

المسجد العُمري

Cleveland Muslim Community Center

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Cleveland Ohio 44135

الوصية

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ :

(مَا حَقَّ أَمْرِي مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ بَيْتَ لَيْلَتَيْنِ إِلَّا
وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ)

البخاري ومسلم

الحمد لله والصلاة على رسول الله

روى البخاري ومسلم عن عبد الله بن عمر رضي الله عنهما أن رسول الله صلى الله عليه وسلم قال :

(مَا حَقَّ أَمْرِي مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ بَيْتٌ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ) .

قال النووي رحمه الله : "فيه الحث على الوصية ، وقد أجمع المسلمون على الأمر بها ، لكن مذهبنا ومذهب الجماهير أنها مندوبة لا واجبة .

وقال داود وغيره من أهل الظاهر : هي واجبة ؛ لهذا الحديث ، ولا دالة لهم فيه ، فليس فيه تصريح بإيجابها ، لكن إن كان على الإنسان دين أو حق أو عنده وديعة ونحوها لزمه الإيصاء بذلك .

قال الشافعي رحمه الله : معنى الحديث : ما الحزم والاحتياط للمسلم إلا أن تكون وصيته مكتوبة عنده .

ويستحب تعجيلها ، وأن يكتبها في صحته ، ويشهد عليه فيها ، ويكتب فيها ما يحتاج إليه ، فإن تجدد له أمر يحتاج إلى الوصية به ألحقه بها .

قالوا : ولا يكلف أن يكتب كل يوم محقرات المعاملات وجزيئات الأمور المتكررة" .

فالوصية نوعان :

وصية واجبة : وهي الوصية ببيان ما عليه وما له من حقوق ، كدين أو قرض أو أمانات مودعة عنده ، أو حقوق له في ندم الناس ، فالوصية هنا واجبة لحفظ ماله ، وبراءة ذمته .
ووصية مستحبة : وهي التبرع المحض ، كوصية الإنسان بعد موته في ماله بالثلث فأقل ، لقريب غير وارث ، أو لغيره ، أو الوصية في أعمال البر من الصدقة على الفقراء والمساكين أو في وجوه الخير .

وللإنسان أن يوصي أهله ببعض الأمور المتعلقة بجنازته ، كمن يغسله ومن يصلي عليه ونحو ذلك ، وأن يوصيهم بترك البدع والمحدثات ، وتجنب النياحة وغير ذلك من المنهيات ، لا سيما إذا كان يعلم من حالهم أنهم ربما فعلوا شيئا من ذلك .

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ويدل لذلك ما رواه مسلم أن عمرو بن العاص رضي الله عنه قال وهو في سياق الموت :
(إِذَا أَنَا مِتُّ فَلَا تَصْحَبْنِي نَائِحَةً وَلَا نَارًا)

وروى الترمذي وابن ماجه عن خُدَيْفَةَ بْنِ الْيَمَانِ رضي الله عنه قَالَ :

(إِذَا مِتُّ فَلَا تُؤْذِنُوا بِي ، إِنِّي أَخَافُ أَنْ يَكُونَ نَعْيًا ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَنْهَى عَنِ النَّعْيِ) والحديث حسنه الألباني في صحيح الترمذي .

وروى أحمد عن أَبِي هُرَيْرَةَ رضي الله عنه قَالَ :

(إِذَا مِتُّ فَلَا تَضْرِبُوا عَلَيَّ فُسْطَاطًا ، وَلَا تَتَّبِعُونِي بِنَارٍ ، وَأَسْرِعُوا بِي إِلَى رَبِّي ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : إِذَا وُضِعَ الْعَبْدُ أَوْ الرَّجُلُ الصَّالِحُ عَلَى سَرِيرِهِ قَالَ : قَدِمُونِي قَدِمُونِي ، وَإِذَا وُضِعَ الرَّجُلُ السَّوْءُ قَالَ : وَيَلْكُمْ أَيُّنَ تَذْهَبُونَ بِي) والحديث حسنه شعيب الأرنؤوط في تحقيق المسند .

وروى الحاكم في المستدرک أن قيس بن عاصم رضي الله عنه أوصاهم عند موته فقال :

(إذا أنا مت فلا تنوحوا علي فإن رسول الله صلى الله عليه وسلم لم يُنح عليه) قال الحاكم : هذا حديث صحيح الإسناد ولم يخرجاه . وقال الذهبي في التلخيص : صحيح .

فهذا وغيره يدل على مشروعية الوصية ببعض الأمور المتعلقة بالجنائز أو بالتحذير من النياحة ونحوها .

لكن ليس للوصية صيغة معينة ، يلتزم بها الإنسان ، بل يوصي بما يناسب حاله وحال أهله ، وما له وما عليه من الحقوق كما سبق .

والمهم ألا يُعتقد أن هناك صيغاً ماثورة ، أو لا بد منها

هذا ما أوصي به أنا العبد الفقير لله ..

- 1- أولاً أنني أشهد أن لا إله إلا الله وحده لا شريك له وأشهد أن محمداً عبده ورسوله، وأشهد أن الساعة آتية لا ريب فيها وأن الله يبعث من في القبور.
- 2- أوصي من تركت من أهلي أن يتقوا الله ويصلحوا ذات بينهم ويطيعوا الله ورسوله إن كانوا مؤمنين. وأوصيهم بما وصى به نبياً الله إبراهيم ويعقوب
(يَا بَنِيَّ إِنَّ اللَّهَ اصْطَفَى لَكُمُ الدِّينَ فَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ) البقرة : 132

3- وأوصيهم بحسن الظن بالله تعالى وأن يذكروني إن استطاعوا بذلك عند موتي لحديث جابر بن عبد الله الأنصاري قال: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَبْلَ مَوْتِهِ بِثَلَاثَةِ أَيَّامٍ يَقُولُ: "لَا يَمُوتَنَّ أَحَدُكُمْ إِلَّا وَهُوَ يُحْسِنُ الظَّنَّ بِاللَّهِ عَزَّ وَجَلَّ."

رواه مسلم في كتاب الجنة وصفة نعيمها وأهلها

- 4- وأوصي من حضر موتي بأن يلقنني الشهادة برفق لقول رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
"مَنْ كَانَ آخِرُ كَلَامِهِ لَا إِلَهَ إِلَّا اللَّهُ دَخَلَ الْجَنَّةَ."

أبو داود في كتاب الجنائز وصححه الألباني

- 5- وأوصيكم بالصبر والرضا بقضاء الله تعالى وقدره والدعاء لي بحسن الخاتمة فقد روي عن أم سلمة أنها قالت قال رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

"إِذَا حَضَرْتُمْ الْمَرِيضَ أَوْ الْمَيِّتَ فَقُولُوا خَيْرًا فَإِنَّ الْمَلَائِكَةَ يُؤْمِنُونَ عَلَيَّ مَا تَقُولُونَ."

قَالَتْ فَلَمَّا مَاتَ أَبُو سَلَمَةَ أَتَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سَلَمَةَ قَدْ مَاتَ. قَالَ:

"قُولِي اللَّهُمَّ اغْفِرْ لِي وَلَهُ وَأَعْفِبْنِي مِنْهُ غُفْبَى حَسَنَةً." قَالَتْ فَقُلْتُ فَأَعْفَبَنِي اللَّهُ مَنْ هُوَ خَيْرٌ لِي مِنْهُ مُحَمَّدًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.

رواه مسلم في كتاب الجنائز

6- وإذا فاضت الروح إلى بارئها فعليكم بتغميض عيني والدعاء لي بالمغفرة. وأوصيكم بعدم النياح علي وعدم ضرب الخدود وشق الجيوب والدعاء بدعوى الجاهلية لقول النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "لَيْسَ مِنَّا مَنْ لَطَمَ الْخُدُودَ وَشَقَّ الْجُيُوبَ وَدَعَا بِدَعْوَى الْجَاهِلِيَّةِ." متفق عليه

7- وأوصيكم بأن يغسلني من هو عالم بسنة الغسل وأن يكون من أهل التقوى والإيمان

وأوصيه حتى يفوز بالأجر العظيم أن يستر علي ولا يحدث عني بما قد يرى من مكروه وأن يبتغي بعمله هذا وجه الله تعالى. فقد رُوِيَ عَنْ عَلِيٍّ رضي الله عنه أنه قال: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

"من غسل ميتا فستره, ستره الله من الذنوب, و من كفن مسلما, كساه الله من السندس."

رواه الطبراني في الكبير بسند صحيح

8- وأوصيكم أن تجعلوا كفني من البياض وأن تطيبوه لقول رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

"الْبَسُوا مِنْ ثِيَابِكُمُ الْبَيَاضَ فَإِنَّهَا مِنْ خَيْرِ ثِيَابِكُمْ وَكَفِّنُوا فِيهَا مَوْتَاكُمْ."

رواه الترمذي في كتاب الجنائز وصححه الألباني

9- وأوصيكم بحمل جنازتي لتصلوا علي ثم تتبعوني إلى قبوري فهو حق من حقوق علي إخواني كما قال رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

"حَقُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ خَمْسٌ (رَدُّ السَّلَامِ وَعِيَادَةُ الْمَرِيضِ وَاتِّبَاعُ الْجَنَائِزِ وَإِجَابَةُ الدَّعْوَةِ وَتَشْمِيثُ الْعَاطِسِ)"

متفق عليه.

وقال صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

"مَنْ شَهِدَ الْجَنَائِزَةَ حَتَّى يُصَلِّيَ فَلَهُ قِيرَاطٌ وَمَنْ شَهِدَ حَتَّى تُدْفَنَ كَانَ لَهُ قِيرَاطَانِ." قيل: وَمَا الْقِيرَاطَانِ؟ قَالَ: "مِثْلُ الْجَبَلَيْنِ الْعَظِيمَيْنِ."

متفق عليه

10- وأوصيكم أن تجتهدوا في تكثير عدد الموحدين الصالحين على جنازتي لعلني أنال بدعائهم شفاعاة بإذن الله تعالى لقول رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

”مَا مِنْ رَجُلٍ مُسْلِمٍ يَمُوتُ فَيَقُومُ عَلَيَّ جَنَازَتِهِ أَرْبَعُونَ رَجُلًا لَا يُشْرِكُونَ بِاللَّهِ شَيْئًا إِلَّا شَفَعْتُهُمُ اللَّهُ فِيهِ.“ مسلم في كتاب الجنائز

11- وأوصيكم ألا تتبع جنازتي امرأة لحديث أم عطية عن النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ:
.... وَكُنَّا نُنْهَى عَنِ اتِّبَاعِ الْجَنَائِزِ. رواه البخاري

12- وأوصيكم بدفني في البلد الذي مت فيه وألا تنقلوني إلى غيره .

13- وأوصيكم بقضاء الصيام الذي لم أتمكن من قضاءه لما روي عن عائشة رضي الله عنها أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:

”مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ صَامَ عَنْهُ وَلِيُّهُ.“ متفق عليه

14- وأوصي أولادي خاصة أن يكثرُوا من الأعمال الصالحة فإن ذلك مما ينفعني بإذن الله تعالى لقول رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

”إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ أَوْ عِلْمٍ يُنْتَفَعُ بِهِ أَوْ وَالدِّ صَالِحٍ يَدْعُو لَهُ.“ رواه مسلم في كتاب الوصية

15- وأوصيكم بعدم الاجتماع للتعزية في مكان مخصص لذلك ولا تصنعوا لأحد طعام بل يصنع إليكم، كما أوصيكم بعدم عمل السُرادقات وإحضار القراء في هذه الليلة وما بعدها من ليال مثل الخمسين والأربعين والسنويات وغيرها من البدع التي لا أصل لها.

16- وأوصيكم أخيراً بقضاء ديني من مالي قبل دفني وأن تردوا لكل ذي حق حقه فقد قال رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ”نَفْسُ الْمُؤْمِنِ مُعَلَّقَةٌ بِدَيْنِهِ حَتَّى يُقْضَى عَنْهُ.“

رواه الترمذي في كتاب الجنائز وصححه الألباني.

وإن لم يكن عندي مال فأرجو أن يتطوع أحد أقاربي أو أهل الخير بقضائه لأهمية قضاء الدين،
قال رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "يُغْفَرُ لِلشَّهِيدِ كُلِّ ذَنْبٍ إِلَّا الدَّيْنَ." رواه مسلم

، كما أسأل كل من أسأتُ إليه بالقول أو الفعل أن يغفر لي ويسامحني عسى الله أن يتوب علي
وعليه وأن يتذكر قول رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:

"الرَّاحِمُونَ يَرْحَمُهُمُ الرَّحْمَنُ ارْحَمُوا مَنْ فِي الْأَرْضِ يَرْحَمَكُم مَّنْ فِي السَّمَاءِ." رواه الترمذي
في كتاب البر والصلة وصححه الألباني.

* من يقوم بتغسيلي وهم :

.....1

.....-2

.....-3

* من يدعى للصلاة علي اولا

إماما و هو :

.....-1

.....-2

.....3

*من ينزل معي قبري هم :

.....-1

.....2

.....3

وفيما يلي أوضح ما علي من دين:

..... إسم الدائن

..... عنوان الدائن

.....

..... رقم هاتفه

..... قيمة الدين..... نوع الدين

..... اسم الدائن

..... عنوان الدائن

.....

..... رقم هاتفه

..... قيمة الدين..... نوع الدين

.....

..... إسم الدائن

..... عنوان الدائن

.....

..... رقم هاتفه

..... قيمة الدين..... نوع الدين



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أمّا مالي من مال عند الغير فهو كالاتي:

اسم المدين

عنوان المدين.....

.....

رقم هاتفه.....

قيمة الدين..... نوع الدين

.....

اسم المدين

عنوان المدين.....

.....

رقم هاتفه.....

قيمة الدين..... نوع الدين

اسم المدين

عنوان المدين.....

.....

رقم هاتفه.....

قيمة الدين..... نوع الدين

-9-

اسم المدين

عنوان المدين

.....

رقم هاتفه

قيمة الدين..... نوع الدين

وأخيراً هذا ما ارتضيته لديني ودنياي، وأشهدُ الله أنني أبرأ من كل فعل وقول يُخالف الكتاب والسنة الصحيحة. ومن أهمل في تنفيذ هذه الوصية أو بدلها أو خالف الشرع في شيء ذكر أو لم يذكر فعليه وزره. قال الله تعالى (فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ) البقرة : 181

الموصي بما فيه

الاسم :

العنوان :

.....

التوقيع :

الشهود :

الشاهد الاول :

الاسم :

العنوان :

.....

التوقيع :

الشاهد الثاني :

الاسم :

العنوان :

.....

التوقيع :

تحريرا

في السنة الهجرية / /

السنة الميلادية / /

ملاحظة مهمة :-

إن واضع نص الوصية يبرأ إلى الله عز وجل من كل تبديل أو تغيير لمحتوى نص الوصية أو النص المرافق لها أو إضافة تخالف شرع الله في شيء ذكر أو لم يذكر وقول الله تعالى شاهد على ذلك ((فمن بدله بعدما سمعه فإنما إثمه على الذين يبدلونه إن الله سميع عليم))

Almasid Alomary

Cleveland Muslim Community Center

4600 Rocky River Drive

Cleveland Ohio 44135

www.MasjidAlomari.com

Islamic Last Will

&

Testament

Islamic
Last Will
and
Testament

In the Name of Allah, The Most Gracious, The Most Merciful

Islamic Last Will and Testament

OF _____

RESIDING AT:

COUNTY: _____ DATE OF BIRTH: _____

TELEPHONE: _____ TODAY'S DATE: _____

ARTICLE I: PREAMBLE

The Prophet Muhammad (Pbuh) ordered Muslims to have their Last Will and Testament drawn up: Abdullah bin 'Umar narrated that the Messenger of Allah (Pbuh) said, "It is not permissible for any Muslim who has something to Will to stay for two nights without having his Will and Testament written and kept ready with him" (Sahih Al-Bukhari).

While being in full mental capacity and good health,

I, _____, a Muslim,

do hereby declare, request, and certify this, my Last Will and Testament. I also do hereby declare that this document revokes any and all former Wills and codicils that I have made previously.

All praise to Allah (SWT), The Creator of the heavens and the earth and all within. I believe in Him and I put my trust entirely in Him. I beg for His Help and His Forgiveness. I seek refuge in Allah (SWT) from the Shaitan (Satan) and the evils of the world and the evils of my deeds.

I ask Him to Guide me; those whom Allah (SWT) Guides no one can mislead, and those whom Allah (SWT) leaves to stray, no one can guide. I testify that I believe that The Hour will come for certain, and that Allah will resurrect all those who are in the graves. I testify that there is no deity except Allah, He is One and has no partners, and I testify that Mohammed is Allah's servant and last Messenger (Peace and Blessings of Allah be on him).

I request of all of my immediate relatives and closest friends, and any others involved in the procedures surrounding my death and burial, whether they be Muslims or non-Muslims, to honor my human and Constitutional right and choice to be a Muslim. I ask them to also honor the spirit as well as letter of this document and to not obstruct or change it in any way.

Let them see to it that I am buried as a Muslim, and my property divided and disperse as I ordered, according to the Sunni Muslim Islamic Law (hereafter referred to Shariah). Under no circumstances does anyone have the authority to change the contents of this Will.

I request of all of my immediate relatives and closest friends, for the sake of Allah and out of fear of Him, to settle their disputes and correct their relationships among themselves according to the following orders of Allah in The Quran: ***"So fear Allah and amend that which is between you and obey Allah and His Messenger if you should be believers"*** (Surah al-A nfal 8: 1).

I request of all of my immediate relatives and closest friends what the prophets Ibrahim and Ya'cob (Peace be upon them) directed their sons: ***"O my sons, indeed Allah has chosen for you this religion, so do not die except while you are Muslims."*** (Surat-ul-Baqarah, 2:132).

I request of all of my immediate relatives and closest friends, when I am on the brink of death, that they insist that I say the Shahadah: "***La ilaha ill-Allah, Muhammadun Rasulallah*** (*There is no God but Allah and Muhammad is the Prophet of God*) " This is in observance of the Prophet's (Pbuh) saying: "Anyone whose last words were 'La ilaha ill-Allah (*There is no God but Allah*) will enter Paradise". (Ahmad, Abu Dawud, and al-Hakim - Sahih).

I insist that no one wail or slap their cheeks because of my death, as the Prophet (Pbuh) has prohibited these acts. After you have buried me, the first thing you must do is to clear me of my debts (if there are any), as the believer's soul is held back by his liabilities.

Distribution of Inheritance According to the Quran

Allah (SWT) says in the Quran in Sura (verse) An-Nisaa: 7-14

7. For men is a share of what parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share.

8. And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [i.e., the estate] and speak to them words of appropriate kindness.

9. And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate kindness.

10. Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e. Hellfire].

11. Allah instructs you concerning your children [i.e. their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. (Literally, "that which is left."). And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children, and the parents [alone] inherit for him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, (Although the siblings themselves do not inherit in this case.) after any bequest he [may have] made or debt. Your parents or your children – you know not which of them, are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.

12. And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one is a sixth. But if they are more than two, they share a third, (these shares are divided equally between males and females), after any bequest which was made or debt, as long as there is no detriment [caused]. (This is a condition for any bequest. If it has been violated by the deceased, his bequest is not to be honored, or it may be adjusted by the executor). [This is] an ordinance from Allah, and Allah is knowing and Forbearing.

13. These are the limits of Allah, and whosoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.

14. And whosoever disobeys Allah and His Messenger, and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.

ARTICLE II: MY IMMEDIATE FAMILY

A. I am married to _____ and all references in this Will to my husband/wife (s) are references to this person.

B. I am the father/mother of the following children whose names and dates of birth are:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

ARTICLE III: EXECUTOR AND BENEFICIARY

A. I hereby entrust all my estate: cash, bank accounts, real property, shares in any business, and any other property not mentioned in this Will, to the person named below, who shall act as my executor to serve without bond, to distribute it according to Shariah. I ordain that the executor of this Will be a Muslim.

- 1. My husband/wife _____, or, if he/she fails to survive me by 45 days,
- 2. _____, or, if fails to survive me by 45 days,
- 3. _____, or, if fails to survive me by 45 days,
- 4. _____, or, if fails to survive me by 45 days,

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B. The Imam of the local Sunni Muslim community.

C. I direct that the executor take all actions legally permissible to have the probate of my estate done as simply and as expeditiously as possible.

D. I give my executor power to sell my property, real, personal or mixed, without a court order and without bond.

E. I give my executor power to settle any claim for or against my estate.

ARTICLE IV: BURIAL ARRANGEMENTS

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

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

11. In the event that the local laws require casket-encasement, I command that such encasement be of the simplest, most modest, and least expensive type possible and I furthermore command that the encasement be left open during burial and filled with dirt unless prohibited by law.

12. No one is permitted to cry out, moan or wail. I demand that such a person leave the burial site. Only what comes from the eye is acceptable (tears). Muslims should say a duaa (supplication) for me and that there be a moment of silence when they pray that my grave is made spacious and comfortable.

ARTICLE V: CUSTODY OF MINOR CHILDREN AND GUARDIAN

If, at my death, any of my children are minors, I recommend that my husband/wife _____ be appointed guardian of my minor children, provided he/she is a Muslim.

If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ be appointed guardian of my minor children.

If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ be appointed guardian of my minor children.

If he/she is unable or unwilling to serve as personal guardian, I recommend that _____ be appointed guardian of my minor children.

In all cases, I urge that all my minor children be raised to be practicing Sunni Muslims and not in any way be indoctrinated into any other faith, religion, or sect of Islam. I direct that no bond be required of any personal guardian. Any property or other inheritance that this Will gives to any of my minor children shall be administered by their guardian in their best interest.

ARTICLE VI: DEBTS AND EXPENSES

I direct my executor:

A. To return to the rightful owners all trust and property that are in my care at the time of my death.

B. To first apply 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 the administration of my estate.

C. To pay any outstanding "obligation due to Allah (Huquq Allah) " which are binding on me including unpaid zakat, kaffaraat of unperformed pilgrimage (Hajj), etc.

ARTICLE VII: BEQUESTS

I direct my executor to:

Pay the following amount from the remainder of my estate after paying all the expenses mentioned above, to the person/s or organization/s named below. Bequests can only be given to non-inheritors, i.e. .distant relatives or others who do not have a fixed portion of inheritance set in the Quran. This is because the Prophet peace be upon him said: "La wasseeyata lil waarith. There is no bequest for an inheritor." It is important to make this distinction since most Muslims do not know this ruling.

The total must not exceed 33 percent (one third) of the remainder of my estate.

1. % of the total remainder

2. % of the total remainder

3. % of the total remainder

4. % of the total remainder

5..... % of the total remainder

TOTAL BEQUESTS (must not be more than 33%) % of the total remainder

ARTICLE VIII: DISTRIBUTION OF THE REMAINDER OF MY ESTATE

1. Distribute the residue and remainder of my estate strictly in accordance with the tenets of Sunni Muslim law of inheritance.

2. Ensure that no part of the remainder of my estate shall be inherited by any non-Muslim, no matter how he/she is related to me.

3. Ensure that, should I die as a result of murder, no part of the remainder of my estate shall be inherited by my adjured murderer responsible for direct unlawful killing (actionable homicide), no matter how he/she is related to me.

4. Ensure that no part of the remainder of my estate shall be inherited by a person whose claimed relationship to me, ascending or descending, is the result of a non-Islamic or unlawful marriage, or

through adoption, except if this relationship to me is through his/her mother who is biologically (through blood) related to me or if he/she is specifically mentioned in bequests above.

5. Regarding a fetus conceived before my death, whose relationship to me qualifies it to be an heir according to this article, if it is born alive within the limit of time specified by Shariah. The executor may delay the distribution of the residue and remainder of my estate after the execution of Articles I to VII, until the birth of the fetus. If he/she chooses to distribute the estate prior to the birth of the fetus then he must withhold a portion of the estate equal to the share of the fetus for distribution until after the birth of the fetus.

6. In case of any difficulty in distributing my estate according to this Will, the matter should be referred to a Muslim knowledgeable in Islamic Inheritance Law for advice and guidance.

7. The residue and remainder of my estate after the execution of Articles I to VII and Article VIII sections 1 to 6 above be donated to the following person/s or organization/s for the establishment of Islamic communities and Masajid.

8. Any portion of my estate disclaimed or refused to be received by any of the legatees' names or referred to in this document be donated to the following person/s or organization/s for the establishment of Islamic communities and Masajid.

ARTICLE IX: SEPARABILITY

I direct that no part of this Will be invalidated by a court unless competent in Shariah. If any part of this will is determined invalid by a court the other parts shall remain valid and enforceable.

I insist that no one practice innovations regarding the three-day condolence period after my death, such as bringing in someone to recite excerpts from the Quran or to preparing food for guests. If you do any such innovations, I am free from that guilt and deviation, having herein charged you against it.

I declare that I forgive everyone who has backbitten me or erroneously taken anything from me. I beg of all those who knew me that they please forgive me for whatever I may have erroneously taken from them or said against them.

I request that if you differ in anything among yourselves you refer the decision to Allah and His Messenger (Pbuh), for Allah (SWT) said: "And know, by your Lord, they will not believe until they make you, [O Mohammed], judge in what they dispute among themselves and then find no discomfort from what you have judged and submit in full, [willing] submission" (Surah an-Nisa 4:65).

My final bequest for my family and children is the same one that the Messenger of Allah (Pbuh) enjoined upon his followers: "The prayer, the prayer". I advise and implore my family to have patience and accept Allah's will. (Surah al-Baqarah: 156)

This concludes my Last Will and Testament. I am now free, in front of Allah (SWT), from any words or deeds that distort and contradict this document according to the guidance of Allah's Messenger (Pbuh), as forewarned by the Quranic verse: "Then, whoever alters it [i.e. the bequest] after he has heard it - the sin is only upon those who have altered it." (Surah al-Baqarah 2:181).

"Exalted is your Lord, The Lord of might, above what they describe. And Peace be upon the messengers, and praise to Allah, Lord of the worlds" (Surah as-Saffat: 37: 180-182)

*I subscribe my name to this Will this day _____
at _____ and do hereby*

declare that I sign and execute this instrument as

my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am of age or otherwise legally empowered to make a Will, under no constraint or undue influence.

WITNESSES

On this day, _____ date of _____,

The undersigned declared to us that this instrument was his/her Will and requested us to act as witnesses to it.

She/he thereupon signed this Will in our presence, all of us being present at the same time. We now, at his/her request, in his/her presence, and in the presence of each other, subscribe our names as witness and declare that we understand this to be his/her Last Will, and that, to the best of our knowledge the testator is of the age of majority, or is otherwise legally empowered to make a Will, and under no constraint or undue influence.

Witness 1.

Name and Signature

Witness 2.

Name and Signature

HEALTH CARE PROXY AND LIVING WILL

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

I, _____ hereby appoint
the following individual as my health care agent.

Name: _____

Phone#: _____

Address: _____

This health care proxy shall take effect if and when I become unable to make my own health care decisions. In respect of each decision made for me by my agent, it is my wish and direction that my agent be guided solely by Islamic Shariah as to what my own decision would have been in the same circumstances. Without limiting the unrestricted scope of my agent's authority hereunder, I expressly authorize my agent to direct that no treatment be conducted or withheld from me if to do so is against the teachings of Islam, to the best of understanding of my agent. I direct that medication be judiciously administered to me to alleviate pain. I do not intend any direct taking of my life. I also direct that "life support systems" may be used in a judicious manner and its use discontinued, just like any other medicine, if it becomes reasonably apparent that it has no curative value. The "life support systems" include but are not limited to artificial respiration, cardiopulmonary resuscitation, artificial

means of providing nutrition and hydration, and any pharmaceutical drugs.

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

Name: _____ Signature: _____

Name and Signature _____ Witness 1.

Name and Signature _____ Witness 2.

*****OPTIONAL*****

Subscribed and sworn to before me this _____ day of _____,

NotaryPublic _____ Signature & Seal

In Case of Emergency Contact: (Include Mosques and all phone numbers) _____

We hope this will benefit you and your family. For a will to be legal in most states, you have to be at least 18 years old and of sound mind. The will must be signed by you and witnessed by two people who won't receive anything from your estate. However, please consult with an Islamic Scholar and/ or an attorney first. As always, please feel free to pass or share this information on to your friends and other Muslims. Pray for the people at The Islamic Bulletin who prepared this sample Will for you. Jazakum Allahu Khairan (May Allah Reward You).

**THIS INFORMATION IS REQUIRED FOR THE DEATH
CERTIFICATE:**

Full Name:

Date of Birth: _____ Place Of Birth: _____

Social Security Number: _____ Race: _____

Street Address and Zip:

City/Town of Residence: _____

County Of Residence: _____

Full Name of Father: _____

First and Maiden Name of Mother: _____

Highest Level of Education in Years

Elementary/Secondary (0-12) _____ College (1-4 Or 5+) _____

Marital Status (Circle):

Never Married Married Widowed Divorced.

If Married or Widowed, Name Of Spouse

Usual Or Last Occupation _____

Kind of Business or Industry _____

Name of Attending Physician _____

Next of Kin and Contact info: _____

THE NET VALUE OF YOUR ESTATE

I, ASSETS (Add up what you own and where located)

A, Personal Property:

1. Cash _____ Located: _____

Cash _____ Located: _____

2. Savings: _____ Bank: _____

Savings: _____ Bank _____

3. Checking: _____ Bank _____

4. Other: _____

5. Interest in Profit Sharing, Stock, Partnership, etc.

6. Automobiles, Jewelry, Household & Clothing

7. Miscellaneous

B, Real Estate (describe for each property you own)

Value _____ Located _____

Value _____ Located _____

Total Value of all the above assets:

II, LABILITIES (add what you owe)

1. _____ Money Owed to _____ \$

Address and Phone:

2. _____ Money Owed to _____ \$

Address and Phone:

3. _____ Mortgage

4. _____

5. Personal debts: (loans, car, etc.)

Total Amount owed:

Safe Deposit Box _____ located at

Passport # & Type _____ Important

Passwords #: _____

This document, comprising _____ pages, is made in _____ copies.

The original is with me, one copy is deposited with:

Name _____ Phone # _____ And one

Copy with _____ Phone # _____