

## LAST WILL AND TESTAMENT

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

### LASTWILL AND TESTAMENT

I, \_\_\_\_\_ presently residing at  
\_\_\_\_\_ city 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, and declare this my  
Last Will and Testament

#### 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, and that the Meeting with Him is Truth. I bear witness that 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 Muhammad with a complete love that is rivaled by nothing besides them. Let them obey Him and hold Fast to His Book. 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 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 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 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 lamentation

## LAST WILL AND TESTAMENT

is forbidden by the Creator, and it reflects only a 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 right 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 RIGHTS**

I ordain that no autopsy or embalming be done on my body and, without unjustified delay, my body be washed, wrapped with cloth free of any ornaments and other articles, prayed for, and then buried, which should all 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 that he/she shall be unwilling or unable to execute, I nominate and appoint \_\_\_\_\_, and in the event that he/she shall be unwilling or unable, I nominate and appoint the president of the local Muslim community or association in the area where 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 Center of Burlington, 130 Lexington St., Burlington, MA 01803, USA, Tel: (781) 229-0336, or any similar local Islamic organization.

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

d. I ordain that no pictures, crescents or stars, decorations, crosses, flags, any symbols-Islamic or otherwise-or music shall 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 that my body shall not be transported over any unreasonable distance from the locality of my death, particularly when such transportation would necessitate embalming,

LAST WILL AND TESTAMENT

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 that my grave shall be dug deep into the ground in complete accordance with the specifications of Islamic practice and that it face the direction of Qiblah (the direction of the city of Mecca in the Arabian Peninsula, towards which Muslims face for prayer).

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

h. I ordain that my grave shall be level with the 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 marker, merely to indicate the presence of the grave. There should be no inscriptions or symbols on the said marking.

**ARTICLE II:  
EXECUTOR AND GUARDIAN**

a. I hereby nominate and appoint \_\_\_\_\_,  
presently residing at \_\_\_\_\_  
\_\_\_\_\_ to be the executor of this, my Last Will and  
Testament. In the event that he/she will be unwilling or unable to act as executor, I nominate  
and appoint \_\_\_\_\_ residing at  
\_\_\_\_\_, to be executor of  
this, my Last Will and Testament.

b. 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.

c. I hereby nominate and appoint \_\_\_\_\_ presently residing  
at \_\_\_\_\_ to be the guardian of the persons and estates of such  
of my children, who 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  
guardian, I nominate and appoint \_\_\_\_\_, residing at  
\_\_\_\_\_ to be the guardian.

LAST WILL AND TESTAMENT

**ARTICLE III:  
DEBTS AND EXPENSES**

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 administering my estate. I direct the said executor to pay any "obligations to Allah" (Huquq Allah) which are binding on me, such as unpaid Zakaah, Missed Salaat (Prayers) and Siyaam (Fastings), Kaffarat, or unperformed pilgrimage (Hajj).

**ARTICLE IV:  
CHARITABLE CONTRIBUTIONS AND  
TESTAMENTARY TRANSFER**

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 following named persons and organizations:

Name of Persons or Organizations	Percent of remainder of my estate after execution of Article III	
	In figures	In words
1.		
2.	( _____ %)	percent
3.	( _____ %)	percent
4.	( _____ %)	percent
Total	( _____ %)	percent

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

I direct distribution of the remaining two thirds of one's estate (or full, if one does not include Article IV) among the inheritors in accordance with Sunni Islamic Law, and in consultation with a qualified local scholar or Mufti.

LAST WILL AND TESTAMENT

**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.

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

\_\_\_\_\_  
Legal Name Muslim Name, if different

We hereby certify that the forgoing instrument was on the date thereof signed, published, and declared by the Testator \_\_\_\_\_, and as 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 \_\_\_\_\_
- 3. \_\_\_\_\_ of \_\_\_\_\_

This document, comprising \_\_\_\_\_ pages is made in THREE copies. The original is with me, one copy is deposited with \_\_\_\_\_, and one copy is with:

\_\_\_\_\_  
(The Executor/Bank)

**Notary Public:**

\_\_\_\_\_  
Name Signature Commission Expires