



My Right to Janazah

The Islamic Will

Testator: _____

Spouse: _____

Executor of the Will:

Publicizing this will is not an endorsement of any association or any group, nor is it meant to solicit any commercial benefits.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

I introduce my

LAST WILL AND TESTAMENT

OF _____

SS# _____

ARTICLE 1: PREAMBLE

All praise is for Allah (subhaanahu wa ta'aalaa, the One free of all imperfection, the most High) the creator of the heavens. I praise Him; I seek His help and His forgiveness. I believe in Him and put my trust entirely in Him. I seek refuge with Allah (subhaanahu wa ta'aalaa) from the evils of myself and my deeds. Whom Allah (subhaanahu wa ta'aalaa) guides no one can mislead, and whom Allah (subhaanahu wa ta'aalaa) misleads no one can guide. I testify that there is no true deity except Allah, He is One and has no partners, and I further testify that Muhammed (peace and blessings of Allah be upon him) is Allah's slave, final and Last Prophet and Messenger.

I, _____, a Muslim, presently resident of _____

_____, being of sound mind and memory declare the following is my will wasiyyah). I do hereby revoke any and all former wills and codicils that I have previously made.

I ask all my relatives, friends, and others, whether they be Muslims or non-Muslims, to honor my right to be a Muslim. I ask them to honor the spirit and letter of this document and not to try to obstruct or change it in any way. Let them see to it that I am buried as a Muslim should be, and my properties are divided, as I wanted them to be divided according to the Sunni (Orthodox) Muslim laws of inheritance.

I ordain that under no circumstances should the contents of this will be changed voluntarily.

ARTICLE II: MY IMMEDIATE FAMILY

If single, not married then mark here

1. I am married to _____ and all references in this will to my husband/wife are to him/her.

2. 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 AND BENEFICIARY

1. I hereby give all my 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 act also as an executor to serve without bond, to distribute it according to Sunni (Orthodox) Muslim Shariah.
2. My husband/wife _____, or, if he/she fails to survive me by 45 days,
3. _____, or, if he/she fails to survive me by 45 days,
4. _____, or, if he/she fails to survive me by 45 days,
5. _____, or, if he/she fails to survive me by 45 days,
6. The Imam of the local Sunni (Orthodox) Muslim community.
7. I ordain that the executor of this will be a Muslim.
8. I direct that the executor take all actions legally permissible to have the probate of my estate done as simply and as expeditiously as possible.
9. I give my executor named above power to sell any property, real, personal or mixed, in which I have interest, without a court order and without bond.
10. I give my executor power to settle any claim for or against my estate.

ARTICLE IV: BURIAL ARRANGEMENTS

I ordain that:

1. My body be prepared for burial in keeping with the Sunni (Orthodox) Muslim Law (Shariah),
2. Under no circumstances, my body be voluntarily turned over for an autopsy or embalming or for organ donation.
3. My body be prepared for burial by Sunni (Orthodox) Muslims according to the dictate of Shariah (Sunni Islamic Law). Once the body is prepared for burial there is to be no viewing of my remains.
4. Absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body or at the grave site. No pictures, crescents and stars, decorations, crosses, flags, flowers, plants, any symbols or music be involved at any stage of my burial.
5. My body may not be transported over any unreasonable distance from the locality of death unless necessitated by the circumstances or consensus of my Muslim family members.
6. My grave be dug in complete accordance with the Islamic practice. It should face in the direction of the Qiblah (towards the Ka'aba at Makkah, Saudi Arabia).
7. My body be buried without casket or any other encasement that separates the shroud from the surrounding soil.
8. My grave be covered with dirt only. The marking, if necessary, should be a simple rock. There should be no inscriptions or symbols.

9. My burial should take place as soon as possible, preferable before sunset on the day of my death or the following day. Under no circumstances should the burial be unduly delayed.

10. In the event that the local laws require casket encasement, I command that such encasement be of the simplest, most modest, and least expensive type possible and I furthermore command that the encasement be left open during burial and filled with dirt unless prohibited by law. No one is permitted to cry out, moan or wail. I demand that such a person leave the burial site. Only what comes from the eye is acceptable (tears). Muslims should say a dua for me “(that Allah bestows firmness upon me when they bury me and put the dirt into my grave)”. No recitation of the Qur’an is to be permitted over my grave. Nor any congregational “dua” or any type of “Bidaa” should be permitted.

ARTICLE V: EXECUTOR AND GUARDIAN

I hereby nominate and appoint
presently residing at
City of Country of

to be the executor of this, my Last Will and Testament. In the event that he/she will be unwilling and unable to act as an executor,

I hereby nominate and appoint
presently residing at
City of Country of

to be executor of this, my Last Will and Testament.

I give my executor 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, without court order and without bond. I direct no bond or surety for any bond be required for my executor in the performance of his/her duties.

I hereby nominate and appoint
presently residing at
City of Country of

to be the guardian of the persons and estates of such of my children who shall be minors at and after my death, during their minority, so long as said guardian remains a Muslim of sound mind and judgment. In the event he/she shall be unwilling or unable to act as a guardian,

I hereby nominate and appoint
presently residing at
City of Country of

to be the guardian.

**ARTICLE VI: PERSONAL
REPRESENTATIVE/EXECUTOR AND GUARDIAN**

I hereby nominate and appoint
presently residing at
City of Country of

as my PERSONAL REPRESENTATIVE and EXECUTOR to execute this my last Will and Testament. In the event he/she shall be unwilling or unable to be my PERSONAL REPRESENTATIVE and EXECUTOR, I nominate and appoint

to be my successor PERSONAL REPRESENTATIVE and EXECUTOR, and in the event she/he shall be unwilling or unable, I nominate and appoint

to be my successor PERSONAL REPRESENTATIVE and EXECUTOR, and in the event she/he shall be unwilling or unable, I nominate and appoint the **PRESIDENT OF THE LOCAL MUSLIM COMMUNITY, CENTRE, ASSOCIATION OR MOSQUE** that is closest to my normal residence at the time of my death to be my PERSONAL REPRESENTATIVE and EXECUTOR.

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.

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 shall be minor at and after my death, during their minority.

ARTICLE VII: DEBTS AND EXPENSES

1. I direct that my executor apply first, 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 expense of administration of my estate. I direct the said executor to pay any “obligations to Allah” (Huquq Allah) which are binding on me under the belief of Islam including any unpaid zakah, kaffarah or unperformed pilgrimage (Hajj).

2. I direct all inheritance, estate and succession taxes (including interest and other 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. 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 additional proceedings that may be necessary in another state or country)', and I hereby authorize and empower my PERSONAL REPRESENTATIVE/EXECUTOR,

ARTICLE VIII: CHARITABLE CONTRIBUTIONS AND TESTAMENTARY TRANSFER

I direct my executor to pay the following contributions and transfers, not to exceed one third of the remainder of my estate after making provision for payments of my obligations mentioned in Article III, to the named persons and organizations:

Name of Person/Organization	Percent of my estate after Execution of Article II
Total	

ARTICLE IX: DISTRIBUTION OF REMAINDER OF MY ESTATE

I direct, devise, and bequeath all the residue and remainder of my estate after making provision for payment of my obligations and distributions provided in Article VII and Article VIII, only to my Muslim heirs whose relation 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:

MAWARITH (Inheritance)
(THE ISLAMIC DISTRIBUTION OF THE ESTATE)

1. Should I die as a result of murder, I direct that the adjured murderer, principal or accessory in the murder, shall be disqualified to receive any part of my estate.
2. I direct and devise that any fetus, conceived before death, whose relationship to me qualifies it to be an heir according to this Article, shall be considered as an heir if the following condition is fulfilled: the fetus should be born alive within 365 days of my death. I further direct and devise 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 VII and VIII, shall be delayed until after the birth of the fetus.
3. I direct, devise, and bequeath all the residue and remainder of my estate of every nature and kind and wherever situated after making provisions for payments of my obligations and distribution of my estate as provided in Articles VII and VIII.

HEALTH CARE PROXY AND LIVING WILL

If the time comes when I am incapacitated to the point where I can no longer actively take part in decisions for my own life and am unable to direct my physician as to my own medical care, I wish this statement to stand as a testament of my wishes.

I,

Residing
at _____

Hereby appoint the following individual as my health care agent.

Name: _____

Phone No: _____

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 my agent's Islamic faith as to what my own decision would have been in the same circumstances. Without 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 it becomes reasonably apparent that it has no curative value. The "life support systems" include but are not limited to artificial respiration, cardiopulmonary resuscitation, artificial means of providing nutrition and hydration, and any pharmaceutical drugs.

I direct that my family, all physicians, hospitals and other health care providers and any court or judge honor the decision of my agent/alternate agent. This request is made, after careful reflection, while I am of sound mind.

Signature: _____

Dated: _____

I,, the testator, sign my name to this document on , / / 20..... I have taken an oath, administered by the officer whose signature and seal appear on this document, swearing that the statements in this document are true. I declare to that officer that this document is my will; that I sign it willingly or willingly direct another to sign for me; that I execute it as my voluntary act for the purposes expressed in this will; and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Notary Public

(Print name of Notary)

(Print address of Notary)
.....
.....