

Al Wasiya (Islamic Will)

DR. IBRAHIM DREMALI

Dremali Foundation for Education



AL-WASIYA

- + Obligation of Writing a Will
- + Protecting Your Rights
- + The Importance of an Islamic Will
- + Basic Elements of an Islamic Will

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ
خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ^ط
حَقًّا عَلَى الْمُتَّقِينَ

“It is prescribed for you, when death approaches any of you, if he leaves wealth, that he makes a bequest to parents and next of kin, according to reasonable manners. (This is) a duty upon Al-Muttaqoon (the pious)” [Surat al-Baqarah 2:180]

مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ

“(The distribution in all cases is) after the payment of legacies he may have bequeathed or debts” [Surat al-Nisa 4:11]

“It is the duty of a Muslim who has anything to bequest not to let two nights pass without writing a will about it.” (Sahih al-Bukhari)

Ibn Omar (radiyAllahu anhu) then noted, “Not even one night passed me, ever since I heard this from the Prophet (sallAllahu alayhi wasallam), without having my will with me” (Bukhari, Muslim, and others)



“A man may do good deeds for seventy years but if he acts unjustly when he leaves his last testament, the wickedness of his deed will be sealed upon him, and he will enter the Fire. If, (on the other hand), a man acts wickedly for seventy years but is just in his last will and testament, the goodness of his deed will be sealed upon him, and he will enter the Garden.” (Ahmad and Ibn Majah)

BASIC ELEMENTS OF AN ISLAMIC WILL

There is no specific wording for a wasiya, but basically it should have the following elements:

- The testator's expression of sound mental ability and health
- Declaration of faith (the Shahadah)
- Commanding the survivors to do good and avoid sins
- Declaration of liabilities and assets
- Appointing an executor of the will and guardian(s) of wealth and children
- Bequeathed part of the estate (Naming beneficiaries and indicating the amount of your estate you wish to bequeath – up to 1/3)
- Emphasizing Islamic heirship (specifying legal heirs and their correct shares)



The will should be notarized and signed by 2 witnesses. Legal advice is also recommended. The will has a special sanctity and must be observed and executed. Anyone who changes it or hides any part of it is sinful and liable for Allah's punishment!

فَمَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ ۚ
إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

“Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allah is All-Hearer, All-Knower.” (Surah al-Baqara 2:181)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, Most Beneficent, Most Merciful

LAST WILL AND TESTAMENT OF

----- (Insert your name) -----

Islamic Form Prepared By

Dr. Ibrahim Dremali

President of Dremali Foundation

Professor at American Open University



In the name of Allah, Most Beneficent, Most Merciful

LAST WILL AND TESTAMENT

Of _____

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 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.

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 Dremali Foundation, LLC.

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. And 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.

And in the event that he/she will be unwilling and unable to act as executor, I nominate and appoint _____ or its successor to be the executor of this, my Last Will and Testament. And in the event _____ will be unwilling and unable to act as executor, I nominate and appoint _____ or its successor 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. And In the event he/she shall be unwilling or unable
to act as a guardian, I nominate and appoint
_____ 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 administering 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. Dremali Foundation

(%); _____percent

2. _____

(%); _____percent

3. _____

(%); _____percent

4. _____

(%); _____percent

Total: _____

(%); _____percent



In case I made a mistake and this total turns to be more than one third of the remainder after implementation of Article III, only one third shall be distributed to the organizations and persons named above; distribution of this one third shall be made in proportions to percentages mentioned above.

ARTICLE V: DISTRIBUTION OF REMAINDER OF MY ESTATE

a) I direct, devise, and bequest all the residue and remainder of my estate after actual payment or making provision for payment of my debts and other obligations and of distributions provided in Articles III and IV, only to my Muslim heirs. The distribution of the residue and remainder of my estate shall be made strictly in accordance with:

THE SCHEDULE OF MAWARITH (INHERITANCE)

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

- b) I also direct and ordain that no part of the residue and remainder of my estate shall be inherited by, or distributed to any non-Muslim relative whether he/she is a kin or in-law, spouse, parent, or child, etc., except for those I personally named in Article IV. I further direct and ordain that any non-Muslim relative be disregarded and disqualified in the application of this schedule of Mawarith stated in (a) above.
- c) Should I die as a result of murder, I direct that the adjured murderer, principal or accessory in the murder, as convicted in a court of law, shall be disqualified to receive any part of my estate. My convicted principal or accessory murderers shall be disregarded as if they do not exist with regard to the distribution of my estate.

d) I direct that no part of my estate shall be given to relatives whose relationship to me, ascending, descending or sibling has occurred outside an Islamic marriage or outside a lawful marriage, or through adoption, step or foster relation at any link of this relationship. I further direct and ordain that out-of-Islamic-or-legal-marriage, adopted, step and foster children, and all relatives through them be disregarded and disqualified, as if they did not exist, with regard to the implementation of the Schedule of Mawarith and with regard to the distribution of the remainder of my estate, except for the following:

- 1- Legatees I specifically named in Article IV.
- 2- A person whose relation to me goes through a biological mother, even if it is out of wedlock.

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 two conditions are fulfilled: the fetus must be born alive within no more than 46 weeks from the day of my death; 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 conditions are satisfied. Furthermore, I direct and devise that any other heir whose share may be affected should the fetus be born alive before my death, must be given the lesser of the two potential 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 46 weeks 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 component, nature and kind and wherever it may be located after making provisions for payments of my debts, obligations and distribution as provided in Articles III and IV, be distributed to my heirs in accordance to Schedule of Mawarith. I further direct, devise and ordain that any portion of my estate disclaimed or refused to be received by any of the legatees and heirs named or referred to in this Last Will and Testament or the remainder of my estate in the event of non-existence of Muslim Heirs shall be given to Dremali Foundation, as a contribution for supporting dawah activities in North America.

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.

This document comprising of 27 (Twenty Seven) pages including The Schedule of Mawarith is made in THREE original copies. One copy is with me, one copy is deposited with _____, and one copy is with: _____, The Executor.

TESTATOR'S SIGNATURE AND WITNESSES

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)



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 _____



STATE OF -----
COUNTY OF -----

On _____, before me, _____ personally appeared _____ and _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____.

(This area for official notary seal)

Title of document _____

Date of document _____ No. of Pages _____

Other signatures not acknowledged _____



THE SCHEDULE OF *MAWARITH*

THE ISLAMIC DISTRIBUTION OF THE ESTATE

I ordain, devise 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 NUMBER 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 or both mother of father and mother of mother together, no parents,	1/6 to father of father; 1/6 to either mother of father or mother of mother or divided between them equally; rest as in (1.a).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
1.i) (1.g) or (1.h) with wife	1/6 to mother of father or of mother or divided between them equally; 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 or divided between them equally; 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 or both, no parents, and no father of father.	1/6 to mother of mother or mother of father or divided between them equally; rest as in (1.a).
1.r) (1.q) with wife.	1/6 to mother of mother or mother of father or divided between them equally; 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 or divided between them equally; 1/4 to husband; rest as in (1.a).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
1.t) (1.h), (1.n) or (1.q), but instead of one grandmother, there are two or more, same degree, great grandmothers (e. g., either 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 any great grandmother linked to the deceased through maternal grandfather and no mother of mother nor mother of father).	Grandmothers, or great grandmothers, share equally 1/6; father or paternal grandfather 1/6; rest as in (1.a). Presence of any grandmother prevents giving any share to any great grandmother.
1.u) (1.t) with husband, or wife.	Grandmothers, or great grandmothers, share equally 1/6; father or grandfather 1/6; husband 1/4; or wife 1/8; rest as in (1.a).

1.v) In each of (1.a) through (1.u), disregard all 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 DR. IBRAHIM DREMALI. OPINION GIVEN IN WRITING BY DR. IBRAHIM DREMALI MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.a) With no other relatives.	If one only, she takes all the remainder. If more than one daughter; they equally share all the remainder.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
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 daughter; they share 2/3 equally, and 1/3 to father.
2.e) With mother.	1/4 to mother, 3/4 to daughter. If more than one daughter; 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 daughter; 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 daughter; 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 daughter; 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 daughter; 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 daughter; 3/13 to

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	husband, $\frac{2}{13}$ to father, and $\frac{8}{13}$ to daughters equally.
2.k) With husband and mother.	$\frac{1}{4}$ to husband, $\frac{7}{36}$ to mother, $\frac{5}{9}$ to daughter. If more than one daughter; $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, and $\frac{8}{13}$ to daughters equally.
2.l) With husband and both parents.	$\frac{3}{13}$ to husband, $\frac{2}{13}$ to father, $\frac{2}{13}$ to mother, and $\frac{6}{13}$ to daughter. If more than one daughter; $\frac{3}{15}$ to husband, $\frac{2}{15}$ to father, $\frac{2}{15}$ to mother, and $\frac{8}{15}$ to daughters equally.
2.m) With father of father, no father, and no brothers.	$\frac{1}{2}$ to father of father, $\frac{1}{2}$ to daughter. If more than one daughter; $\frac{1}{3}$ to father of father, and $\frac{2}{3}$ 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) With father of father and with mother; or without mother but with either mother of father or mother of mother, or with both mother of mother and mother of father, no father and no brothers.	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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	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. If more than one daughter; 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 between 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, 3/8 or 1/4 (the rest) to children of son(s) according to rules stated in (1.a) 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, 1/12 or 5/24 (the rest) to children of son(s) according to rules stated in (1.a) 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 according to rules stated in (1.a) 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.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>2.x) (2.v) with one parent.</p>	<p>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.</p> <p>$1/2$ to daughter, $1/8$ to wife, $1/6$ to parent, and $5/24$ to children of son(s) according to rules stated in (1.a) 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) according to rules stated in (1.a) 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) according to rules stated in (1.a) as in (2.t) and (2.u); $8/13$ to daughters, $2/13$ to parent, and $3/13$ to husband, nothing to grandchildren.</p>
<p>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.</p>	<p>As in (2.w), but replace father of father for father, and grandmother(s) for mother. Share of grandmothers is divided equally between them.</p>
<p>2.z) With daughters of son(s) and no sons of sons.</p>	<p>$3/4$ 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).</p>
<p>2.aa) With sister(s) of same parents (no</p>	<p>$1/2$ to the daughter, $1/2$ to sister(s) or to</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>brothers), or with brother(s) of the same two parents (no sisters).</p>	<p>brother(s), equally between all sisters or between all brothers. If more than one daughter; 2/3 to daughters, 1/3 to sister(s) or to brother(s), equally between all sisters or all brothers.</p>
<p>2.bb) With sister(s) and brother(s) of same two parents.</p>	<p>1/2 to daughter, 1/2 to sister(s) and brother(s) on the basis of one share to a sister and two shares to a brother. If more than one daughter; 2/3 to daughters, 1/3 to sister(s) and brother(s) on same basis.</p>
<p>2.cc) (2.aa) or (2.bb) with wife, or husband.</p>	<p>1/2 to daughter, 1/8 to wife and 3/8 to sister(s) and/or brother(s) as in (2.aa) or (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. 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.</p>
<p>2.dd) (2.cc) with mother.</p>	<p>1/2 to daughter, 1/8 to wife, 1/6 to mother, the rest (= 5/24) to sister(s) and/or brother(s) as in (2.aa) or (2.bb). OR 1/2 to daughter, 1/4 to husband, 1/6 to mother, the rest (= 2/24) to sisters and/or brother(s) as in (2.aa) or (2.bb) respectively. If more that one daughter: 2/3 to daughters, 1/8 to wife, 1/6 to mother, the rest (= 1/24) to sister(s) and/or brother(s) as in (2.aa) or (2.bb) respectively. OR 8/13 to daughters, 3/13 to husband, 2/13 to mother, nothing to sisters and brothers.</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.ee) (2.cc) with either mother of mother or mother of father or both; no mother.	As in (2.dd), grandmother takes the share of mother, and grandmothers share the same.
2.ff) With uncle(s) from same parents of the 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.gg) With one grandmother, either side, or both grandmothers.	5/6 to daughter, and 1/6 to grandmother or to grandmothers, equally between them. If more than one daughter; 5/6 to daughters, and 1/6 to grandmother(s).

2.hh) In each of (2.a) through (2.gg), disregard all 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 DR. IBRAHIM DREMALI. OPINION GIVEN IN WRITING BY DR. IBRAHIM DREMALI MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
4.a) Father alone; or father with 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, with (or without) any number of brother(s) and sister(s).	1/4 to wife; or 1/2 to husband; and 3/4 and 1/2 (the rest) to father; nothing to brothers and sisters.
4.c) Both parents, with no brothers nor sisters, or with maximum of one sibling (full or half of either side).	1/3 to mother, 2/3 to father; nothing to the brother or sister.
4.d) (4.c) with husband or wife.	1/4 to wife; 1/4 to mother; 1/2 to father; Or 1/2 to husband; 1/6 to mother; 1/3 to father; nothing to the sibling.
4.e) Both parents, with two or more brother(s) and/or sister(s), full or either side, and with or without wife or husband.	1/6 to mother; 5/6 to father; nothing to brother(s) and sister(s). 1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to father nothing to brother(s) and sister(s);
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 3/4 or 1/2 (the rest) to mother.
4.h) Mother with one brother, or one sister, of same two parents.	1/3 to mother, 2/3 to brother. 2/5 to mother, 3/5 to sister.
4.i) (4.h) with husband, or wife.	1/3 to mother, 1/2 to husband, or 1/4 to wife, 1/6 or 5/12 (the 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 full brother	1/6 to mother, 5/6 (the rest) to the full

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>and any number of full sisters, and any number of brothers and sisters of father side.</p>	<p>brother or to full brother(s) and full sister(s) according to rules in (1.a); nothing to brothers and sisters of father side.</p>
<p>4.k) (4.j) with husband, or wife.</p>	<p>1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to full brother or to full brother(s) and full sister(s) as in rules (1.a), nothing to brothers and sisters of father side.</p>
<p>4.l) Mother with at least one father-side brother and any number of father-side sisters, no full brother(s) and sister(s).</p>	<p>1/6 to mother, 5/6 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).</p>
<p>4.m) (4.l) with husband or wife.</p>	<p>1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to full brother or to full brother(s) and full sister(s) as in rules (1.a).</p>
<p>4.n) (4.j) or (4.l) with one sister or one brother of mother side.</p>	<p>1/6 to mother; 1/6 to sister or brother of mother side; 2/3 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).</p>
<p>4.O) (4.n) with husband or wife.</p>	<p>1/6 to mother; 1/4 to wife; or 1/2 to husband; 1/6 to brother or sister of mother side; 5/12 or 1/6 (the rest) to brother or to brother(s) and sister(s) as in rules (1.a).</p>
<p>4.p) (4.j) or (4.l) or (4.O) with more than one brother/sister from mother side.</p>	<p>1/6 to mother; 1/3 to brothers/sisters of mother side (to be distributed equally regardless of gender and no matter how many they are); 1/2 to brother or to brother(s) and sister(s) who are mentioned in (4.j) or (4.l) as in rules (1.a). 1/6 to mother; 1/3 to brothers/sisters of</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	<p>mother side (to be distributed equally regardless of gender and no matter how many they are); 1/4 to wife; 1/4 to brother or to brother(s) and sister(s) who are mentioned in (4.j) or (4.l) as in rules (1.a).</p> <p>1/6 to mother; 1/3 to all brothers/sisters who share same mother (to be distributed equally regardless of gender and no matter how many they are); 1/2 to husband; nothing to brother(s) and sister(s) of father side.</p> <p>4.q) Mother with two or more full sisters (of same two parents). 1/5 to mother, 4/5 to sisters equally between them.</p> <p>4.r) Mother with two or more sisters, of father side, no full sisters. 1/5 to mother, 4/5 to sisters equally between them.</p> <p>4.s) Mother with one full sister and one or more sister(s) of father side. 1/5 to mother, 3/5 to the one full sister; and 1/5 to sister(s) of father side, equally between them.</p> <p>4.t) (4.q), (4/r) or (4.s) with wife or husband. 2/13 to mother; 3/13 to wife; and 8/13 to sisters mentioned in (4.s) and (4.t), equally between them. Or, 2/13 to mother; 3/13 to wife; 6/13 to the one full sister; and 2/13 to sister(s) of father side, equally between them. Or, 1/8 to mother; 3/8 to husband; and 4/8 to sisters mentioned in (4.s) and (4.t), equally between them. Or, 1/8 to mother; 3/8 to husband; 3/8 to the one full sister; and 1/8 to sister(s) of father side, equally between them.</p> <p>4.u) 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.</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
4.v) (4.u) 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.w) 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 regardless of gender.
4.x) (4.w) with husband or wife.	1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s), equally between them all regardless of gender. 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s), equally between them all regardless of gender.
4.y) Mother with father of father, no brother(s), no sister(s).	1/3 to mother, 2/3 (the rest) to grandfather.
4.z) (4.y) with husband or wife.	1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest) to grandfather.
4.aa) Mother with son of brother, (the brother is of the same parents).	1/3 to mother, 2/3 (the rest) to son of brother.
4.bb) Mother with children of brother(s), [the brother(s) is (are) of the same parents].	1/3 to mother, 2/3 (the rest) to children of brother(s) according to rules in (1.a).
4.cc) (4.aa) or (4.bb) with wife or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, and 5/12 or 1/6 (the rest) to son or children of brother(s) as in (4.t) or (4.u).
4.dd) Mother with brother of father of same two grandparents.	1/3 to mother, 2/3 (the rest) to brother of father.
4.ee) Mother with brother(s) of father	1/3 to mother, 2/3 (the rest) to

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
and any number of sisters of father, all of same two grandparents.	brother(s) and sister(s) of father according to rules in (1.a).
4.ff) (4.dd) and (4.ee) with wife, or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest to brother of father or brother(s) and sister(s) of father as in (4.x).
4.gg) Father with mother of mother, and no mother.	1/6 to mother of mother, 5/6 (the rest) to father.
4.hh) Mother with brother(s) and father of father.	1/6 to mother, 5/6 (the rest) to be divided between brother(s) and father of father equally, unless grandfather's share goes below 1/3 (if it does, he gets 1/3 and 1/2, i.e., the rest to brothers equally).
4.ii) 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.jj) In each of (4.a) through (4.ii), disregard all 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 DR. IBRAHIM DREMALI. OPINION GIVEN IN WRITING BY DR. IBRAHIM DREMALI MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

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

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
5.a) Wife only.	1/4 to wife, 3/4 (the rest) to Dremali Foundation to be used as a <i>Waqf</i> whose principal be invested and net return only be used for dawah activities in North America.
5.b) Husband only.	1/2 to husband, 1/2 (the rest) as in (5.a).
5.c) Husband, or wife with one or more full brother and any number of full sisters.	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).
5.d) Husband, or wife, with only full sister(s), no brothers.	1/2 to husband, or 1/4 to wife; 1/2 or 3/4 (the rest) to the sister, or equally between sisters.
5.e) Husband, or wife, with son(s) of brother(s); or son(s) of brother(s) and any number of daughters of brother(s). Fathers of nieces and nephews are of same parents as the deceased.	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.	1/2 to husband, or 1/4 to wife, and 1/2 or 3/4 (the rest) to uncle, or uncles equally between them.
5.g) Husband or wife, with one or more brother of father, and any number of sisters of father, uncles and aunts are of same grandparents.	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to uncle(s) and aunt(s), according to the rules in (1.a).
5.h) Husband or wife with father of father, no other relatives	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to father of father.
5.i) Husband or wife with father of father and mother (or no mother and	3/7 to husband, 2/7 to mother (or to either grand mother or shared equally

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
instead mother of mother or mother of father or both); no other relatives	between them), and 2/7 to father of father; Or 1/4 to wife, 1/3 to mother (or to either grand mother or shared equally between them), and 5/12 to father of father.
5.j) Husband or wife with father of father and brother(s) of both parents.	1/2 to husband; 1/3 to father of father; and 1/6 to the brother(s) equally between them; Or 1/4 to wife, 3/8 to each of father of father and the one brother; Or 1/4 to wife, 1/3 to father of father, and 5/12 to brothers equally between them.

5.k) sub-cases having relatives not mentioned in (5.a) through (5.i) especially grandmothers, great grand mothers, brothers and sisters from father side, brothers and sisters from mother side, must be referred to Dr. Ibrahim Dremali for determination of distribution.

NOTE: IF THE TESTATOR'S CASE IS UNDER NO. (5), BUT NOT COVERED ABOVE, THE EXECUTOR MUST SEEK AND FOLLOW THE ADVICE OF THE DR. IBRAHIM DREMALI. OPINION GIVEN IN WRITING BY DR. IBRAHIM DREMALI MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

CASE NO. (6): SIBLINGS ONLY, NO SPOUSE, NO OFFSPRINGS AND NO PARENTS

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.a) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; no brothers/sisters of mother side.	All remainder shall be distributed to full brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.b) One or more full sister(s); no full or half brothers and no sisters of mother side.	The one sister takes all the remainder; Two or more sisters share equally all the remainder.
6.c) (6.a) or (6.b) with father of father.	<p>1/2 to full brother or to full sister and 1/2 to father of father;</p> <p>2/5 to each of father of father and full brother and 1/5 to sister;</p> <p>1/3 to father of father and 2/3 to brothers or to sisters, equally between them; If there are more than one brother and/or more than one sister, rule (1.a) applies to the distribution of this 2/3.</p>
6.d) One or more full sister(s); and one or more sister(s) of father side; no full of half brothers and no sisters of mother side.	<p>3/4 to the full sister and 1/4 to the father-side sister; or 3/4 to the full sister and 1/4 to the father-side sisters to be divided equally between them.</p> <p>Or if full sisters are two or more, all remainder to full sisters to be divided equally between them; and nothing to father-side sister(s).</p>
6.e) (6.d) with father of father.	<p>1/2 to the full sister; 1/6 to the father-side sister(s) equally between them; and 1/3 to the father of father.</p> <p>Or if full sisters are two or more, 2/3 to full sisters to be divided equally between them; 1/3 to father of father; and nothing to father-side sister(s).</p>
6.f) One or more full sister(s); and one or more brother(s) of father side and one or more sister(s) of father side; no full brothers and no brothers/sisters of mother side.	1/2 to the one full sister, or 2/3 to the two and more full sisters equally between them; 1/2 or 1/3 (the rest) to the sisters and brothers of the father side to be distributed according to rules (1.a).
6.g) (6.f) with father of father	1/2 to the full sister; 1/6 to the father-side brothers and sister(s) to be divided

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>6.h) Any combination of father-side brothers and sisters; no full brothers, no full sisters and no sisters/brothers of mother side; with or without father of father.</p> <p>6.i) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; with one or more mother-side brother(s)/sister(s).</p> <p>6.j) At least one father-side brother and any number of father-side sisters, with no full brothers and no full sisters; with one or more mother-side brother(s)/sister(s).</p> <p>6.k) One or more full sister(s); no full or father-side brothers and one or more sister(s)/brother(s) of mother side.</p>	<p>between them according to rule (1.a); and 1/3 to the father of father. Or if full sisters are two or more, 2/3 to full sisters to be divided equally between them; 1/3 to father of father; and nothing to father-side brothers and sister(s).</p> <p>Apply rules (6.a) and (6.c) after putting “father-side” in place of “full”</p> <p>1/6 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; and 5/6 or 2/3 (the rest) to full brother or full brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.</p> <p>1/6 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; and 5/6 or 2/3 (the rest) to father-side brother or father-side brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a).</p> <p>1/4 to mother-side brother or sister or 7/18 if they are two or more, equally between them regardless of gender; 3/4 or 11/18 to the one sister; Or, 1/5 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; 4/5</p>

