

LAST WILL
&
TESTAMENT
OF

كَيْفَ تَعْلَمُونَ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ أَنْ يَتْرَكَ خَيْرًا لَوْحِيدًا...

IT is ordained for you, when death approaches any of you and
he is leaving behind much wealth, to make bequests...

Al-Baqarah: 180



The Canadian Islamic Trust Foundation

LAST WILL AND TESTAMENT

This is the Last Will and Testament of me _____ of the city of _____ in the Province of _____ ; made this _____ day of _____ 20 .

I HEREBY REVOKE all Wills and Testamentary dispositions of every nature and kind whatsoever by me hereto made.

I bear witness that there no Deity but ALLAH, (GOD) the One, the Merciful, no partner has He, none is equal to Him, Almighty ALLAH. And I bear witness that Muhammad is His servant and messenger, and the hour (Day of Judgment) is an inevitable event. ALLAH shall resurrect all the dead. I do urge every member of my family to be pious, to fear none but Allah, to be obedient to ALLAH and His messenger and to live and die as Muslims.

I ordain that no autopsy be performed on my body unless my Executors and Trustees approve it. No embalmmnt should be done on my body. Without unjustified delay my body be washed, wrapped with simple white cloth, free of any ornament and other articles, prayed for, and then buried, which all should be done by Muslims in complete accordance with the Islamic Shari'ah (Law). I ordain that my body shall not be transported over any unreasonable distance from the locality of my death, unless my Executors & Trustees decide otherwise.

1. *I NOMINATE CONSTITUTE AND APPOINT, my husband _____ my relatives and/or friends _____*

presently of _____ to be the Executors and Trustees of this my Will and I hereinafter refer to them as my "Trustees".

2. *I GIVE, DEVISE AND BEQUEATH all my property of every nature and kind and wheresoever situate, to my Trustees upon the following trusts, namely:*

a) *To use to their discretion in the realization of my estate, with power to my Trustees to sell, call in and convert into money any part of my estate not consisting of money, and I hereby declare that my Trustees may retain any portion of my estate in the form in which it may at my death, and for such length of time as my said Trustees may in their discretion deem advisable. My Trustees shall not be held responsible for any loss that may happen to my estate by reason of the exercise of this power.*

b) *To pay out of and charge to the capital of my general estate my just debts, funeral and testamentary expenses and all estate inheritance and succession duties or taxes, if any.*

3. *IF ANY PERSON should become entitled to any share in my estate before attaining the age of 21 years, the share of such person shall be held or kept invested by my Trustees and the income capital (which must be subject to Zakah system every year) or so much thereof as my Trustees in their absolute discretion consider necessary or advisable shall be used for the benefit of such person until he or she attains the age of 21 years and until such time my Trustees shall accumulate the income derived therefrom and such*

accumulations shall be added to the share from which they arose and shall devolve therewith PROVIDED that my Trustees shall have the power and HEREBY AUTHORIZE them to apply such part or parts of the income and capital of such share as they in their absolute and uncontrolled discretion may consider necessary or advisable for or towards the care, maintenance, education, advancement in life or other benefit of such person until he or she attains the age of 21 years.

I AUTHORIZE my Trustees to make any payments of any person under the age of twenty-one to a legal or defacto guardian of such person or to anyone to whom my Trustees I their discretion deem it advisable to make such payments whose receipts shall be a sufficient discharge to my Trustees.

4. If at any time my Trustees hold in my estate any investment in or in connection with any company or corporation my Trustees may join in or take any action in connection with such investment or may exercise any rights, powers and privileges which at any time may exist or arise in connection with any such investments to the same extent and as fully as I could if I were alive and the sole owner of such investments.

5. I WILL AND DECLARE that before distribution of my estate to my lawful issues, _____ % (no more than 33.3%) of the remaining estate after the payment of my debts and funeral expenses should be given to the following person(s), at the time of my death, the pertaining share should be added to the portion due to the lawful issues.

i) _____ %

ii) _____ %

iii) _____ %

6. I WILL AND DECLARE that if I die leaving lawful issues, then the residue of my estate shall be divided in accordance with the injunctions laid down in the Quran and Sunnah and should there be any difference of opinion amongst my Trustees as to such dictates, then they shall refer any matter on which they are not able to agree for a decision from the Fiqh Council of North America of the Islamic Society of North America know as ISNA, centrally situated in Plainfield, Indiana, U.S.A. and such decision shall be binding on the Trustees.

7. I WILL AND DECLARE that if I die leaving behind no lawful issues, then my estate shall be invested by and in the name of the Canadian Islamic Trust Foundation as and where it is deemed profitable by the Board of Trustees of the Canadian Islamic Trust Foundation in consultation with my Trustees. The income derived from such investment should be distributed by the Canadian Islamic Trust Foundation for the annual expenditure of these institutions. **

* (like ISNA, CIT, Jami Mosque, or any other relatives who are not entitled to a legal share).

** A) 25% for the Islamic Society of North America (Canada)

B) 25% for the Canadian Islamic Trust Foundation

C) 25% for: i) ISNA-Islamic School, Toronto

ii) Jami Mosque, Toronto

D) 25% for helping the needy people anywhere in Canada, U.S. or outside.

IN TESTIMONY WHEREOF I have to this my last WILL AND TESTAMENT, written upon this and two preceding pages of paper, subscribed my name on this _____ day of _____ 19__.

SIGNED, PUBLISHED AND DECLARED by)
the testatrix _____)
as and for his last Will and Testament, in the)
presence of us, both present at the same time, who) Signature
at his request in his presence and in the presence)
of each other, have hereto subscribed our names) _____
as witnesses) Name
)

SIGNATURE: _____
NAME: _____
ADDRESS: _____

SIGNATURE: _____
NAME: _____
ADDRESS: _____

OH you who have attained faith! Let there be witnesses to what you do when death approaches you and you are about to make bequests: two of probity from among your own people.....
Al-Ma'idah:106

Muharram 22, 1429 / January 31, 2008

LAST WILL AND TESTAMENT

Dear Brother/Sister in Islam,

Assalamo Alaikum

I hope and pray to Allah Subhanahu Wa Ta'ala that you are enjoying the best of health and Iman.

The Islamic Society of North America and the Canadian Islamic Trust Foundation (CIT) has prepared a draft for the LAST WILL for Muslims in Canada. This draft of the LAST WILL has been revised by a few brothers who are well known for their knowledge. Their input has been of tremendous importance and it has been very well incorporated. Also a couple of Muslim lawyers have reviewed it and have given their input. It has taken more than a year to finalize this draft and make it available to the Muslim communities across Canada. Please read the instructions below to complete your LAST WILL. The package of the LAST WILL includes the following:

- a) One copy of the LAST WILL – for the sisters to complete
- b) One copy of the LAST WILL – for the brothers to complete

I would like to urge all of you to write your LAST WILL because it is very important in Canada for us as Muslims to protect our children and families against any mishaps and tragedies happening to any one of us, anytime and at any place.

I also request all of you to make use of the LAST WILL AND DEPOSITORY as insha Allah it will provide further protection against any kind of mishaps to the Last Will itself.

The Islamic Society of North America is providing this service not only to its members but also to non-member Muslim brothers and sisters across Canada. Please call or write to ISNA/CIT at the above number and the office will mail a copy to you. I would request each of you to DONATE \$10.00 or more to recover the printing expenses of the LAST WILL. Please make the cheques payable to ISNA Canada. JAZAKUMLLAHO KHAIRAN.

Your brother in Islam,

Mohammad Ashraf, Ph.D.,
Secretary General,
ISNA Canada Headquarters

INSTRUCTIONS

Please read and follow these instructions very carefully:

1. **SELECTION OF TRUSTEES:** You have the total freedom to appoint the people (two/three/or more) as your Trustees in whom you have full confidence regarding their honesty, integrity, Islamic educational background and its practice by them. A person who himself lacks the educational and is not a practicing Muslim or Muslimah may not be a good candidate for being a Trustee.
2. Please fill and complete Page 1 through Page 4. If you do not want to complete or include any part of your Last Will, please put NIL but do not leave it BLANK under any circumstance.
3. **SELECTION OF WITNESSES:** Any two person (preferably Muslims) who are considered to be trustworthy people – as referred above in item #1.
4. **WITNESSING THE SIGNATURES:** It is very important that the testator (male) and or Testatrix (female) signs his/her last will in the presence of the witnesses who should actually, physically witness the signing of the LAST WILL. This is one of those times where the confidence and trust of the testator/testatrix for his/her signatures should not be considered at all for the benefit of the testator/testatrix's family and children. **PLEASE BE VERY SURE NOT TO TAKE A CHANCE ON NOT WITNESSING THE SIGNATURES OF TESTATOR/TESTATRIX.** This may have legal implications for the LAST WILL.
5. **NEED FOR A LAWYER:** There is no need to have a lawyer for writing the LAST WILL. A lawyer will also be one of the witnesses and as most of the lawyers are Notary Public as well, your LAST WILL with a lawyer as a witness may also be a notarized one. However, it will definitely add to the cost of writing your LAST WILL as well as the inconvenience and complication of arranging a meeting for everybody at the lawyer's office, but again, it is your own choice.