

In the Name of Allah, the Compassionate, the Merciful

Last Will and Testament of

I, _____ (full name), a resident of _____ County, California, revoke any prior wills and codicils made by me and declare this to be my Last Will and Testament.

Article One Family Information

I am unmarried married to _____.

I have no children.

I have the following children:

I have made provision for the following individuals in my will:

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____

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Article Two My Residuary Estate

2.01 Definition of My Residuary Estate

All the remainder of my estate shall be referred to in my will as my “residuary estate.”

2.02 Disposition of My Residuary Estate

I give my residuary estate in charitable and non-charitable shares. My charitable share, shall be _____ (enter fraction of less than 1/3).

This share shall be distributed to the following charities:

Muslim Community Association of the San Francisco Bay Area _____ (fraction)

_____ (name of charity) _____ (fraction)

_____ (name of charity) _____ (fraction)

_____ (name of charity) _____ (fraction).

In the event of a failure to distribute to any named charity, my Personal Representative may distribute such portion to a similar charity.

The remainder of my estate is to be distributed to the non-charitable share, which is to be divided in accordance with the Islamic Rules of Inheritance. This share shall be distributed as follows:

_____ (name) _____ (relationship) _____ (fraction)

_____ (name) _____ (relationship) _____ (fraction)

_____ (name) _____ (relationship) _____ (fraction)

_____ (name) _____ (relationship) _____ (fraction)

_____ (name) _____ (relationship) _____ (fraction)

_____ (name) _____ (relationship) _____ (fraction)

In the event I have new issue or any person named above predeceases me, my Personal representative is authorized to recalculate inheritance using a tool such as islamicinheritance.com or similar. The only system of inheritance to be utilized is the Islamic Rules of Inheritance. My Personal Representative shall use intestacy under state law to determine distribution.

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Article Three Remote Contingent Distribution

If, at any time, there is no person or entity qualified to receive final distribution of my estate or any part of it, then the portion of my estate with respect to which the failure of qualified recipients has occurred shall be distributed by my Personal Representative based on the Islamic Rules of Inheritance. My personal Representative may make an appropriate calculation through islamicinheritance.com or similar calculator to accomplish this goal.

Article Four Designation of Personal Representative

4.01 Personal Representative

I name _____ (*name first Personal Representative*) as my Personal Representative. If the first individual I have named fails or ceases to act as my Personal Representative, I name the following, in the order named, as my Personal Representative:

(Name successor)

(Name successor)

(Name successor)

(Name successor).

4.02 Guardian for Minor Children

I appoint _____ as guardian of each child of mine for whom appointment of guardian becomes necessary. In the even the first person I have nominated to act as guardian fails or ceases to act, I nominate the following, in the order named, as Guardian for my minor children, if any.

(Name successor)

(Name successor)

(Name successor)

(Name successor).

I direct that no guardian shall be required to give any bond in any jurisdiction, and if, notwithstanding this direction, any bond is required by any law, statute, or rule of court, no sureties be required.

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Article Five

General Administrative Provisions

The provisions of this Article apply to my probate estate.

5.01 No Bond

No Fiduciary is required to furnish any bond for the faithful performance of the Fiduciary's duties, unless required by a court of competent jurisdiction and only if the court finds that a bond is needed to protect the interests of the beneficiaries. No surety will be required on any bond required by any law or rule of court, unless the court specifies that a surety is necessary.

5.02 Self Dealing

If an heir of mine is serving as my Fiduciary, he or she may engage in acts of self-dealing, even though state law restricts acts of self-dealing. An heir of mine who is serving as my Fiduciary may enter into transactions on behalf of my estate in which my Fiduciary is personally interested so long as the terms of such transaction are fair to my estate. For example, an heir of mine who is serving as my Fiduciary may purchase property from my estate at its fair market value.

5.03 Distributions to Incapacitated Persons and Persons Under Eighteen Years of Age

If my Personal Representative is directed to distribute any share of my probate estate to any beneficiary who is under the age of 18 years or is in the opinion of my Personal Representative, under any form of incapacity that renders such beneficiary unable to administer distributions properly when the distribution is to be made, my Personal Representative may, as Trustee, in my Personal Representative's discretion, continue to hold such beneficiary's share as a separate trust until the beneficiary reaches the age of 18 or overcomes the incapacity. My Personal Representative shall then distribute such beneficiary's trust to him or her.

While any trust is being held under this Section, the Trustee, other than an interested Trustee, shall pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the Trustee determines to be necessary or advisable for any purpose. If the Trustee is an interested Trustee, the Trustee shall pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the fiduciary determines to be necessary or advisable for the beneficiary's health, education, maintenance and support.

Upon the death of the beneficiary before that time, the Trustee shall distribute the trust, including any accrued and undistributed income, to such persons as such beneficiary may appoint by his or her will. This general power may be exercised in favor of the beneficiary, the beneficiary's estate, the beneficiary's creditors, or the creditors of the beneficiary's estate. To the extent this general power of appointment is not exercised, on the death of the beneficiary, the trust property shall be distributed to the beneficiary's then living heirs, *consistent with Islamic Rules of Inheritance*, as calculated by the Trustee utilizing islamicinheritance.com or a similar calculator.

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The conservator of the estate or, if none, the guardian of the person of a beneficiary may act for such beneficiary for all purposes under my will or may receive information on behalf of such beneficiary.

5.04 Ancillary Administration

In the event ancillary administration shall be required or desired and my domiciliary Personal Representative is unable or unwilling to act as an ancillary fiduciary, my domiciliary Personal Representative shall have the power to designate, compensate, and remove the ancillary fiduciary. The ancillary fiduciary may be either a natural person or a corporation. My domiciliary Personal Representative may delegate to such ancillary fiduciary such powers granted to my original Personal Representative as my Personal Representative may deem proper, including the right to serve without bond or surety on bond. The net proceeds of the ancillary estate shall be paid over to the domiciliary Personal Representative.

Article Six Powers of My Fiduciaries

6.01 Fiduciaries' Powers Act

My fiduciaries may, without prior authority from any court, exercise all powers conferred by my will or by common law or by any fiduciary powers act or other statute of the State of California or any other jurisdiction whose law applies to my will. My Personal Representative shall have absolute discretion in exercising these powers. Except as specifically limited by my will, these powers shall extend to all property held by my fiduciaries until the actual distribution of the property.

6.02 Alternative Distribution Methods

My Fiduciary may make any payment provided for under my will as follows:

Directly to the beneficiary;

In any form allowed by applicable state law for gifts or transfers to minors or persons under a disability;

To the beneficiary's guardian, conservator, agent under a durable power of attorney or caregiver for the benefit of the beneficiary; or

By direct payment of the beneficiary's expenses, made in a manner consistent with the proper exercise of the fiduciary's duties hereunder. A receipt by the recipient for any such distribution shall fully discharge my Fiduciary.

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Article Seven
Provisions for Payment of Debts, Expenses and Taxes

7.01 Payment of Debts and Expenses

I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death.

7.02 Protection of Exempt Property

In no event shall death taxes be allocated to or paid from any assets that are not included in my gross estate for federal estate tax purposes.

7.03 Protection of the Charitable Deduction

Notwithstanding anything in my will to the contrary, no death taxes payable as a result of my death shall be allocated to or paid from any assets passing to any organization qualifying for the federal estate tax charitable deduction, or split-interest charitable trusts unless my Personal Representative has first used all other assets available to my Personal Representative.

Article Eight
Definitions and General Provisions

8.01 Burial instructions

I wish that my remains be buried in accordance with Islamic Traditions, to be carried out as my Personal Representative sees fit. Specific burial instructions:

8.02 Definitions

For purposes of my will and for the purposes of any trust established under my will, the following definitions shall apply:

(a) Afterborn Persons

A fetus in utero that is later born alive shall be considered a person in being during the period of gestation.

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(b) Descendants

The term “descendants” shall include a person’s lineal descendants of all generations.

(c) Heirs

The term “heirs” shall mean all those persons entitled to inheritance under the Islamic Rules of Inheritance.

(d) Fiduciary

My “Fiduciary” or “Fiduciaries” shall refer to my Personal Representative. My “Personal Representative” shall include any executor, ancillary executor, administrator, or ancillary administrator, whether local or foreign and whether of all or part of my estate, multiple Personal Representatives, and their successors.

(e) Shall and May

Unless otherwise specifically provided in my will or by the context in which used, I use the word “shall” in my will to command, direct or require, and the word “may” to allow or permit, but not require. In the context of my Trustee, when I use the word “may” I intend that my Trustee may act in its sole and absolute discretion unless otherwise stated in my will.

(f) Islamic Rules of Inheritance

All inheritance related shall be made consistent with Islamic Rules of Inheritance. These rules are derived from the Quran as well as through the traditions of the Prophet Muhammad, peace be upon Him. The rules provide inheritance to both descendants and ascendants. Any person may disclaim inheritance under these rules. The Quran states the following (translation by Muhammad Assad) on inheritance:

Concerning [the inheritance of] your children, God enjoins [this] upon you: The male shall have the equal of two females’ share; but if there are more than two females, they shall have two-thirds of what [their parents] leave behind; and if there is only one daughter, she shall have one-half thereof. And as for the parents [of the deceased], each of them shall have one-sixth of what he leaves behind, in the event of his having [left] a child; but if he has left no child and his parents are his [only] heirs, then his mother shall have one-third; and if he has brothers and sisters, then his mother shall have one-sixth after [the deduction of] any bequest he may have made, or any debt [he may have incurred]. As for your parents and your children - you know not which of them is more deserving of benefit from you; [therefore this] ordinance from God. Verily, God is all-knowing, wise.

And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you shall have

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one-quarter of what you leave behind, after [the deduction of] any bequest they may have made, or any debt [they may have incurred]. And your widows shall have one-quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after [the deduction of] any bequest you may have made, or any debt [you may have incurred]. And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one-third [of the inheritance], after [the deduction of] any bequest that may have been made, or any debt [that may have been incurred], neither of which having been intended to harm [the heirs]. [This is] an injunction from God: and God is all-knowing, forbearing. (Quran 4:11-12.)

A Trustee may utilize islamicinheritance.com or an appropriate software program or calculator to apportion inheritance consistent with Islamic rules.

8.03 Other Definitions

Except as otherwise provided in my will, terms shall be as defined in California Probate Code as amended after the date of my will and after my death.

8.04 Survivorship Presumption

If any beneficiary shall be living at my death, then such beneficiary shall be deemed to have not predeceased me for all purposes of my will.

8.05 General Provisions

The following general provisions and rules of construction shall apply to my will:

(a) Singular and Plural; Gender

Unless the context requires otherwise, words denoting the singular may be construed as plural and words of the plural may be construed as denoting the singular. Words of one gender may be construed as denoting another gender as is appropriate within the context. The word “or” when used in a list of more than two items may function as both a conjunction and a disjunction as the context requires or permits.

(b) Headings of Articles, Sections, and Subsections

The headings of Articles, Sections, and subsections used within my will are included solely for the convenience and reference of the reader. They shall have no significance in the interpretation or construction of my will.

(c) Governing State Law

My will shall be governed, construed and administered according to the laws of California. Questions of administration of any trust established under my will shall be determined by the laws of the situs of administration of such trust.

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8.06 Severability

The invalidity or unenforceability of any provision of my will shall not affect the validity or enforceability of any other provision. If a court of competent jurisdiction determines that any provision is invalid, the remaining provisions of my will shall be interpreted and construed as if any invalid provision had never been included in my will.

I, _____ (name), sign my name to this instrument consisting of _____ pages on _____ (date) and do declare that I sign and execute this instrument as my will and testament, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

(signature) _____

(print name) _____

We declare under penalty of perjury under the laws of the State of California that on the day and year written above, _____ (name), published and declared this instrument to be his Will and Testament, that he signed this Will in our presence, that each of us, in his presence and at his request, and in the presence of each other, have signed our names as attesting witnesses. We also declare that each of us is now more than eighteen years of age and a competent witness.

We also declare that at the time of our attestation of this Will, _____ (name) was, to our best knowledge and belief, of sound mind and memory, eighteen years of age or older and under no duress, menace, fraud, misrepresentation, constraint or undue influence.

Executed on _____ (date) in the _____ (county where signed), California.

_____, Witness

_____, Witness

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