

Bismillah Rahman Raheem

In the name of Allah, Most Beneficent, Most Merciful

# **LAST WILL AND TESTAMENT**

**OF :** \_\_\_\_\_

(Insert your name)

**DATE :** \_\_\_\_\_

Islamic Form Prepared By \_\_\_\_\_

Last revision: Dec. 8, 2004-12-08

# LAST WILL AND TESTAMENT

## IMPORTANT NOTE

(From the Author)

Before you download the form of Last Will please read carefully these very important points:

1. While having a written Last Will is generally recommended in Shari'ah as indicated by the Prophet, peace be upon him, taking measures to assure that distribution of one's estate will be done in accordance with Shari'ah **becomes a Fardh (required)** for Muslims who live in countries ruled by non-Islamic laws of inheritance. Wasiyyah [Last Will] is one such measure.
2. This form has **unique features**:
  - a. Explicit will to conduct **corpus preparation, funeral and burial in accordance with Shari'ah** (Article I).
  - b. Appointment of **guardian for minors** in addition to the appointment of executor of the Last Will. A guardian for Muslim minors **Must be Muslim**, righteous, adult, female or male.
  - c. Explicit and clear instructions for **payment of debt and expenses** of funeral and burial, being a religious requirement before distribution of estate (Article III).
  - d. Mandate to the executor and courts to distribute the estate in accordance with the **Islamic Inheritance System** (Article V).
  - e. Opportunity **to donate for the Sake of God** though assigning certain part of the estate for charitable causes. One can also accommodate giving to persons who are not entitled to inherit such as an orphan raised as a foster child or a non-Muslim wife (Article IV). Total of transfers in Article IV must **not exceed 1/3** of the remainder of estate after debts and expenses.

**3. The schedule of Mawarith** [Inheritance] is constructed in a **comprehensive** way. Shares of heirs are defined in the schedule after including not only distribution to "Ashab al Furud" and "al 'Asabat", but also distributions arising from the issues of "Hajb", "Awl" and "Radd", so that it leaves minimum room for opinionated court judgments.

#### 4. Last Will and Living Trust:

Having a last will does not save the estate from probate. A probate court still has to ratify the Last will and permit transfer of ownership to heirs.

**Advantages of a last will:**

- 1) Distribution according to Shari'ah
- 2) Testamentary giving to charity and loved ones
- 3) Appointment of a Muslim guardian for Muslim minors
- 4) Advice for funeral and burial arrangements according to Shari'ah

#### **Disadvantages:**

- 1) 1) Loss of privacy
- 2) Challenge by any person
- 3) Probate fees and cost of litigation
- 4) Lengthy procedures

If one owns real estates, investment through brokerage houses, bank accounts, etc. one would be better off with other arrangements of estate planning such as **living trusts**, family corporations, family partnership, etc. If you opt for a living trust, see its form on this website and if you opt for other arrangements, remember to **incorporate the Shari'ah related sections of the Last Will, especially the Schedule of Mawarith.**

#### **5. Personalizing a Last Will:**

The length of the schedule of Mawarith makes the form of Last Will long! It can be reduced if one makes one's own schedule that fits one's own all potential sub-cases. The problem here is that if it is not done properly, personalization may turn the Last Will obsolete after any change in family situation. Continuous revision may become necessary. Still, there is room to summarize. **Consult with ISNA (IDF) or the author.**

#### **6. Case of children with grand children from deceased children:**

Some classical scholars and the late Shaikh Mustafa al Zarqa (died 1999) and Shaikh Ali al Tantawi (died 1999) suggested accommodating this case through what is called al Wasiyyah al Wajibah [obligatory last will]. Family Laws of several Muslim countries including Egypt, Syria, Iraq, Algeria, Jordan, etc. adopted this view. This principle is incorporated in the distribution in Article IV of this Last Will. I suggest accommodating this case, otherwise if you want to take the old classical view you need to delete this section from Article IV and delete lines (1.g) and (2.s) from cases 1 and 2 respectively.

#### **7. Case of more than one wife:**

Although I believe that the legal ban in America and other Western countries on marrying more than one wife is wrong and instead, I call for regulating plural marriage, in a way that is consistent with Shari'ah, I do not condone any violation of the law of the land.

But since there are a few Muslim men who have more than one wife without registering the second marriage or both marriages, I feel a need to protect the rights of unregistered wives in the estate. In such a case I suggest personalizing the Last Will and mentioning the names of the wives, registered or not, along with a statement that requires the distribution of any **share of a wife in the Schedule of Mawarith equally between the surviving wives.**

**8. Check with a specialized lawyer** in your state for state legal requirements. Certainly this Last Will form is **not** provided as a legal advice and both the author and ISNA disclaim giving any legal recommendation and bear no liability or responsibility with regard to any damage or harm resulting from any kind/form of use of this document.

**9.** Each person needs a separate Last Will and Testament. Each of the husband and wife will have to his/her own last will.

**10.** Notice that all sections and statements that are **highlighted yellow** are derived from the Shari'ah and must remain intact. Any change in these statements and sections must be referred to a Shari'ah expert. Your local lawyer may change/modify any and all non-highlighted statements. Also notice that because this form is meant to be used by male or female testators, phrases highlighted blue need to be modified according to the gender of the person referred to in the text.

In the name of Allah, Most Beneficent, Most Merciful

# LAST WILL AND TESTAMENT of

\_\_\_\_\_

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

presently residing at \_\_\_\_\_,

County of \_\_\_\_\_, State of \_\_\_\_\_,

being of sound mind and memory, do hereby revoke any and all former Wills and codicils made by me, and do make, ordain, publish, direct and declare this my last Will and Testament. At the time I signed this Last Will and Testament my family consists of:

name: \_\_\_\_\_ born: \_\_\_\_\_

relationship: \_\_\_\_\_

## **PREAMBLE**

I bear witness that there is no deity but Allah, the One, the Merciful, the Almighty, the only Creator of the heavens and the earth and all therein, God of Abraham, Moses, Jesus, Muhammad, and all the Prophets, mercy and peace be upon them all. He is One God and He has no partner. And I bear witness that the Prophet Muhammad is His Servant and His Messenger and the last of all the Prophets/messengers, May the mercy and peace from God be upon him. I bear witness that Allah is the Truth, that His promise is Truth, that the Meeting with Him is truth. I bear witness that the Paradise is truth, and that Hell is truth. I bear witness that the coming of the Day of Judgment is truth, there is no doubt about it, and that Allah, who is exalted above all deficiencies and imperfections, will surely resurrect the dead of all generations of mankind, first and last and those in between.

This is my counsel to my relatives and friends, my Muslim brothers and sisters, and all those who remain after me: that they strive to be true Muslims, that they submit to their Creator -- may He Be exalted -- and worship Him as He alone is to be worshipped, fear Him as He alone is to be feared, and love Him with a complete love that is rivalled by nothing besides Him, and love His Prophet Muhammad with a complete love that is rivalled by nothing besides him. Let them obey Him and hold fast to His *Shari'ah*. Let them spread and firmly establish His religion of Islam, and let them die only in a state of complete submission to His Will. I remind them that no man and no woman die before his/her time. The exact duration of each life span is precisely determined before we are born, by the All-Powerful Creator, may He be exalted.

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Death is tragic only for the one who lived out his/her life in self-deception without submitting to the Creator 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.

Maintain patience and self-composure as the religion of Islam requires. Islam permits female

relatives to mourn for no more than three days, although a widow s allowed to mourn for four lunar months and ten days or until her *Iddah* (period of waiting) is completed. Wailing and excessive lamentation is forbidden by the Creator, and it only reflects lack of understanding and dissatisfaction with the Will of the Creator, may He be exalted.

Finally, I ask all my relatives, friends and all others -- whether they choose to believe as I believed or not -- to honor my Constitutional Rights to these beliefs. I ask them to honor this document that I have made, 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 divided as I wanted them to be divided.

## ARTICLE I: FUNERAL AND BURIAL RITES

I ordain and direct that no autopsy or embalming 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, prayed for, then buried, which all should be done by Muslims in complete accordance with Islamic tenets.

a) I hereby nominate and appoint \_\_\_\_\_

Residing at: \_\_\_\_\_

to execute these and other necessary provisions for my Islamic funeral and burial. In the event he/she shall be unwilling or unable to execute, I nominate and appoint:

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

\_\_\_\_\_  
Residing at:

\_\_\_\_\_  
And in the event that he/she shall be unwilling or unable, I then nominate and appoint the president of the local Muslim community, mosque or Islamic association/organization in the community wherein I die, to execute these provisions of funeral and burial.

b) In the event of legal difficulties in the execution of this Article, I direct the above named person to seek counsel from the:

**Islamic Society of North America, Inc., Plainfield, Indiana, USA**

[Tel. (317) 839-8157]

c) I ordain and direct that absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body.

d) I ordain and direct that no pictures, crescents and stars, decorations, crosses, flags, any symbols - Islamic or otherwise - or music be involved at any stage of the process of conducting my burial or ever be placed at the site of my grave.

e) I ordain and direct that my body shall not be transported over any unreasonable distance from locality of my death, particularly when such transportation would necessitate embalming, unless when long distance transportation is required to reach the nearest Muslim cemetery, or any other cemetery selected by my Muslim family.

f) I ordain and direct that my grave be dug deep into the ground in complete accordance with the specifications of Islamic practice, that it faces the direction of Qiblah (direction of Makkah in Saudi Arabia, Muslims face in prayers).

g) I ordain and direct that my body shall be buried without a casket or any encasement that separates the wrapped body from the surrounding soil. In the event local laws require casket encasement I ordain that such encasement be of the simplest, the most modest, and the least expensive type possible. I further ordain that the encasement be left open during burial and filled with dirt unless prohibited by law.

h) I ordain and direct that my grave be levelled with ground or slightly mounded with no construction or permanent structure of any kind over it. The marking -if necessary should be a simple rock or a marker, merely to indicate the presence of the grave. There should be no inscriptions, or symbols on the said marking other than name and dates of birth and death.

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## ARTICLE II: EXECUTOR AND GUARDIAN

A) I hereby nominate and appoint

\_\_\_\_\_ ,

B) presently residing at:

\_\_\_\_\_ ,

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 executor,

C) I nominate and appoint \_\_\_\_\_, residing at:

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

And in the event that he/she is not able to act as executor,

D) I nominate and appoint \_\_\_\_\_, residing at:

E) \_\_\_\_\_ to be executor of this,  
my Last Will and Testament. And in the event that he/she will be unwilling and unable to act as executor,

F) I nominate and appoint: **The Islamic Society of North America Inc, of Indiana (ISNA)** or its successor to be the executor of this, my Last Will and Testament.

And in the event ISNA will be unwilling and unable to act as executor,

G) I nominate and appoint The **North American Islamic Trust of Indiana (NAIT)** or its successor to be executor of this, my Last Will and Testament.

H) 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) I hereby nominate and appoint \_\_\_\_\_; presently residing at: \_\_\_\_\_; 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, 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 nominate and appoint: \_\_\_\_\_, presently residing at: \_\_\_\_\_, to be the guardian.

And In the event he/she shall be unwilling or unable to act as a guardian, I nominate and appoint The **Islamic society of North America Inc** of Indiana or its successor to be the guardian.

J) The members of my family at present are the following:  
my spouse \_\_\_\_\_, of \_\_\_\_\_, city of \_\_\_\_\_, State of \_\_\_\_\_.

K) My children:

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name:

at:

date born:

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name:

at::

date born:

---

name:

at:

date born:

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name:

at:

date born:

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L) My parents:

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name: \_\_\_\_\_ date born: \_\_\_\_\_ at: \_\_\_\_\_

name: \_\_\_\_\_ date born: \_\_\_\_\_  
at: \_\_\_\_\_

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address: \_\_\_\_\_ city  
of \_\_\_\_\_, state of \_\_\_\_\_.

## ARTICLE III: DEBTS AND EXPENSES

a) 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 expenses of administrating my estate. I direct the said executor to pay any "obligations to Allah" (Huquq Allah) that are binding on me according to the tenets of Islam such as, but not limited to, any unpaid Zakah, Kaffarat or unperformed pilgrimage (Hajj).

b) 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.

## ARTICLE IV: CHARITABLE CONTRIBUTIONS AND TESTAMENTARY TRANSFER

### a) DISTRIBUTION TO GRAND CHILDREN FROM DECEASED CHILDREN

Should one or more of our children die before or simultaneously with the death of any one or both of us, we order and direct the Trustee to make the following distribution: If a deceased Grantor is survived by grandson(s) and/or granddaughter(s) whose father(s) or mother(s) is (are) deceased child(ren) of the deceased Grantor and these grandchildren do not qualify for any shares according to any of the cases No. 3-7 of the Schedule of Mawarith, we order and direct that each one of these grandchildren shall be given as a Wasiyyah (a will) from the remainder of the deceased Grantor's estate according to the following six-point rule (usually called: the rule of mandatory Wasiyyah):

1. The children of each deceased child must be given the share of their deceased mother/father should the latter be alive at the time of Grantor's death provided that the total of the shares of all such grandchildren plus all other contributions in Section (IV.a) of this Article VIII does not exceed one third of the remainder of the deceased Grantor's estate;

2. The presumed share of each deceased child of the grantor(s) shall be distributed to her/his children according to the rules stated in (1.a) of the Schedule of Mawarith mentioned in this Article IV and attached to this Living Trust as Exhibit B, provided that no grand daughter may take more than a daughter and no grand son may take more than a son. In applying this rule any excess or remainder in the presumed share of a deceased child of mine shall be distributed to other heirs according to the SCHEDULE OF MAWARITH.

3. If the amount mentioned in point number 1 exceeds the one-third limit, all contributions mentioned in the following Section (IV.a) must be reduced proportionally so that the total goes down to the one-third limit even if these contributions have to reach zero. In case this reduction is not sufficient and the total shares of such grandchildren is still above one third, the share of each and all such grandchildren shall be reduced proportionally so that this total equals the limit of one third.

4. If a deceased child of a Grantor has only one daughter who is entitled to a distribution from the estate of her deceased grand parent(s) according to this section (IV.a), she must be given only one half of the share of her parent. If there are two or more daughters they should be given two thirds of the share of their parent to be distributed equally between them. The difference between the resumed share of the parent of such daughter(s) and what is distributed to them shall be redistributed to other surviving heirs in accordance with the rules given in the SCHEDULE OF MAWARITH.

5. If a deceased Grantor is only survived by grand children or by daughters with grand children and there is no surviving son, then apply the Cases No. 2, 3 or 7 of the Schedule of Mawarith.

6. descendents of such grand children should be treated the same as these grandchildren provided that, except for children of the daughters of the Grantor(s), any descendent whose relation to the deceased Grantor(s) runs through a female is excluded.

b) I direct and ordain 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 Persons percentage of Remainder of my or Organizations (optional) estate after Execution of Article III

1. Islamic Society of North America, ( \_\_\_%); \_\_\_\_\_ percent

2. \_\_\_\_\_ ( \_\_\_ %); \_\_\_\_\_ percent  
3. \_\_\_\_\_ ( \_\_\_ %); \_\_\_\_\_ percent  
4. \_\_\_\_\_ ( \_\_\_ %); \_\_\_\_\_ percent  
Total: \_\_\_\_\_ ( \_\_\_ %); \_\_\_\_\_ Percent

In case I made a mistake and this total turns to be more than one third of the remainder after implementation of Article III, only one third shall be distributed to the organizations and persons named above; distribution of this one third shall be made in proportions to percentages mentioned above.

## **ARTICLE V: DISTRIBUTION OF REMAINDER OF MY ESTATE**

a) I direct, devise, and bequest all the residue and remainder of my estate after actual payment or making provision for payment of my debts and other obligations and of distributions provided in Articles III and IV, only to my Muslim heirs. The distribution of the residue and remainder of my estate shall be made strictly in accordance with:

### **THE SCHEDULE OF MAWARITH (INHERITANCE)**

(This Schedule is attached and signed by me as part of this Last Will and Testament)

b) I also direct and ordain that no part of the residue and remainder of my estate shall be inherited by, or distributed to any non-Muslim relative whether he/she is kin or in-law, spouse, parent, or child, etc., except for those I personally named in Article.

IV. I further direct and ordain that any non-Muslim relative be disregarded and disqualified in the application of this schedule of Mawarith stated in section (a) above.

c) Should I die as a result of murder, I direct that the adjured murderer, whether principal or accessory, as convicted in a court of law, shall be disqualified to receive any part of my estate. My convicted principal or accessory murderers shall be disregarded as if they do not exist with regard to the distribution of my estate.

d) I direct that no part of my estate shall be given to relatives whose relationship to me, ascending, descending or sibling has occurred outside an Islamic or lawful marriage, or through adoption, step or foster relation at any link of such relationship.

I further direct and ordain that out-of-Islamic-or-legal-marriage, adopted, step and foster children, and all relatives through them be disregarded and disqualified, as if they do not exist, with regard to the implementation of the Schedule of Mawarith and with regard to the distribution of the remainder of my estate, except for the following:

1- Legatees I specifically named in Article IV.

2- A person whose relation to me goes through his/her biological mother, even if it is out of wedlock.

e) I direct and devise that any foetus, conceived before my death, whose relationship to me qualifies it to be an heir according to the Schedule of Mawarith shall be considered as an heir if the following two conditions are fulfilled: the fetus must be born alive within no more than 46 weeks from the day of my death; and, it is not proven illegitimate by a DNA test. I further direct and devise that, whenever there exist a fetus that may become an heir according to this section, the largest potential share of the fetus out of the residue and remainder of my estate after the execution of Articles III and IV, must be set aside until the said conditions are satisfied. Furthermore, I direct and devise that any other heir whose share may be affected should the fetus be born alive before my death, must be given the lesser of the two potential shares and the difference should be set aside too.

Should the fetus be born, but qualifies for a lesser share, or should it not be born alive within the 46 weeks or should it be proven illegitimate, any surplus of the set aside amounts/property must be returned to the estate and distributed according to the Schedule of Mawarith as if the fetus never existed at all.

f) I direct, devise, and bequest all the residue and remainder of my estate of every component, nature and kind and wherever it may be located after making provisions for payments of my debts, obligations and distribution as provided in Articles III and IV, be distributed to my heirs in accordance to Schedule of Mawarith. I further direct, devise and ordain that any portion of my estate disclaimed or refused to be received by any of the legatees and heirs named or referred to in this Last Will and Testament or the remainder of my estate in the event of non-existence of Muslim Heirs shall be given to the Islamic Society of North America, Inc. (ISNA), as a contribution for supporting ISNA institutions and activities in North America.

## 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.

This document comprising of 36 (Thirty Six) pages including The Schedule of Mawarith is made in ONE original copy. Of which I made two photo copies. I kept the original and deposited one copy the Islamic Society of North America (ISNA), and one copy is with:

\_\_\_\_\_, The appointed Executor.

## TESTATOR'S SIGNATURE AND WITNESSES

In witness whereof, I have hereunto set my hand and seal on this: \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Signature \_\_\_\_\_ (Muslim Name, if different)

**WITNESSES**

We hereby certify that the foregoing instrument was on the date thereof, signed, published, and declared by the Testator \_\_\_\_\_, as and for his/her Last Will and Testament, in our presence, who at his/her request and in his/her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, believing said Testator at the time of the signing to be of sound mind and memory.

- 1. \_\_\_\_\_ of \_\_\_\_\_
- 2. \_\_\_\_\_ of \_\_\_\_\_

**NOTARIZATION**

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

**On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_ personally appeared:**

\_\_\_\_\_  
[name] [signature]  
[date]

\_\_\_\_\_  
[name] [signature]  
[date]

**They are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons executed the instrument.**

**WITNESS my hand and official seal.**

**Signature \_\_\_\_\_.**

(This area for official notary seal)

Title of document \_\_\_\_\_

Date of document \_\_\_\_\_ No. of Pages \_\_\_\_\_

Other signatures not acknowledged \_\_\_\_\_

# **THE SCHEDULE OF *MAWARITH***

## **THE ISLAMIC DISTRIBUTION OF THE ESTATE**

**CASE NO. (1):**

**ONE SON OR MORE, AND ANY NUMBER OF DAUGHTERS**

**Surviving Heirs Share of the Remainder**

**1.a) with no other relatives. He, or they get all remainder such that sons are equal in their class, daughters are equal in their class, and for a daughter half of a son's share.**

**1.b) with wife or with husband. 1/8 to wife, rest as in (1.a); or 1/4 to husband, rest as in (1.a).**

**1.c) with father and mother. 1/6 to father and 1/6 to mother, rest as in (1.a).**

**1.c.1) with one parent. 1/6 to the parent, rest as in (1.a).**

**1.c.2) with any possible combination of (1.b), (1.c), and (1.c.1)**

**Spouse and parents take shares mentioned above, and the rest as in (1.a).**

**1.d) with father of father, no parents; or father of father of father and no parents nor father of father (always discard father of mother in all the schedule of MAWARITH). 1/6 to father of father and rest as in (1.a). Presence of father prevents father of father and presence of father of father prevents father of father of father, and so on.**

**1.d.1) With father of father, and mother, no father. 1/6 to mother, 1/6 to father of father, rest as in (1.a).**

**1.d.2) with father of father and either mother of father or mother of mother or both together, no parents, 1/6 to father of father; 1/6 to either mother of father or mother of mother or divided between them equally; rest as Surviving Heirs Share of the Remainder in (1.a).**

**1.d.3) (1.d) or (1.d.1) or (1.d.2) with wife or husband 1/6 to mother or mother of father or of mother or divided between the two grandmothers equally; 1/6 to father of father; 1/8 to wife; or 1/4 to husband; and rest as in (1.a).**

**1.e) With either mother of father or mother of mother or both, no parents, and no father of father. 1/6 to mother of mother or mother of father or divided between them equally; rest as in (1.a).**

**1.e.1) (1.e) with wife or husband. 1/6 to mother of mother or mother of father or divided between them equally; 1/8 to wife or 1/4 to husband; rest as in (1.a).**

**1.f) (1.d), (1.d.1), (1.d.2), (1.d.3), 1.e) or (1.e.1), but instead of grandmother(s), there is one**

or more, same degree, great or grand great grandmothers (e. g., mother of mother of mother, mother of mother of father and mother of father of father), always disregard mother of father of mother and any great grand mother linked to the deceased through a male preceded by a female; and no parents, nor mother of mother nor mother of father. Great grandmother(s), take 1/6 or share it equally; father or paternal grandfather 1/6; wife 1/8 of husband 1/4; rest as in (1.a).

Presence of any grandmother prevents giving any share to any great grandmother and so on.

1.g) with children of deceased son(s) and/or daughter(s). Within the rule of Mandatory Wasiyyah as given in Section (IV.a), distribute the shares of descendents of deceased children, then distribute the remainder to surviving sons and daughters only according to the rule of (1.a).

1.g.1) (1.g) with husband or wife Within the rule of Mandatory Wasiyyah as given in Section (IV.a), distribute the shares of descendents of deceased children, then distribute the remainder to the spouse, surviving and sons and daughters only according to the rule of (1.b).

1.g.2) (1.g) with one or two parents Within the rule of Mandatory Wasiyyah as given in Section (IV.a), distribute the shares of descendents of deceased children, then distribute the remainder to the spouse surviving and sons and daughters only according to the rule of (1.c).

1.g.2) (1.g) with any combination of parent(s) or grand parents and husband or wife Within the rule of Mandatory Wasiyyah as given in Section (IV.a), distribute the shares of descendents of deceased children, then distribute the remainder to the spouse surviving and sons and daughters only according to the rule of (1.c-1.f)

**NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.a) THROUGH (1.g) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.**

**2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.**

**CASE NO. (2):  
DAUGHTER OR DAUGHTERS; NO SONS  
Surviving Heirs Share of the Remainder**

**2.a) With no other relatives. If one only, she takes all the remainder. If more than one daughter; they equally share all the remainder.**

- 2.b) With wife or husband.  $\frac{1}{8}$  to wife, rest as in (2.a).  $\frac{1}{4}$  to husband, rest as in (2.a).
- 2.d) With father. (whenever there is a father disregard all brothers and sisters and apply to all sections of case 2).  $\frac{1}{2}$  to the one daughter,  $\frac{1}{2}$  to father. If more than one daughter; they share  $\frac{2}{3}$  equally, and  $\frac{1}{3}$  to father.
- 2.e) With mother.  $\frac{1}{4}$  to mother,  $\frac{3}{4}$  to daughter. If more than one daughter; they share  $\frac{4}{5}$  equally, and  $\frac{1}{5}$  to mother.
- 2.f) With both parents.  $\frac{1}{6}$  to mother,  $\frac{1}{3}$  to father,  $\frac{1}{2}$  to daughter. If more than one daughter;  $\frac{2}{3}$  to daughters equally,  $\frac{1}{6}$  to mother, and  $\frac{1}{6}$  to father.
- 2.g) With wife and father.  $\frac{1}{8}$  to wife,  $\frac{1}{2}$  to daughter, and  $\frac{3}{8}$  to father. If more than one daughter;  $\frac{2}{3}$  to daughters equally,  $\frac{1}{8}$  to wife, and  $\frac{5}{24}$  to father.
- 2.h) With wife and mother.  $\frac{1}{8}$  to wife,  $\frac{7}{32}$  to mother,  $\frac{21}{32}$  to daughter. If more than one daughter;  $\frac{1}{8}$  to wife,  $\frac{7}{40}$  to mother, and  $\frac{7}{10}$  to daughters equally.
- 2.i) With wife and both parents.  $\frac{1}{8}$  to wife,  $\frac{1}{6}$  to mother,  $\frac{5}{24}$  to father, and  $\frac{1}{2}$  to daughter. If more than one daughter;  $\frac{3}{27}$  to wife,  $\frac{4}{27}$  to mother,  $\frac{4}{27}$  to father, and  $\frac{16}{27}$  to daughters equally.
- 2.j) With husband and father  $\frac{1}{4}$  to husband,  $\frac{1}{4}$  to father, and  $\frac{1}{2}$  to daughter. If more than one daughter;  $\frac{3}{13}$  to husband,  $\frac{2}{13}$  to father, and  $\frac{8}{13}$  to Surviving Heirs Share of the Remainder daughters equally.
- 2.k) With husband and mother.  $\frac{1}{4}$  to husband,  $\frac{7}{36}$  to mother,  $\frac{5}{9}$  to daughter. If more than one daughter;  $\frac{3}{13}$  to husband,  $\frac{2}{13}$  to mother, and  $\frac{8}{13}$  to daughters equally.
- 2.l) With husband and both parents.  $\frac{3}{13}$  to husband,  $\frac{2}{13}$  to father,  $\frac{2}{13}$  to mother, and  $\frac{6}{13}$  to daughter. If more than one daughter;  $\frac{3}{15}$  to husband,  $\frac{2}{15}$  to father,  $\frac{2}{15}$  to mother, and  $\frac{8}{15}$  to daughters equally.
- 2.m) With father of father, no father, and no brothers.  $\frac{1}{2}$  to father of father,  $\frac{1}{2}$  to daughter. If more than one daughter;  $\frac{1}{3}$  to father of father, and  $\frac{2}{3}$  to daughters equally.
- 2.m.1) (2.m) with wife or husband. As in (2.g), but put father of father in place of father. As in (2.j), but put father of father in place of father.
- 2.m.2) (2.m) With mother; or without mother but with either mother of father or mother of mother, or with both. As in (2.f), but put father of father in place of father, and grandmother(s) in place of mother; the two grandmothers take share of mother equally between themselves.
- 2.m.3) (2.m.2) with wife or husband. As in (2.i), but put father of father in place of father, and grandmother(s) in place of mother; the two grand mothers take the share of mother equally between themselves. Or, As in (2.l), but father of father in place of father, and grandmother(s) in place of mother; the two grandmothers take the share of mother equally between themselves.
- 2.m.4) (2.m.2), (2.m.3), but in place of mother, there are mother of mother of mother, mother of mother of father and/or mother of father of father; disregard mother of father of mother. Always discard any great grand mother-linked to the deceased by a male preceded by a female. The great grandmother(s) take what is assigned to the mother in cases (2.m.2) and (2.m.3); the rest as in (2.m.2), and (2.m.3) respectively or share it equally. The same rule applies to grand great grand mothers, always a closer one prevents a farther one, same as mother prevents a grandmother.

2.n) With one or more than one son of son(s) and any number of daughters of son(s).  $1/2$  to daughter,  $1/2$  to son(s) of son(s) and daughters of son(s) according to rules stated in (1.a). If more than one daughter;  $2/3$  to daughters equally, and  $1/3$  to son(s) of son(s) and daughters of son(s) according to rules stated in (1.a).

2.n.1) (2.n) with wife or husband,  $1/2$  to daughter,  $1/8$  to wife, or  $1/4$  to husband,  $3/8$  or  $1/4$  (the rest) to children of son(s) according to rules stated in (1.a) as in (2.n). If more than one daughter,  $2/3$  to daughters equally,  $1/4$  to husband, or  $1/8$  to wife,  $1/12$  or  $5/24$  (the rest) to children of son(s) according to rules stated in (1.a) as in (2.n).

2.n.2) (2.n.1) with both parents.  $1/2$  to daughter,  $1/8$  to wife,  $1/6$  to mother,  $1/6$  to father, and  $1/24$  to grandchildren according to rules stated in (1.a) as in (2.n).  $6/13$  to daughter,  $3/13$  to husband,  $2/13$  to father,  $2/13$  to mother, nothing to grand children. If more than one daughter;  $16/27$  to daughters equally,  $3/27$  to wife,  $4/27$  to mother,  $4/27$  to father, nothing to grandchildren.  $8/15$  to daughters,  $3/15$  to husband and  $2/15$  to mother  $2/15$  to father, nothing to grand children.

2.n.3) (2.n.1) with one parent.  $1/2$  to daughter,  $1/8$  to wife,  $1/6$  to parent, and  $5/24$  to children of son(s) according to rules stated in (1.a) as in (2.n);  $1/2$  to daughter,  $1/4$  to husband,  $1/6$  to parent, and  $1/12$  to children of son(s) according to rules stated in (1.a) as in (2.n). If more than one daughter;  $2/3$  to daughters,  $1/8$  to wife,  $1/6$  to parent, and  $1/24$  to children of son(s) according to rules stated in (1.a) as in (2.n);  $8/13$  to daughters,  $2/13$  to parent, and  $3/13$  to husband, nothing to grandchildren.

2.n.4) (2.n) with one parent, no spouse.  $1/2$  to daughter,  $1/6$  to parent, and  $1/3$  to children of son(s) according to rules stated in (1.a) as in (2.n); If more than one daughter;  $2/3$  to daughters,  $1/6$  to parent, and  $1/6$  to children of son(s) according to rules stated in (1.a) as in (2.n).

2.n.5) (2.n) with both parents, no spouse.  $1/2$  to daughter,  $1/6$  to each parent, and  $1/6$  to children of son(s) according to rules stated in (1.a) as in (2.n); If more than one daughter;  $2/3$  to daughters,  $1/6$  to each parent, and nothing to children of son(s).

2.n.6) any of (2.n) through (2.n.5) but with father of father, no father and no brother(s); or with father of father and grandmother(s) of either side, no father and no brother(s), and no mother. As in (2.n) to (2.n.5), but replace father of father for father, and grandmother(s) for mother. Share of grandmothers is divided equally between them.

2.o) With daughters of son(s) and no sons of sons.  $3/4$  to the daughter, and  $1/4$  to daughter(s) of son(s), equally between them. If more than one daughter; all to daughters; nothing to daughter(s) of son(s).

2.o.1) (2.o) With husband or wife.  $9/16$  to the daughter,  $1/4$  to husband and  $3/16$  to daughter(s) of son(s), equally between them. Or,  $21/32$  to daughter,  $1/8$  to wife and  $7/32$  to daughter(s) of son(s), equally between them. If more than one daughter;  $1/8$  to wife or  $1/4$  to husband and the remainder to daughters; nothing to daughter(s) of son(s).

2.o.2) (2.o) With one or both parents.  $15/24$  to the daughter,  $4/24$  to parent and  $5/24$  to daughter(s) of son(s), equally between them. Or,  $1/2$  to daughter,  $1/6$  to each parent and  $1/6$  to daughter(s) of son(s), equally between them. If more than one daughter;  $1/6$  to parent or  $1/6$  to each parent and the remainder to daughters; nothing to daughter(s) of son(s).

**2.o.3) With any combination of (2.o.1) and (2.o.2).  $1/2$  to the daughter,  $1/6$  to parent,  $1/4$  to husband and  $1/12$  to daughter(s) of son(s), equally between them. Or,  $6/13$  to daughter,  $2/13$  to each parent and  $3/13$  to husband, nothing to daughter(s) of son(s). Or,  $51/96$  to the daughter,  $1/6$  to parent,  $1/8$  to wife and  $17/96$  to daughter(s) of son(s), equally between them. Or,  $1/2$  to daughter,  $1/6$  to each parent,  $1/8$  to wife, and  $1/24$  to daughter(s) of son(s), equally between them. If more than one daughter;  $8/13$  to the daughters equally between them,  $2/13$  to parent,  $3/13$  to husband and nothing to daughter(s) of son(s), Or,  $8/15$  to daughters,  $2/15$  to each parent and  $3/15$  to husband, nothing to daughter(s) of son(s). Or,  $16/24$  to the daughters,  $4/24$  to parent, and  $3/24$  to wife,  $1/24$  to daughter(s) of son(s). Or,  $16/27$  to daughters,  $4/27$  to each parent and  $3/27$  to wife, nothing to daughter(s) of son(s).**

**2.p) With sister(s) of same parents (no brothers), or with brother(s) of same parents alone or brother(s) and any number of sisters of the same two parents.  $1/2$  to the daughter,  $1/2$  to sister(s) equally between them or to brother(s) or to brother(s) and sister(s) , according to the rule (1.a). If more than one daughter;  $2/3$  to daughters,  $1/3$  to sister(s) equally between them or to brother(s) or to brother(s) and sister(s) , according to the rule (1.a).**

**2.p.1) (2.p) with wife, or husband.  $1/2$  to daughter,  $1/8$  to wife and  $3/8$  to sister(s) and/or brother(s) as in (2.p).  $1/2$  to daughter,  $1/4$  to husband,  $1/4$  to sister(s) and/or brother(s) as in (2.p). If more than one daughter:  $2/3$  to daughters,  $1/4$  to husband, or  $1/8$  to wife, the rest to sister(s) and/or brother(s) as in (2.p).**

**2.p.2) (2.p) and (2.p.1) with mother. (If there is father disregard brothers and sisters and apply Sections 2d and what is after it).  $1/2$  to daughter,  $1/6$  to mother, the rest (=  $1/3$ ) to sister(s) and/or brother(s) as in (2.p) or (2.p.1). Or,  $1/2$  to daughter,  $1/8$  to wife,  $1/6$  to mother, the rest (=  $5/24$ ) to sister(s) and/or brother(s) as in (2.p) or (2.p.1). OR  $1/2$  to daughter,  $1/4$  to husband,  $1/6$  to mother, the rest (=  $2/24$ ) to sisters and/or brother(s) as in (2.p) or (2.p.1) respectively. If more that one daughter:  $2/3$  to daughters,  $1/6$  to mother, the rest (=  $1/6$ ) to sister(s) and/or brother(s) as in (2.p) or (2.p.1) respectively. Or.  $2/3$  to daughters,  $1/8$  to wife,  $1/6$  to mother, the rest (=  $1/24$ ) to sister(s) and/or brother(s) as in (2.p) or (2.p.1) respectively. OR  $8/13$  to daughters,  $3/13$  to husband,  $2/13$  to mother, nothing to sisters and brothers.**

**2.p3) (2.p.2) with either mother of mother or mother of father or both; no mother. As in (2.p.2), but grandmother takes the share of mother, and grandmothers share the same equally.**

**2.q) With uncle(s) from same parents as the father.  $1/2$  to daughter and rest to uncle, or uncles equally between them. If more than one daughter;  $2/3$  to daughters, and rest to uncle, or uncles equally between them.**

**2.q.1) (2.q) with husband or wife  $1/2$  to daughter,  $1/4$  to husband or  $1/8$  to wife and rest to uncle, or uncles equally between them. If more than one daughter;  $2/3$  to daughters,  $1/4$  to husband or  $1/8$  to wife and rest to uncle, or uncles equally between them.**

**2.r) With one grandmother, either side, or both grandmothers.  $5/6$  to daughter, and  $1/6$  to grandmother or to grandmothers, equally between them. If more than one daughter;  $5/6$  to daughters, and  $1/6$  to grandmother(s).**

**2.r.1) (2.r) with wife or husband 1/4 to husband or 1/8 to wife, 1/6 to grandmother or to grandmothers, equally between them and the rest to daughter (s).**

**2.s) with children of deceased daughter(s)**

**Within the rule of Mandatory Wasiyyah as given in Section (IV.a), distribute the shares of descendents of deceased children, then distribute the remainder to the spouse surviving and sons and daughters only according to the rule of case No. 2 above.**

**NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (2.A)**

**THROUGH (2.S) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.**

**2) IF THE TESTATOR'S CASE IS UNDER NO. (2), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.**

**CASE NO. (3): CHILDREN OF SON(S), NO SONS, NO DAUGHTERS**

**Apply Case No. (1) and Case No. (2) after substituting daughter(s) of son(s) for daughter(s) and son(s) of son(s) for son(s).**

**CASE NO. (4): PARENT(S), NO CHILDREN AND NO CHILDREN OF SONS**

**Surviving Heirs Share of the Remainder**

**4.a) Father alone; or father with brother(s) and/or sister(s). All remainder to father alone, nothing to brother(s) and sister(s).**

**4.a.1) Father with wife, or husband, with (or without) any number of brother(s) and sister(s). 1/4 to wife; or 1/2 to husband; and  $\frac{3}{4}$  or  $\frac{1}{2}$  (the rest) to father; nothing to brothers and sisters.**

**4.a.2) Father with mother of mother, no mother, with or without husband or wife, no brothers 1/3 to mother of mother and 2/3 to father; Or 1/6 to mother of mother,  $\frac{1}{2}$  to husband and 1/3 to father; Or  $\frac{1}{4}$  to mother of mother,  $\frac{1}{4}$  to wife and  $\frac{1}{2}$  to father.**

**4.b) Both parents, with no brothers nor sisters, or with no more than one sibling (full or half of either side). 1/3 to mother, 2/3 to father; nothing to the brother or sister.**

**4.b.1) (4.b) with husband or wife. 1/4 to wife; 1/4 to mother; 1/2 to father; Or 1/2 to husband; 1/6 to mother; 1/3 to father; nothing to the sibling.**

**4.b.3) Both parents, with two or more brother(s) and/or sister(s), full or either side, and with or without wife or husband. 1/6 to mother; 5/6 to father; nothing to sibling(s). 1/6 to mother; 1/4 to wife; or 1/2 to husband;  $\frac{7}{12}$  or  $\frac{1}{3}$  (the rest) to father nothing to sibling(s).**

**4.c) Mother only. She takes all remainder.**

**4.c.1) Mother with husband or wife. 1/4 to wife, or 1/2 to husband and  $\frac{3}{4}$  or  $\frac{1}{2}$  (the rest)**

to mother.

**4.c.2) Mother with only one brother, or one sister, of same two parents, or of 1/3 to mother, 2/3 to brother. 2/5 to mother, 3/5 to sister. Father side with none from the mother side.**

**4.c.3) (4.c.2) with husband, or wife. 1/3 to mother, 1/2 to husband, or 1/4 to wife, 1/6 or 5/12 (the rest) to brother. 4/13 to mother, 3/13 to wife, and 6/13 to sister. 2/8 to mother, 3/8 to husband, and 3/8 to sister.**

**4.c.4) Mother with only one full or father-side brother with any number of siblings of mother side with or without wife or husband 1/6 to mother, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (2/3 or 1/2) to full or paternal half brother; 1/6 to mother, 1/4 to wife, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (5/12 or 1/4) to full or paternal half brother; Or, 1/6 to mother, 1/2 to husband, 1/6 to the one sibling of mother side and the rest (1/6) to full or paternal half brother; Or 1/6 to mother, 1/2 to husband and 1/3 to siblings who share the mother (maternal siblings and full brother, equally between them regardless of gender).**

**4.c.4) Mother with at least one full, any number of full sisters, any number of father-side brother/sisters, any number of siblings of mother side with or without wife or husband 1/6 to mother, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (2/3 or 1/2) to full brother(s) and sister(s) to be divided among them according to the rule in (1.a), nothing to paternal half brother/sisters; 1/6 to mother, 1/4 to wife, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (5/12 or 1/4) to full brother(s) and sister(s) to be divided among them according to the rule in (1.a), nothing to paternal half brother/sisters; Or, 1/6 to mother, 1/2 to husband, 1/6 to the one sibling of mother side and the rest (1/6) to full brother(s) and sister(s) to be divided among them according to the rule in (1.a), nothing to paternal half brother/sisters; Or 1/6 to mother, 1/2 to husband and 1/3 to siblings who share the mother (maternal siblings and full siblings, equally among them regardless of gender), nothing to paternal half brother/sisters.**

**4.c.5) Mother with only one full or father-side sister with any number of siblings of mother side with or without wife or husband 1/5 to mother, 1/5 to the one sibling of mother side and 3/5 to the full or half sister; Or 1/6 to mother, 1/3 to siblings of mother side (equally among them regardless of gender) and 1/2 the full or half sister; Or 2/13 to mother, 2/13 to the one mother-side sibling, 3/13 to wife and 6/13 to the full or half sister; Or 2/15 to mother, 4/15 to the mother's side siblings (equally among them regardless of gender), 3/15 to wife and 6/15 to the full or half sister, Or 1/8 to mother, 1/8 to the one mother's side sibling, 3/8 to husband and 3/8 to the full or half sister, Or 1/9 to mother, 2/9 to the mother-side siblings (equally among them regardless of gender), 3/9 to husband and 3/9 to the full or half sister.**

**4.c.5) Mother with only one full sister and any number of father-side brothers/sisters with any number of siblings of mother side with or without wife or husband 1/6 to**

mother,  $\frac{1}{6}$  to the one sibling of mother side,  $\frac{1}{2}$  to full sister and  $\frac{1}{6}$  to paternal brothers and sisters according to the rule in (1.a); Or  $\frac{1}{6}$  to mother,  $\frac{1}{3}$  to siblings of mother side (equally among them regardless of gender) and  $\frac{1}{2}$  full sister, nothing to paternal brothers and sisters; Or  $\frac{2}{13}$  to mother,  $\frac{2}{13}$  to the one mother-side sibling,  $\frac{3}{13}$  to wife and  $\frac{6}{13}$  to full sister, nothing to paternal brothers and sisters;

Or  $\frac{2}{15}$  to mother,  $\frac{4}{15}$  to the mother's side siblings (equally among them regardless of gender),  $\frac{3}{15}$  to wife and  $\frac{6}{15}$  to full sister, nothing to paternal brothers and sisters; Or  $\frac{1}{8}$  to mother,  $\frac{1}{8}$  to the one motherside sibling,  $\frac{3}{8}$  to husband and  $\frac{3}{8}$  to full sister, nothing to paternal brothers and sisters; Or  $\frac{1}{9}$  to mother,  $\frac{2}{9}$  to the mother-side siblings (equally among them regardless of gender),  $\frac{3}{9}$  to husband and  $\frac{3}{9}$  to full sister, nothing to paternal brothers and sisters.

4.c.6) Mother with at least one full brother and any number of full sisters, and any number of brothers and sisters of father side.  $\frac{1}{6}$  to mother,  $\frac{5}{6}$  (the rest) to the full brother or to full brother(s) and full sister(s) according to rules in (1.a); nothing to brothers and sisters of father side.

4.c.7) (4.c.6) with husband, or wife.  $\frac{1}{6}$  to mother;  $\frac{1}{4}$  to wife; or  $\frac{1}{2}$  to husband;  $\frac{7}{12}$  or  $\frac{1}{3}$  (the rest) to full brother or to full brother(s) and full sister(s) as in rules (1.a), nothing to brothers and sisters of father side.

4.c.8) Mother with at least one father's side brother and any number of father-side sisters, no full brother(s) and sister(s).  $\frac{1}{6}$  to mother,  $\frac{5}{6}$  (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).

4.c.9) (4.c.8) with husband or wife.  $\frac{1}{6}$  to mother;  $\frac{1}{4}$  to wife; or  $\frac{1}{2}$  to husband;  $\frac{7}{12}$  or  $\frac{1}{3}$  (the rest) to brother or to brother(s) and sister(s) as in rules (1.a).

4.c.10) (4.c.8) or (4.c.9) with one sister or one sibling of mother side. Or with more than one sibling of mother's side.  $\frac{1}{6}$  to mother;  $\frac{1}{6}$  to sister or brother of mother side;  $\frac{1}{4}$  to wife or  $\frac{1}{2}$  to husband if any, and the rest ( $\frac{2}{3}$ ,  $\frac{5}{12}$ , or  $\frac{1}{6}$ ) to the brother or to brother(s) and sister(s) of father side according to rules in (1.a). Or  $\frac{1}{6}$  to mother,  $\frac{1}{3}$  to sister(s) and brother(s) of mother side equally among them regardless of gender,  $\frac{1}{4}$  to wife, and the rest ( $\frac{1}{2}$  or  $\frac{1}{4}$ ) to brother(s) and sister(s) of father side according to rules in (1.a). Or  $\frac{1}{6}$  to mother,  $\frac{1}{2}$  to husband,  $\frac{1}{3}$  to sister(s) and brother(s) of mother side equally among them regardless of gender and nothing to father side brother(s) and sister(s).

4.d) Mother with two or more full sisters (of same two parents) or with two or more sisters of father side but no full sisters.  $\frac{1}{5}$  to mother,  $\frac{4}{5}$  to sisters equally between them.

4.d.1) Mother with one full sister and one or more sister(s) of father side.  $\frac{1}{5}$  to mother,  $\frac{3}{5}$  to the one full sister, and  $\frac{1}{5}$  to sister(s) of father side, equally between them.

4.d.2) (4.d), or (4.d.1) with wife or husband.  $\frac{2}{13}$  to mother,  $\frac{3}{13}$  to wife, and  $\frac{8}{13}$  to sisters mentioned in (4.d), equally between them. Or,  $\frac{2}{13}$  to mother,  $\frac{3}{13}$  to wife,  $\frac{6}{13}$  to the one full sister, and  $\frac{2}{13}$  to sister(s) of father side, equally between them. Or,  $\frac{1}{8}$  to mother;  $\frac{3}{8}$  to husband; and  $\frac{4}{8}$  to sisters mentioned in (4.d), equally between them. Or,  $\frac{1}{8}$  to mother;  $\frac{3}{8}$  to husband;  $\frac{3}{8}$  to the one full sister; and  $\frac{1}{8}$  to sister(s) of father side,

equally between them.

**4.e) Mother with one brother of mother's side or one sister of mother's side.**

**2/3 to mother, 1/3 to brother or sister.**

**4.e.1) (4.e) with husband or wife. 1/4 to wife, 1/2 to mother, 1/4 to brother or sister. 1/2 to husband, 1/3 to mother, 1/6 to brother or sister.**

**4.f) Mother with more than one sibling of mother's side. 1/3 to mother, 2/3 to brother(s) and sister(s), equally between them regardless of gender.**

**4.f.1) (4.f) with husband or wife. 1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s), equally between them regardless of gender. 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s), equally between them regardless of gender.**

**4.g) Mother with father of father, no brother(s), no sister(s). 1/3 to mother, 2/3 (the rest) to grandfather.**

**4.g.1) (4.g) with husband or wife. 1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest) to grandfather.**

**4.h) Mother with son of brother, (the brother is of the same parents). Or with children of brother(s), [the brother(s) is (are) of the same parents].**

**1/3 to mother, 2/3 (the rest) to son of brother or to children of brother(s) according to rules in (1.a).**

**4.h.1) (4.h) with wife or husband. 1/3 to mother, 1/4 to wife, or 1/2 to husband, and the rest (5/12 or 1/6) to son or children of brother(s) as in rule (1.a).**

**4.i) Mother with brother of father of same two grandparents. 1/3 to mother, 2/3 (the rest) to brother of father.**

**4.i.1) Mother with brother(s) of father and any number of sisters of father, all of same two grandparents. 1/3 to mother, 2/3 (the rest) to brother(s) and sister(s) of father according to rules in (1.a).**

**4.i.2) (4.i) and (4.i.1) but instead of full uncles brother(s) of father of the grandfather side with no brother(s) of father of both grandparents. Same as in (4.i) and (4.i.1) but put brother of father of grandfather side in place of brother of father of both grandparents.**

**4.i.3) (4.i), (4.i.1) and (4.i.2) with wife, or husband. 1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest to) brother of father or brother(s) and sister(s) of father as in rule (1.a).**

**4.j) Father of father with mother of mother, and no father, no mother and no more than one brother/sister. 1/3 to mother of mother, 2/3 (the rest) to father of father; Or 1/6 to mother of mother, 1/3 to father of father and 1/2 to sister; Or 1/6 to mother of mother, 5/12 to father of father and 5/12 to brother.**

**4.j.1) (4.j) with at least two full siblings or at least two paternal siblings but no full siblings. 1/6 to mother of mother, 5/6 (the rest) to be divided between siblings and father of father (considering father of father as a brother and applying the rule in 1.a), unless grandfather's share goes below 1/3, if it does, he gets 1/3; and 1/2, i.e., the rest to siblings according to the rule (1.a) Or if two or more sisters: 1/6 to mother of mother, 1/6 to grandfather and 2/3 to sisters.**

**4.j.2) Father of father with mother and brother(s) and any number of sisters, all of same two parents or of father's side but with no full brothers/sisters. 1/6 to mother, 5/6 (the**

rest) to be divided between siblings and father of father (considering father of father as a brother and applying the rule in 1.a), unless grandfather's share goes below 1/3, if it does, he gets 1/3; and 1/2, i.e., the rest to siblings according to the rule (1.a) Or if two or more sisters, no brothers: 1/6 to mother, 1/6 to grandfather and 2/3 to sisters.

**NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (4.A) THROUGH (4.J) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.**

**2) IF THE TESTATOR'S CASE IS UNDER NO. (4), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.**

**CASE NO. (5): HUSBAND OR WIFE, NO CHILDREN AND NO SON(S) OF SONS AND NO PARENTS**

**5.a) Wife only or husband only, no other relatives. 1/4 to wife, or 1/2 to husband; the rest (3/4 or 1/2 to The Islamic Society of North American Inc. of Indiana to be used as a *Waqf* whose principal be invested and net return only be used for ISNA activities in North America.**

**5.b) wife or husband with children of daughter(s), or children of children of daughter(s) and/or children of daughter(s) of son(s) but no children of daughter(s)/son(s), no other relatives. 1/4 to wife or 1/2 to husband, rest (3/4 or 1/2) to children of daughter(s) or to great grand children, according to the rule (1.a).**

**5.c) Husband, or wife with one or more full brother and any number of full sisters; or with no full brothers or sisters but with one or more father's side brother and any number of father-side sisters. 1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).**

**5.c.1) Husband, or wife with one or more full brother and any number of full sisters; and with one or more father-side brother and any number of father-side sisters . 1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to the brother or to full brother(s) and full sister(s) according to rules in (1.a); discard paternal brothers and sisters.**

**5.d) Husband, or wife, with only full sister(s), or only father-side sisters, no brothers . 1/2 to husband, or 1/4 to wife; the rest (1/2 or 3/4 ) to the sister, or equally between sisters.**

**5.d.1) Husband, or wife, with one full sister, and one or more father-side sisters, no brothers . 1/2 to husband, the rest (1/2 to the full sister, discard paternal sisters; Or 3/7 to husband, the rest 4/7 to tow or more full sisters equally between them, discard paternal brothers and sisters; Or 1/4 to wife, 20/36 to the full sister, and 7/36 to the paternal sisters equally between them; Or 1/4 to wife, 3/4 to the full sisters equally between sisters, nothing to paternal sisters.**

**5.d.2) Husband, or wife, with only full sister(s), and father-side sisters and brothers; no full brothers. 1/2 to husband, the rest (1/2 to the full sister, discard paternal brothers and**

sisters; Or  $\frac{3}{7}$  to husband, the rest  $\frac{4}{7}$  to two or more full sisters equally between them, discard paternal brothers and sisters; Or  $\frac{1}{4}$  to wife,  $\frac{1}{2}$  to the full sister, and  $\frac{1}{4}$  to the paternal brothers and sisters according to the rule in 1.a; Or  $\frac{1}{4}$  to wife,  $\frac{2}{3}$  to the full sisters equally between sisters, and  $\frac{1}{12}$  to the paternal brothers and sisters according to the rule in 1.a.

5.e) Husband, or wife, with son(s) of brother(s); or son(s) of brother(s) and any number of daughters of brother(s). Fathers of nieces and nephews are of same parents as the deceased or of father side but no nephew and nieces whose fathers are of same parents as the deceased. Or all other combinations of (5.c) and 5.d) but with placing nieces and nephews instead of sisters and brothers. As in (5.c), (5.c.1), (5.c.2), (5.d), (5.d.1), (5.d.2) but niece(s) and nephew(s) replace sister(s) and brother(s).

5.f) Husband, or wife, with one or more brother(s) of father and any number of sisters of father of same grandparents ; or of grandfather side but no brothers of father from same grandparents.  $\frac{1}{2}$  to husband, or  $\frac{1}{4}$  to wife, and the rest ( $\frac{1}{2}$  or  $\frac{3}{4}$ ) to uncle, or uncles and aunt(s), according to the rules in (1.a).

5.g) Husband or wife with father of father, no other relatives  $\frac{1}{2}$  to husband, or  $\frac{1}{4}$  to wife,  $\frac{1}{2}$  or  $\frac{3}{4}$  (the rest) to father of father.

5.h) Husband or wife with father of father and mother (or no mother and instead mother of mother or mother of father or both); no other relatives  $\frac{3}{7}$  to husband,  $\frac{2}{7}$  to mother (or to either grand mother or shared equally between them), and  $\frac{2}{7}$  to father of father; Or  $\frac{1}{4}$  to wife,  $\frac{1}{3}$  to mother (or to either grand mother or shared equally between them), and  $\frac{5}{12}$  to father of father.

5.i) Husband or wife with father of father and brother(s) of both parents; or of father side and no brothers of same parents.  $\frac{1}{2}$  to husband;  $\frac{1}{3}$  to father of father; and  $\frac{1}{6}$  to the brother(s) equally between them; Or  $\frac{1}{4}$  to wife,  $\frac{3}{4}$  to each of father of father and the one brother; Or  $\frac{1}{4}$  to wife,  $\frac{1}{3}$  to father of father, and  $\frac{5}{12}$  to brothers equally.

**NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (5.A) THROUGH (5.J) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.**

**2) IF THE TESTATOR'S CASE IS UNDER NO. (5), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.**

**CASE NO. (6): SIBLINGS ONLY, NO SPOUSE, NO CHILDREN, NO CHILDREN OF SON(S) AND NO PARENTS**

**Surviving Heirs Share of the Remainder**

**6.a) At least one full brother and any All remainder shall be distributed to full number of**

full sisters, with any number of father-side brothers and sisters; no brothers/sisters of mother side. brother(s) and sister(s) on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.

6.b) One or more full sister(s); no full or half brothers and no sisters either father side or mother side. The one sister takes all the remainder; Two or more sisters share equally all the remainder.

6.c) (6.a) or (6.b) with father of father.  $1/2$  to full brother or to full sister and  $1/2$  to father of father;  $2/5$  to each of father of father and full brother and  $1/5$  to sister;  $1/3$  to father of father and  $2/3$  to full brothers or to sisters, According to the rule of (1.a); nothing to father side brothers and sisters.

6.d) One or more full sister(s); and one or more sister(s) of father side; no full or half brothers and no sisters of mother side.  $3/4$  to the full sister and  $1/4$  to the father-side sister; or  $3/4$  to the full sister and  $1/4$  to the father-side sisters to be divided equally between them. Or if full sisters are two or more, all remainder to full sisters to be divided equally between them; and nothing to father-side sister(s).

6.e) (6.d) with father of father.  $1/2$  to the full sister;  $1/6$  to the father's side sister(s) equally between them; and  $1/3$  to the father of father. Or if full sisters are two or more,  $2/3$  to full sisters to be divided equally between them;  $1/3$  to father of father; and nothing to father-side sister(s).

6.f) One or more full sister(s); and one or more brother(s) of father side with one or more sister(s) of father side;  $1/2$  to the one full sister, or  $2/3$  to the two or more full sisters equally between them;  $1/2$  or  $1/3$  (the rest) to no full brothers and no brothers/sisters of mother side. The sisters and brothers of the father side to be distributed according to rules (1.a).

6.g) (6.f) with father of father  $1/2$  to the full sister;  $1/6$  to the father's side brothers and sister(s) to be divided between them according to rule (1.a); and  $1/3$  to the father of father. Or if full sisters are two or more,  $2/3$  to full sisters to be divided equally between them;  $1/3$  to father of father; and nothing to father-side brother(s) and sister(s).

6.h) Any combination of father-side brothers and sisters; no full brothers, no full sisters and no sisters/brothers of mother side; with or without father of father. Apply rules (6.a) and (6.c) after putting "father-side" in place of "full."

6.i) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; with one or more mother's side brother(s)/sister(s).  $1/6$  to mother-side brother or sister or  $1/3$  if they are two or more, equally between them regardless of gender; and the rest ( $5/6$  or  $2/3$ ) to full brother or full brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.

6.j) At least one father-side brother and any number of father-side sisters, with no full brothers and no full sisters; with one or more mother's side brother(s)/sister(s).  $1/6$  to mother-side brother or sister or  $1/3$  if they are two or more, equally between them regardless of gender; and the rest ( $5/6$  or  $2/3$ ) to father-side brother or father-side brothers and sisters on the basis of one share to a sister and two shares to a brother as

stated in rules (1.a).

**6.k) One or more full sister(s); no full or father-side brothers and one or more sister(s)/brother(s) of mother side. 1/4 to mother-side brother or sister or 2/5 if they are two or more, equally between them regardless of gender; 3/4 or 3/5 to the one sister; Or, 1/5 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; 4/5 or 2/3 to the two or more full sisters equally between them.**

**6.l) (6.i) or (6.j) or (6.k) with father of father. Nothing to brothers and sisters from mother side, and distribution will be as in (6.c).**

**NOTES:**

**1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (6.A) THROUGH (6.I) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.**

**2) IF THE TESTATOR'S CASE IS UNDER NO. (6), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS. CASE NO. (7): CHILDREN OF DAUGHTER(S) ONLY OR GREAT GRAND CHILDREN FROM DAUGHTERS OR FROM SON(S)'S DAUGHTERS, NO SPOUSE, NO CHILDREN, NO CHILDREN OF SON(S) AND NO PARENTS**

**7.a) One or more, male or female children of daughters, no other relatives All the remainder must be distributed to the one, or between them according to the rule in (1.a).**

**7.b) One or more, male or female children of children of daughters or children of daughters of sons, no other relatives All the remainder must be distributed to the one or between them according to the rule in (1.a).**

**NOTES:**

**1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (7.a) THROUGH (7.b) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.**

**2) IF THE TESTATOR'S CASE IS UNDER NO. (7), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.**

**CASE NO. 8: ALL OTHER CASES**

**Relatives not mentioned in cases (1) through (7) must be disregarded. However I direct**

and ordain that all cases not specifically mentioned in this schedule shall be referred to the Islamic Society of North America (ISNA), of Plainfield, Indiana for opinion on the distribution of estate and that the advice of ISNA must be followed to the letter. Opinion given in writing by ISNA must be considered final and binding to all concerned persons.

Further, for any interpretation of any of the cases an sub-cases in the Schedule of Mawarith or any of the Articles and provisions of this Last Will and Testament, I ordain that the Executor and/or any court of competent jurisdiction shall seek the advice of and refer the matter to The Islamic Society of North America (ISNA) and that both the Executor and courts must follow and implement the advice given by ISNA as being my final and binding will and desire.

\_\_\_\_\_

**Signature:** \_\_\_\_\_

**EXHIBIT A**

**MY ASSETS AT THE TIME OF SIGNING THIS LAST WILL**

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_