

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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



ISLAMIC LAST WILL AND TESTAMENT (*Wasiya*)

Disclaimer:

Al-Rashid Mosque does not hereby provide any legal advice nor does it bear any liability or responsibility for any result of any use/abuse of this form by any person.

I,
presently residing at
City of , Country 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, and declare this my last Will and Testament.

At the time of the execution of this Will, my immediate family consists of: My HUSBAND/WIFE, herein sometimes referred to as "SPOUSE," and my children,

1. born
2. born
3. born
4. born
5. born
6. born

Herein sometimes referred to as "child" or "children".

My other heirs are:

.....
.....
.....

PREAMBLE

I bear witness that there is no deity but Allah, the One, the Merciful, the Almighty –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, mercy and peace be upon him. I bear witness that Allah is the Truth, that His promise is truth, that the Meeting with Him is the 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 worshiped, fear Him as He alone is to be feared, And love Him and His Prophet Mohammad with a complete that is rivaled by nothing besides them. Let them obey Him and hold fast to His shari'ah. Let them die only in a state of complete submission to His Will. I remind them that no man/woman dies 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. 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 yourself 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 is allowed to mourn for four lunar months and ten days until her iddah (period of waiting) is completed. Wailing and excessive weeping 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 choose to believe as I believed or not- to honor my Constitutional rights to these beliefs. I ask them to honor this document which 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 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 belief.

I hereby nominate and appoint [redacted]
presently residing at [redacted]
City of [redacted] Country of [redacted]

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, [redacted]
presently residing at [redacted]
City of [redacted] Country of [redacted]

1. In the event of legal difficulties in the execution of this Article, I direct the above named person(s) to seek counsel from the local Mosque.
2. I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body.
3. I ordain 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.
4. I ordain 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.
5. I ordain that my grave be dug deep into the ground in complete accordance with the specifications of Islamic practice, and in compliance with all local laws, that it faces the direction of Qiblah (the direction of the City of Makkah in the Saudi Arabian Peninsula towards which Muslims face during prayers).
6. I ordain that my body shall be buried without a casket or any other 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.

7. I ordain that my grave be leveled 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.

ARTICLE II: 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 II: 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.

If the executioner of my *wasiya* or guardian is not available at the time of my death, the following persons are to be contacted:

Name	Address	Phone

ARTICLE III: 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, to

ARTICLE IV: 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
Al-Rashid Mosque	
Edmonton Islamic Academy	
Total	

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

After fulfilling all obligations, my estate includes:

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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 III and Article IV, 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 (Islamic laws of inheritance)

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 III and IV, 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 III and IV.

ARTICLE VI: SEPARABILITY

I direct and declare 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 LAST WILL AND TESTAMENT comprising of six pages is made in **ONE ORIGINAL** only. Five copies of this original are made. In witness whereof, I have hereunto set my hand and seal thisday of of the Year 20.....

We,and
the testator and witnesses respectively, whose names are signed to the attached instrument, having been sworn, declared to the undersigned notary public that the testator, in the presence of witnesses, signed the instrument as his last will, that (s)he signed and that each of the witnesses, in the presence of the testator and in the presence of each other, signed the last will and testament as witnesses.

Testator: (signature) (name)

I declare under penalty of perjury under the laws of

- 1) That the individual who signed or acknowledged this Last Will is personally known to me, or that the individual's identity was proven to me by convincing evidence,
- 2) That the individual signed or acknowledged this Last Will in my presence, and
- 3) That the individual appears to be of sound mind and under no duress, fraud or undue influence.

WITNESSES:

Name	Name
.....
Address	Address
.....
Signature	Signature

On theday of20..... before me personally

Appeared :-

(1) and

(2) and

(3) Personally 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.

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.

We,and, the witnesses, sign our names to this document and have taken an oath, administered by the officer whose signature and seal appear on this document, to swear that all of the following statements are true: the individual signing this document as the testator executes the document as his or her will, signs it willingly or willingly directs another to sign for him or her, and executes it as his or her voluntary act for the purposes expressed in this will; each of us,

in the testator's presence, signs this will as witness to the testator's signing; and, to the best of our knowledge, the testator is 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)
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