



Islamic Society of North America  
ISNA Development foundation

In the name of Allah, Most Beneficent, Most Merciful

# LAST WILL AND TESTAMENT OF

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Islamic Form Prepared  
By  
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This Format Including ISNA Schedule of Mawarith (Estate distribution in Accordance with Shari'ah) is made waqf by the author Monzer Kahf for Muslims in North America, may Allah shower him and his family with blessing, mercy, and forgiveness.

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In the name of Allah, Most Beneficent, Most Merciful

# LAST WILL AND TESTAMENT

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, 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, 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

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

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 *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 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 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 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 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.

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

- 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 \_\_\_\_\_ 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 Society of North America, Inc., currently located in Plainfield, Indiana, USA (Tel: 317 839-8157).
- 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 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 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 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 (the direction of the City of Makkah in the Arabian Peninsula towards which Muslims face during prayers).
- 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 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 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. 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 and 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 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.

### 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 such as including 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

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 Or Organizations	percentage of Remainder of my estate after Execution of Article III	
	In numbers	In letters
1. Islamic Society of North America,	(..%); _____	percent
2. _____	(..%); _____	percent

3. \_\_\_\_\_ (..%); \_\_\_\_\_ percent

4. \_\_\_\_\_ (..%); \_\_\_\_\_ percent

Total: \_\_\_\_\_ (..%); \_\_\_\_\_ Percent

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

a) I direct, devise, and bequest all the residue and remainder of my estate after making provision for payment of my obligations and distributions provided in Article III and 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:

### **ISNA-SCHEDULE OF MAWARITH (INHERITANCE)**

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

b) I direct that no part of the residue and remainder of my estate shall be inherited by any non-Muslim relative whether he/she is a kin or an in-law, spouse, parent, or child. I further direct and ordain that any non-Muslim relative be disregarded and disqualified in the application of the named schedule.

c) 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.

d) I direct that no part of my estate shall be given to relatives whose relationship to me, ascending or descending has occurred through non-Islamic and unlawful marriage, or through adoption, at each and every point, except the following:

1- Legatees specifically named in Article IV.

2- A person who is related to me through his/her biological mother.

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

e) I direct and devise that any fetus, conceived before my 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 no more than 365 days from the beginning of its conception and it is not proven illegitimate by a DNA test. I further direct and devise that, whenever there exists a fetus who 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 condition is satisfied. Furthermore, any other heir whose share may be affected if the fetus was born before my death must be given the lesser of the two alternative 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 365 days or should it be proven illegitimate, any surplus of the set aside amounts 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 nature and kind and whenever situated after making provisions for payments of my obligations and distribution of my estate as provided in Articles III and IV. I further direct, devise and ordain that any portion of my estate disclaimed or refused to be received by any of the legatees named or referred to in this Last Will and Testament or the remainder of my estate in the event of non-existence of my Islamic Heirs shall be given to the Islamic Society of North America, Inc. (ISNA), as a contribution for establishing Islamic schools, centers, Mosques and other ISNA institutions and activities in North America.

## **ARTICLE VII: 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.

### TESTATOR'S SIGNATURE

In witness whereof, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ of the Year 20\_\_.

\_\_\_\_\_ Signature

\_\_\_\_\_  
(Legal Name)

\_\_\_\_\_  
(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 \_\_\_\_\_
3. \_\_\_\_\_ of \_\_\_\_\_

This document comprising of 22 (Twenty-Two) pages including ISNA-Schedule of Mawarith is made in THREE original copies. One copy is with me, one copy is deposited with the Islamic Society of North America, and one copy is with: \_\_\_\_\_, The Executor.

### Notary Public

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

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Name

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Signature

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Commission expires

**ISNA - SCHEDULE OF MAWARITH  
THE ISLAMIC DISTRIBUTION OF THE ESTATE**

I ordain and direct that this schedule be used as the only reference for distribution of the residue and remainder of my estate referred to in Article V. This schedule is a part of my last Will and Testament.

**CASE NO. (1):  
ONE SON OR MORE, AND ANY NO. OF DAUGHTERS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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.	1/8 to wife, rest as in (1.a).
1.c) with husband.	1/4 to husband, rest as in (1.a).
1.d) with father and mother.	1/6 to father and 1/6 to mother, rest as in (1.a).
1.e) with one parent.	1/6 to the parent, rest as in (1.a).
1.f) with any possible combination of (1.b), (1.c), (1.d), and (1.e)	Spouse and parents take shares mentioned above, and the rest as in (1.a).
1.g) with father of father, no parents, no other grandparents.	1/6 to father of father and rest as in (1.a).
1.h) with father of father and either mother of father or mother of mother, no parents,	1/6 to father of father, 1/6 to either mother of father or mother of mother, rest as in (1.a).

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
1.i) (1.g) or (1.h) with wife	1/6 to mother of father or of mother (if she exists); 1/6 to father of father, 1/8 to wife, and rest as in (1.a).
1.j) (1.g) or (1.h) with husband.	1/6 to mother of father or of mother (if she exists); 1/6 to father of father; 1/4 to husband; rest as in (1.a).
1.k) With father of father, and mother, no father.	1/6 to mother, 1/6 to father of father, rest as in (1.a).
1.l) (1.k) with wife.	1/6 to mother, 1/6 to father of father, 1/8 to wife, and rest as in (1.a).
1.m) (1.k) with husband.	1/6 to mother, 1/6 to father of father, 1/4 to husband, and rest as in (1.a).
1.n) with father and mother of mother, (no mother).	1/6 to mother of mother, 1/6 to father, and rest as in (1.a).
1.o) (1.n) with wife.	1/6 to father, 1/6 to mother of mother, 1/8 to wife, and rest as in (1.a).
1.p) (1.n) with husband.	1/6 to father, 1/6 to mother of mother, 1/4 to husband, and rest as in (1.a).
1.q) With either mother of father or mother of mother, no parents, and no father of father.	1/6 to mother of mother or mother of father, rest as in (1.a).
1.r) (1.q) with wife.	1/6 to mother of mother or mother of father, 1/8 to wife, rest as in (1.a).
1.s) (1.q) with husband.	1/6 to mother of mother or mother of father, 1/4 to husband, rest as in (1.a).
1.t) (1.h), (1.n) or (1.q), but instead of one grandmother, there are two or	Grandmothers share equally 1/6, father or grandfather 1/6 rest as in (1.a).

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
<p>(i.e. mother of mother and mother of father; or mother of mother of mother, mother of mother of father and mother of father of father), disregard mother of father of mother, and no mother of mother nor mother of father.</p> <p>1.u) (1.t) with husband, or wife.</p>	<p>Grandmothers share equally 1/6, father or grandfather 1/6, husband 1/4, or wife 1/8, rest as in (1.a).</p>

1.v) In each of (1.a) through (1.u), disregard all other relatives not mentioned in the relevant sub-cases.

**IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, THE EXECUTOR MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA, INC. OF INDIANA.**

**CASE NO. (2): DAUGHTER OR DAUGHTERS; NO SONS**

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
2.a) With no other relatives.	If one only, she takes all the remainder. If more than one; they equally share all the remainder.
2.b) With wife.	1/8 to wife, rest as in (2.a).
2.c) With husband.	1/4 to husband, rest as in (2.a).
2.d) With father.	1/2 to the one daughter, 1/2 to father. If more than one; they share 2/3 equally, and 1/3 to father.

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
2.e) With mother.	1/4 to mother, 3/4 to daughter. If more than one; they share 4/5 equally, and 1/5 to mother.
2.f) With both parents.	1/6 to mother, 1/3 to father, 1/2 to daughter. If more than one; 2/3 to daughters equally, 1/6 to mother, and 1/6 to father.
2.g) With wife and father.	1/8 to wife, 1/2 to daughter, and 3/8 to father. If more than one; 2/3 to daughters equally, 1/8 to wife, and 5/24 to father.
2.h) With wife and mother.	1/8 to wife, 7/32 to mother, 21/32 to daughter. If more than one; 1/8 to wife, 7/40 to mother, and 7/10 to daughters equally.
2.i) With wife and both parents.	1/8 to wife, 1/6 to mother, 5/24 to father, and 1/2 to daughter. If more than one; 3/27 to wife, 4/27 to mother, 4/27 to father, and 16/27 to daughters equally.
2.j) With husband and father.	1/4 to husband, 1/4 to father, and 1/2 to daughter. If more than one; 3/13 to husband, 2/13 to father, and 8/13 to daughters equally.
2.k) With husband and mother.	1/4 to husband, 7/36 to mother, 5/9 to daughter. If more than one; 3/13 to husband, 2/13 to mother, and 8/13 to daughters equally.
2.l) With husband and both parents.	3/13 to husband, 2/13 to father, 2/13 to mother, and 6/13 to daughter. If more than one; 3/15 to husband, 2/15

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
	to father, 2/15 to mother, and 8/15 to daughters equally.
2.m) With father of father, no father, and no brothers.	1/2 to father of father, 1/2 to daughter. If more than one; 1/3 to father of father, and 2/3 to daughters equally.
2.n) (2.m) with wife.	As in (2.g), but father of father in place of father.
2.o) (2.m) with husband.	As in (2.j), but father of father in place of father.
2.p) (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 father of father in place of father, and grandmother in place of mother; the two grandmothers take share of mother equally between themselves.
2.q) (2.p) with wife.	As in (2.i), but father of father in place of father, and grandmother in place of mother; the two grand mothers take the share of mother equally between themselves.
2.r) (2.p) with husband.	As in (2.l), but father of father in place of father, and grandmother in place of mother; the two grandmothers take the share of mother equally between themselves.
2.s) (2.p), (2.q), (2.r) but in place of mother, both mother of mother and mother of father; or mother of mother of mother, mother of mother of father and mother of father of father; disregard mother of father of mother.	The two grandmothers (or the three great grandmothers) share equally what is assigned to the mother or one grandmother in cases (2.p), (2.q) and (2.r); the rest as in (2.p), (2.q) and (2.r) respectively.
2.t) With son of son.	1/2 to daughter, 1/2 to son of son.

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
	If more than one; 2/3 to daughters equally, and 1/3 to son of son.
2.u) With more than one son of son(s) and any number of daughters of son(s).	As in (2.t), but the share of son of son is divided among sons of son(s) and daughters of son(s) according to rules stated in (1.a).
2.v) (2.t) or (2.u) with wife or husband.	1/2 to daughter, 1/8 to wife, or 1/4 to husband, rest to children of son(s) as in (2.t) or (2.u). If more than one daughter, 2/3 to daughters equally, 1/4 to husband, or 1/8 to wife, rest to children of son(s) as in (2.t) or (2.u).
2.w) (2.v) with both parents.	1/2 to daughter, 1/8 to wife, 1/6 to mother, 1/6 to father, and 1/24 to grandchildren as in (2.t) or (2.u). 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.x) (2.v) with one parent.	1/2 to daughter, 1/8 to wife, 1/6 to parent, and 5/24 to children of son(s) as in (2.t) and (2.u); 1/2 to daughter, 1/4 to husband, 1/6 to parent, and 1/12 to children of son(s) as in (2.t) and (2.u). 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) as in (2.t) and (2.u).

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
	(2.u); 8/13 to daughters, 2/13 to parent, and 3/13 to husband, nothing to grandchildren.
2.y) (2.v) with father of father and mother, no father and no brothers; or with father of father and grandmother(s) of either side, no father and no brother(s), and no mother.	As in (2.w), but replace father of father for father, and grandmother(s) for mother. Share of grandmothers is divided equally between them.
2.z) 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.aa) With sister(s) of same parents (no brothers), or with brother(s) of the same two parents (no sisters).	1/2 to the daughter, 1/2 to sister (or brother), or equally among all sisters (or brothers). If more than one daughter; 2/3 to daughters, 1/3 to sister (or brother), or equally among sisters (or brothers).
2.bb) With sister(s) and brother(s) of same two parents.	1/2 to daughter, 1/2 to sister(s) and brother(s) on the basis of one share to female and two shares to male. If more than one daughter; 2/3 to daughters, 1/3 to sister(s) and brother(s) on same basis.
2.cc) (2.aa) or (2.bb) 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.aa) and (2.bb). 1/2 to daughter, 1/4 to husband, 1/4 to sister(s) and/or brother(s) as in (2.aa) or (2.bb) respectively.

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
	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.aa) or (2.bb) respectively.
2.dd) With uncle(s) from same parents as 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.ee) With one grandmother, either side, or both grandmothers.	5/6 to daughter, and 1/6 to grandmother or grandmothers, equally between them. If more than one daughter; 5/6 to daughters, and 1/6 to grandmother(s).

2.ff) In each of (2.a) through (2.ee), disregard all other relatives not mentioned in sub-cases.

**IF THE TESTATOR'S CASE IS UNDER NO. (2), BUT NOT FOUND ABOVE, THE EXECUTOR MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA, INC. OF INDIANA.**

**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) AND NO OFFSPRINGS**

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
4.a) Father alone; or father and brother(s) and/or sister(s).	All remainder to father alone, nothing to brother(s) and sister(s).
4.b) Father and wife, or husband.	1/4 to wife, or 1/2 to husband, and the rest to father.
4.c) Father and mother, no brothers, no sisters.	1/3 to mother, rest to father.
4.d) (4.c) with husband or wife.	1/4 to wife, 1/4 to mother, rest to father. 1/2 to husband, 1/6 to mother, rest to father.
4.e) Both parents, with brother(s) and/or sister(s) and with wife or husband.	1/6 to mother, nothing to brother(s) and sister(s), rest to father. 1/6 to mother, nothing to brother(s) and sister(s), 1/4 to wife, or 1/2 to husband; rest to father.
4.f) Mother only.	She takes all remainder.
4.g) Mother and husband or wife.	1/4 to wife, or 1/2 to husband and the rest to mother.
4.h) Mother with one brother, or one sister, of same two parents or of father's side.	1/3 to mother, rest to brother. 2/5 to mother, rest to sister.
4.i) (4.h) with husband, or wife.	1/3 to mother, 1/2 to husband, or 1/4 to wife, 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.j) Mother with at least one brother and any number of sisters, all brother(s) and sister(s) are of same two parents or of father's side.	1/6 to mother, rest to brother(s) and sister(s) according to rules in (1.a).

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
4.k) (4.j) with husband, or wife.	1/6 to mother, 1/4 to wife, or 1/2 to husband, rest to brothers or brother(s) and sister(s) as in rules (1.a).
4.l) Mother with two sisters or more, of same two parents or of father's side.	1/5 to mother, 4/5 to sisters equally between them.
4.m) (4.l) with husband, or wife.	3/13 to wife, 2/13 to mother, 8/13 to sisters, equally between them. 3/7 to husband, 1/7 to mother, 3/7 to sisters, equally between them.
4.n) 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.o) (4.n) 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.p) Mother with more than one brother and/or sister of mother's side.	1/3 to mother, 2/3 to brother(s) and sister(s), equally between them all.
4.q) (4.p) with husband or wife.	1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s), equally between them all. 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s), equally between them all.
4.r) Mother with father of father, no brother(s), no sister(s).	1/3 to mother, rest to grandfather .
4.s) (4.r) with husband or wife.	1/3 to mother, 1/4 to wife, or 1/2 to husband, rest to grandfather.
4.t) Mother with son of brother, (the brother is of the same parents).	1/3 to mother, rest to son of brother.

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
4.u) Mother with children of brother(s), [the brother(s) is (are) of the same parents].	1/3 to mother, rest to children of brother(s) according to rules in (1.a).
4.v) (4.t) or (4.u) with wife or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, and rest to son or children of brother(s) as in (4.t) or (4.u).
4.w) Mother with brother of father of same two grandparents.	1/3 to mother, rest to brother of father.
4.x) Mother with brother(s) of father and any number of sisters of father, all of same two grandparents.	1/3 to mother, rest to brother(s) and sister(s) of father according to rules in (1.a).
4.y) (4.w) and (4.x) with wife, or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, rest to brother of father or brother(s) and sister(s) of father as in (4.x).
4.z) Father with mother of mother, and no mother.	1/6 to mother of mother, rest to father.
4.aa) Mother with brother(s) and father of father.	1/6 to mother, rest among brother(s) and father of father equally, unless grandfather's share goes below 1/3 (if it does, he gets 1/3 and rest to brothers equally).
4.bb) Mother with father of father, and brother(s) and any number of sisters, all of same two parents or of father's side.	As in (4.aa) and apply rules of (1.a) for brother(s) and sister(s).

4.cc) In each of (4.a) through (4.bb), disregard all other relatives not mentioned in sub-cases.

**NOTE: IF THE TESTATOR'S CASE IS UNDER NO. (4), BUT NOT COVERED ABOVE. THE EXECUTOR MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA, Inc. (ISNA), OF INDIANA.**

**CASE NO. (5): HUSBAND OR WIFE, NO OFFSPRINGS AND NO PARENTS**

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
5.a) Wife only.	1/4 to wife, rest to Islamic Society of North American Inc. of Indiana to be used as a <i>Waqf</i> whose net return only should be used for ISNA's activities in North America.
5.b) Husband only.	1/2 to husband, rest as in (5.a).
5.c) Husband, or wife, with one brother or more and any number of sisters of both parents of of father's side.	1/2 to husband, or 1/4 to wife, rest to brother(s) and sister(s) according to rules in (1.a).
5.d) Husband, or wife, with sister(s) of both parents or of father's side, no brothers.	1/2 to husband, or 1/4 to wife, rest to the sister, or equally between sisters.
5.e) Husband, or wife, with son or sons of brother(s); or son(s) and any number of daughters of brother(s), fathers of niece and nephews are of same parents as the deceased or of the father's side.	As in (5.c) but niece(s) and nephew(s) replace sister(s) and brother(s).
5.f) Husband, or wife, with brother(s) of father of same grandparents or of the grandfather's side.	1/2 to husband, or 1/4 to wife, and rest to uncle, or uncles equally between them.
5.g) Husband or wife, with one brother of father or more, and any number of sisters of father, relation of uncles	1/2 to husband, or 1/4 to wife, rest to uncle(s) and aunt(s), according to the rules in (1.a).

<b><u>Surviving Heirs</u></b>	<b><u>Share of the Remainder</u></b>
and aunts is as mentioned above..	
5.h) Husband or wife with father of father, no other relatives	1/2 to husband, or 1/4 to wife, rest to father of father.
5.i) Husband or wife with father of father and brother(s) of both parents or of father side	1/2 to husband, or 1/4 to wife, rest equally between grandfather and brothers.

5.j) In each of (5.a) through (5.i), disregard all other relatives not mentioned in sub-cases.

**NOTE: IF THE TESTATOR'S CASE IS UNDER NO. (5), BUT NOT COVERED ABOVE, THE EXECUTOR MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), OF INDIANA.**

### **CASE NO. 6: ALL OTHER CASES**

Relatives not mentioned in cases (1) through (5) 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 distribution of estate and that the advice of ISNA must be followed to the letter.

Further, for any interpretation of any of the 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 any court 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.