

Last Will And Testament

Full Name: _____

Address: _____

Virtues of Making a Will

Hadhrat Abdullah bin Umar (Radiyallahu anhu) reports that Rasulallah [*sallallahu alayhi wa sallam*] said, "It is not permissible for any Muslim, who has something to bequeath, to stay for two nights without having his last will and testament written and kept ready with him. (Mishkaat). Hadhrat Ibn Umar (*Radiyallahu anhu*) says, "After hearing this from Rasulallah [*sallallahu alayhi wa sallam*], I did not allow even one night to pass by me except that I had my wasiyyah written down."

Purpose of Making a Will

In Islam, a will is not made to distribute shares to whom one desires as Allah Ta'ala has already given every rightful person his dutiful share. All those who are going to inherit, and how much, is already defined by Allah Ta'ala. However, the purpose of a will is to leave the world in such a manner that no matters pertaining to yourself remain unresolved after your demise. It is thus important to clarify all one's matters in a will so that the survivors of the deceased are not left in any doubt as to what should be done with the affairs of the deceased.

Last Will and Testament of

I, _____ the undersigned, hereby declare that this is my **Last Will and Testament**.

Passport/I.D No:

1. I revoke, cancel and annul all previous wills made or executed by me at any time before.
2. I hereby nominate, constitute and appoint as the executors of my will and administrators of my estate, the following three persons:
 - a. _____
 - b. _____
 - c. _____

In the event of any one or more of my said executors or administrators predeceasing me, or dying during his term of office or declining to act, then the remaining or surviving executors shall be authorised to act alone.

Furthermore, in the event of all such executors or administrators predeceasing me or dying during his term of office or declining to act, then I declare that the Islamic judicial body mentioned in Clause 9 shall be authorised to appoint one or more executors or administrators.

3. I hereby grant to the executors of my estate all such powers as allowed by law and acceptable in Shari'ah, especially the power of assumption.
4. I hereby direct that it shall not be necessary for my said executors and administrators, or any one of them in the event of the predecease of the others, to lodge security with the Master of the Supreme Court for the due performance of their duties.
5. I hereby direct that the executors and administrators of my estate proceed with the distribution of my estate in the following order of priority as commanded by the Islamic Law of Succession.
 - a. Payment of my funeral expenses.
 - b. Payment of all my debts.
 - c. Payment of my wasiyyah (Islamic Bequest), which is set out in Clause 6 and 7.
 - d. Distribution of the residue of my estate to my Islamic heirs in accordance with the Islamic Law of Succession.

6. My said executors and administrators shall endeavour to ascertain what amount, if any, is due by me in respect of my religious liabilities and obligations in accordance with the tenets of the Islamic faith until the date of my death, and for the guidance of my executors and administrators, I hereby declare that at present my liabilities in this respect are as follows:

Items	New Zealand Dollar
Unpaid Zakaat (Annual Rate)	
Unfulfilled Kaffarah	
Unaccomplished Hajj (Pilgrimage to Makkah)	
Undischarged Amannat, (Trusts) etc	
Unkept Sawm (Fast)	
Undischarged Qurbaani or any other Waajib	
Unperformed Salaah Prayers	
Other	

As Witnesses

Witness 1. _____ (signature)

Witness 2. _____ (signature)

Testator

Name: _____

Signature: _____

Accordingly, I hereby direct and make wasiyyah (Islamic Bequest) that such amounts shall be paid to such persons or institutions as my Executors and Administrators in their absolute discretion, shall determine to be entitled thereto according to the laws of Islam. The total amount payable under this clause shall not, however, exceed thirty-three and one third per cent of the nett value of my estate after the payment of all debts contracted by me during my life time, including funeral expenses.

7. In the event of any balance remaining out of the thirty-three and one third per cent of the nett value of my estate as mentioned in Clause 6 hereof, then I hereby make wasiyyah according to the laws of Islam and give and bequeath as free and absolute legacies, to the following charitable institutions or persons (who are non heirs) out of such balance as follows:-

8. I direct that in the event of any wasiyyah (Islamic Bequest) referred to in clause 7 above exceeding one-third of my estate, after payments of debts, then such wasiyyah (Islamic Bequest) shall decrease proportionately.

9. I hereby direct that a certificate issued by the _____

_____ (name of any Muslim Judicial Body or expert designated by it), shall be binding and conclusive as to the aforesaid Islamic Law and the distribution of my estate.

10. I hereby direct that any inheritance accruing to a minor child in terms hereof shall not be paid into the guardian's fund but shall be held in trust by my said administrators until the said minor attains the age of majority in which event my said administrators shall pay over to the said minor his/her share of inheritance. My said administrators shall be empowered to invest assets held in trust in such investments that are in accordance with Islamic Law. My administrators are authorized in their discretion to apply the income and in case of need a portion of the Capital of the Trust assets for the maintenance, education and general welfare of the beneficiary of the Trust provided that any such application of income is in accordance with the Islamic Law.

11. I direct that my estate shall be wound up as expeditiously as possible until the final approval of the liquidation and distribution account.

12. In the event of there being any dispute relating to the interpretation of this will, or the administration, liquidation or distribution of my estate or any other matter connected therewith or arising there from, or should any Wasiyyat (bequest) of mine conflict with Islamic Law, than the matter shall be referred to the Arbitration Board of the

_____ (name of any Muslim Judicial Body/Darul Ifta or expert designated by it) whose decision shall be final and conclusive.

This done and executed at _____ this _____ day of _____ corresponding with the Islamic date _____ in the presence of the subscribing witnesses, who signed in each other's presence, all being present at the same time.

Name: _____

Testator (signature)

As Witnesses

Witness 1. _____ (signature) Name: _____

Witness 2. _____ (signature) Name: _____

Prescribed advice to my children and family members

(Use this as a guideline to advise your heirs and family members. You may add or delete according to your circumstances.)

1. When the time of death approaches, read Surah Yaseen by my side or have it recited by someone. Read the kalimah in an audible tone around me. Ensure that no ghair mahrams are present.
2. After my death, make immediate arrangements for my ghusl and other burial rites. Do not delay in this and make sure no ghair mahram touches my body.
3. With regard to ghusl, kafn and burial, etc. adhere strictly to the sunnah of Rasulullah [sallallahu alayhi wa sallam].
4. Also ensure that nobody screams or cries aloud unnaturally. Do not utter any word that is against Shariah.
5. Do not transport my body unnecessarily to any place. Bury me in the area where I die, in a Muslim cemetery. **DO NOT DELAY** the Janaazah salaah in waiting for people from far off places.
6. If, by the grace of Allah Ta'ala, I die on a Thursday night or Friday morning, bury me before the Jumu'ah Salaah if possible.
7. Have my Janaazah Salaah performed by a pious righteous one who strictly follows the dictates of Shariah. Bury me in accordance to the Sunnah. After burying me, stand by my graveside for a while and recite some Qur-aan.
8. Pay my kaffarah for my missed salaahs, fasting, etc. (refer to will.)
9. Continuously do good actions and convey the reward to me. At least, recite Surah al-Ikhlaas thrice everyday and convey the rewards to me.
10. The males of my family are requested to visit my grave regularly, at least once a week. Do not forget to continuously make du'a for me that Allah Ta'ala save me from the torments of the grave and the difficulties of the Hereafter.
11. Remember not to solidify my grave with bricks or tombstones, etc. Also, do not plant anything on my grave as this is not a sunnah.
12. Do not donate any organ or part of my body.

General Advice

1. My first advice to you is the advice Hadhrat Ibraaheem (alayhis salaam) and his son Ya'qoob (alayhis salaam) gave to their children, **“O My children, verily Allah Ta’ala has chosen for you The Deen, so make sure you die as Muslims.”**
2. Never cause harm to any of Allah Ta’ala’s creations.
3. Lead your lives strictly in accordance to Shariah. Do not do any act that will invite the wrath and anger of Allah Ta’ala. Refrain from deviated beliefs and practices.
4. Be regular with your salaah, recitation of Qur-aan, Zikr, charity and all other good deeds.
5. Do not oppress anyone. Similarly, do not steal, cheat, deceive, commit fraudulent transactions or any other haraam activity.
6. Keep your heart clean of hatred, jealousy, malice and enmity.
7. Be content with what Allah Ta’ala has given you. Do not let greed overtake you.
8. Please keep the house free of a TV, video, portraits of animate objects, music and all other forbidden items.
9. Shun all evil customs prevalent in the society and family.
10. Always respect, honour and show love to the Ulama, students and propagators of Deen in particular, and all other people, in general.
11. Distribute the inheritance amongst yourselves as ordained by Allah Ta’ala in the Qur-aan. Seek advice from the Ulama in this matter.
12. If you ever are in difficulty or experience any problem, first turn to Allah Ta’ala by performing Salaatul Haajah. Learn to draw from the treasures of Allah Ta’ala.
13. Do not do anything which would bring the name of Islam or the family to disrepute.
14. Always seek Islamic knowledge, adopt the company of the pious, enjoy good and forbid evil.
15. Make sure that you nurture your children in accordance with Islamic values and principles. If possible, encourage them to become Huffaaz and Ulama of the Qur-aan.
16. Always spend time making lots of du'a.
17. Live on Islam and die on Islam.
18. Look after the needs of the women in the family.
19. Make the spread of Deen the object of your lives.

This is my advice to you. I have fulfilled my duty and hope that you too will fulfil yours by adhering to this advice.

DARUL ULOOM ARABIA ISLAMIA N.Z-DARUL IFTA DEPARTMENT



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