parents shall get one sixth of the estate; but if the deceased left brothers and sisters, then the mother will get one-sixth. (The distribution in all cases shall be) after fulfilling the terms of the Will and the payment of Debts. With regards to your parents and children, you do not know who is more beneficial to you, therefore, Allah issued this ordinance. Indeed Allah is the Knowledgeable, Wise. You shall inherit one-half of your wives estate if they leave no child, but if they leave a child then you will get one-fourth of their estate; after fulfilling the terms of their Will and the payment of Debts. Your wives shall inherit one-fourth if you leave no child; but if you leave a child then they shall get one-eighth of your estate; after fulfilling the terms of your Will and the payment of Debts. If a man or a woman leave neither ascendant nor descendants but has left a brother or a sister, they shall each inherit one-sixth but if they are more than two they shall share one-third of the estate; after fulfilling the terms of the Will and the payment of debts; without prejudice to the rights of their heirs. Thus is the commandment of Allah. Allah is the Knowledgeable, Forbearing.”  
4:[11-12]

“They ask you for a legal decision (relating to inheritance in the case of a childless person.) Say: Allah gives you His decision about those who leave no descendants or ascendant as heirs. If a man dies childless and leaves behind a sister, she shall inherit one-half of his estate. If a woman dies childless, her brother will inherit all of her estate. If the childless person leave behind two sisters, they both shall inherit two-thirds of his estate, but if he leaves more than two brothers and sisters, he share of each male shall be equal to that of two females. Thus Allah makes His commandments clear to you lest you go astray. Allah has perfect knowledge of everything.”  
4:[176]

*This document is made in three copies, all the same and all original,  
one copy is with me, one is deposited with*

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*and one with the Executor*