

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, Most Merciful, Most Compassionate

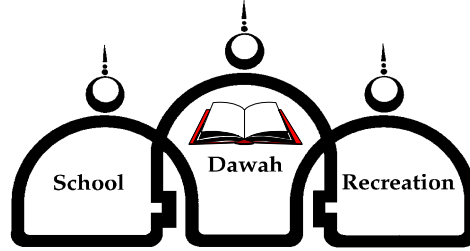
LAST WILL AND TESTAMENT

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عن عبد الله بن عمر (رضي الله عنه): قال رسول الله صلى الله عليه وسلم "ما من مسلم له شيء يريد أن يوصي فيه يبيت ليلتين إلا ووصيته مكتوبة عنده" (البخاري ومسلم)

Narrated Abdullah bin Omar (RA): Allah's Messenger (PBUH) said, "It is not permissible for any Muslim who has something to will, to stay for two nights without having his last will and testament written and kept ready with him.

[Al Bukhari and Muslim]



In the name of Allah, the Most Beneficent, the Most Merciful

LAST WILL AND TESTAMENT

I, _____, presently residing at _____, County of _____ State of _____, being of sound mind and memory, do hereby revoke any and all former Wills and codicils made by me, and do make, ordain, publish, and declare this my Last Will and Testament.

PREAMBLE

I bear witness that there is no deity but Allah, the One, the Merciful, the Almighty—Creator of the heavens and the earth and all therein—God of Abraham, Moses, Jesus, Muhammad, and all the Prophets, mercy and peace be upon them all. He is One God and He has no partner. And I bear witness that the Prophet Muhammad is His Servant and his Messenger and the last of all the Prophets, mercy and peace be upon him. I bear witness that Allah is the Truth, that His promise is Truth, and that the Meeting with Him is Truth. I bear witness that Paradise is Truth and that Hell is Truth. I bear witness that the coming of the Day of Judgement 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 or her time.

I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death or on my body.

I ordain that no pictures, crescents or stars, decorations, crosses, flags, any symbols—Islamic or otherwise—or music shall be involved at any stage of the process of conducting my burial or ever be placed at the site of my grave.

I ordain that my body shall not be transported over any unreasonable distance from the 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.

I ordain that my grave shall be dug deep into the ground in complete accordance with the specifications of Islamic practice and that it face the direction of Qiblah (the direction of the city of Mecca in the Arabian Peninsula, towards which Muslims face for prayer).

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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 that local laws require casket encasement, I ordain that such encasement be of the simplest, most modest, and least expensive type possible.

I further ordain that the encasement be left open during burial and filled with dirt, unless prohibited by law.

I ordain that my grave shall be level with the 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 marker, merely to indicate the presence of the grave. There should be no inscriptions or symbols on the said marking.

**ARTICLE 1:
FAMILY**

I am married to _____. My children are:

_____, born _____

_____, born _____

_____, born _____

My parents are _____ and _____.

For the purpose of this Will, the terms “children”, “grandchildren”, “son”, “daughter” or “issue” do not include any adopted and/or illegitimate children.

**ARTICLE 2:
PERSONAL REPRESENTATIVE AND GUARDIAN**

2.1 I hereby nominate and appoint _____, presently residing at _____, to be the Personal Representative of this, my Last Will and Testament. In the event that he or she will be unwilling or unable to act as Personal Representative, I nominate and appoint _____, residing at _____, to be Personal Representative of this, my Last Will and Testament.

I give my Personal Representative 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 Personal Representative in the performance of his or her duties.

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2.2 I hereby nominate and appoint _____,
 presently residing at _____
 to be the guardian of the persons of such of my children who 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 or she shall be unwilling or unable to act as guardian, I nominate
 and appoint _____, residing at
 _____, to be
 the guardian.

**ARTICLE 3:
 DEBTS AND EXPENSES**

3.1 I direct that my Personal Representative apply first, the assets of my estate to the
 payment of my debts as they become due—including such expenses incurred by my
 last illness and burial as well as the expenses of administrating my estate. I direct
 the said Personal Representative to pay any “obligations to Allah” (Huquq Allah)
 which are binding on me, such as unpaid Zakaht, Kaffarat, or unperformed
 pilgrimage (Hajj).

3.2 I direct that all inheritance, estate, and succession taxes (including interest and other
 penalties thereon) payable by reason of my death with respect to assets subject to
 this my Last Will and Testament, shall be paid; except that this provision shall not
 be construed as a waiver of any right which my Personal Representative 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. All such
 taxes shall be apportioned in accordance with Oregon law.

**ARTICLE 4:
 CHARITABLE DEVICES**

4.1 I devise the following amounts not to exceed one third of the remainder of my
 estate to the following named charitable organizations:

Muslim Education Trust, P. O. Box 283 Portland, Oregon 97207	(____ %); _____ percent or	\$ _____
_____	(____ %); _____ percent or	\$ _____
_____	(____ %); _____ percent or	\$ _____
_____	(____ %); _____ percent or	\$ _____
Total: _____	(____ %); _____ percent or	\$ _____

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- 4.2 If any organization named herein is not an organization qualifying for a charitable deduction under Internal Revenue Code Sections 170(c), 501(c)(3) and 2055 at the time of my death, the devise to such organization shall lapse and I devise such amount to the remaining organizations, pro rata.

**ARTICLE 5:
DISTRIBUTION OF THE REMAINDER OF MY ESTATE**

- 5.1 I devise all the residue and remainder of my estate after making provision for payment of my obligations and distributions provided in Articles 3 and 4, to my Muslim heirs whose relation to me, whether ascending or descending, has occurred through Islamic or lawful marriage at each and every point. The distribution of the residue and remainder of my estate shall be made strictly in accordance with: SCHEDULE A. Schedule A is signed by me and is incorporated in my Last Will and Testament by this reference.
- 5.2 I direct that no part of the residue and remainder of my estate shall be inherited by any non-Muslim relative, whether he or she is a kin or an in-law, spouse, parent, or child. I further direct and ordain that any non-Muslim relative be disregarded and disqualified in the application of Schedule A.
- 5.3 Should I die as a result of murder, I direct that the adjured murderer, principal or accessory in the murder shall be disqualified to receive any part of my estate.
- 5.4 I direct that no part of my estate shall be given to relatives whose relationship to me, ascending or descending, at each and every point, has occurred through non-Islamic and unlawful marriage, or through adoption, except legatees specifically named in Article 4 and/or a relative who is related to me through his/her biological mother.
- 5.5 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 fetus should be born alive within 365 days of my death. I further direct and devise that whenever there exists a fetus who may become an heir according to this section, the distribution of the residue and remainder of my estate after the execution of Articles 3 and 4 shall be delayed until after the birth of the fetus, or the largest potential share of the fetus shall be set aside. Should the fetus be born alive, but qualify for a lesser share, or should it not be born alive within the 365 days, any surplus of the set aside amount must be returned to the estate and distributed according to Schedule A.

ALTERNATIVE

I devise all the residue and remainder of my estate of every nature and kind and whenever situated after making provisions for payments of my obligations and distribution of my estate as provided in Articles 3 and 4.

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ALTERNATIVE

I devise any portion of my estate disclaimed by any of the legatees named or referred to in this Last Will and Testament, or the remainder of my estate in the event of non-existence of my Islamic heirs, to the Muslim Education Trust, Portland, Oregon (MET), as a contribution for establishing Islamic schools, centers, mosques, and other MET activities in Portland, Oregon, USA.

**ARTICLE 7:
SEPARABILITY**

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.

IN WITNESS WHEREOF, I have signed this instrument at Portland, Oregon, this ____ day of _____, 20__.

_____]

Muslim Name, if different

The foregoing instrument, consisting of ___ pages, including this/the following page, was on this ___ day of _____, 20__, in our presence signed, published and declared to be his Last Will and Testament by [_____] who was at that time of sound and disposing mind and memory and not acting under the fraud, duress or undue influence of any person whomsoever. In testimony whereof, at his request, in his presence, and in the presence of each other we subscribe our names hereto as witnesses.

Witness

Witness

Portland, Oregon

Portland, Oregon

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STATE OF OREGON)
)
County of Multnomah)

ss.

We, _____, and _____, being first duly sworn, depose and say:

We are the witnesses to the Last Will and Testament of [_____] dated _____, 200_, to which this Affidavit is attached. Said Last Will and Testament was signed by [_____] in Portland, Multnomah County, Oregon, in the presence of each of us; that thereupon [_____] published the said instrument as and declared the same to be his Last Will and Testament and requested us, in attestation thereof, to sign the same as witnesses. We then and there in the presence of the said Testat___ and in the presence of each other subscribed our names as witnesses to said instrument.

That at the time of executing the said instrument [_____] was over the age of eighteen years and was of sound and disposing mind and memory and not acting under any restraint, undue influence or fraudulent misrepresentation.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 200__.

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

Signature_____ 7

**SCHEDULE A:
DISTRIBUTION OF THE RESIDUE OF ESTATE**

I ordain and direct that this schedule be used as the only reference for distribution of the residue and remainder of my estate, referred to in Article 5. This schedule is a part of my Last Will and Testament.

**CASE NO. 1:
ONE SON OR MORE AND ANY NUMBER OF DAUGHTERS**

Surviving Heirs	Share of the Remainder of My Estate
1(a)-with no other relatives	he, or they, get all the 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, the rest as in 1(a).
1(c)-with husband	1/4 to husband, the rest as in 1(a).
1(d)-with father and mother	1/6 to father and 1/6 to mother, the rest as in 1(a).
1(e)-with one parent	1/6 to parent, the rest as in 1(a).
1(f)-with any possible combination of 1(b), 1(c), 1(d), or 1(e)	spouse and parents take shares mentioned above, and the rest as in 1(a).

If Testator's case is under No.1, but not found above, the Personal Representative must follow the advice of Muslim Educational Trust, Portland, Oregon.

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

Surviving Heirs	Share of the Remainder of My Estate
2(a)-with no other relatives	If one only, she takes all the remainder. If more than one, they equally share all the remainder.
2(b)-with wife	1/8 to wife, the rest as in 2(a).
2(c)-with husband	1/4 to husband, the rest as in 2(a).
2(d)-with father	1/2 to the one daughter, 1/2 to father. If more than one, they share 2/3 equally and 1/3 to father.
2(e)-with mother	1/4 to mother, 3/4 to daughter. If more than one, they share 4/5 equally and 1/5 to mother.
2(f)-with both parents	1/6 to mother, 1/3 to father, 1/2 to daughter. If more than one, 2/3 to daughters equally, 1/6 to mother, and 1/6 to father.

- If Testator's case is under No.2, but not found above, the Personal Representative must follow the advice of Muslim Educational Trust, Portland, Oregon.
- If Testator's case is not under No. 1 or 2, the Personal Representative must follow the advice of Muslim Educational Trust, Portland, Oregon.

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Alternate to Schedule A:

The residue of my estate will be distributed to the beneficiaries according to Syariah Law. I further direct that a person authorized by _____ located at _____, be consulted for interpretation of the Islamic Law governing estate distribution, prior to the distribution of estate applicable in this section. Should any of my heirs who are not Muslims at the time of execution of this Will, accept Islam prior to my death they shall become eligible heirs and receive inheritance according to the Islamic law.

The following is a summary of the general Islamic law governing the distribution of my estate, this is neither to be construed as being complete nor does it exclude all the other Islamic Law governing the distribution of estate.

Item 1. SPOUSE

- The surviving spouse, if husband, is given one half (1/2) of wife’s estate if she dies childless, and onefourth (1/4) if she left children.
- The surviving spouse, if Wife, is given one fourth (1/4) of husband’s estate if he dies childless, and oneeighth (1/8) if he left children.

At the time of writing this Will, my spouse is _____ whose date of birth is ___/___/___ and social security number is ____-____-_____

Item 2. FATHER

- My father is to be given one sixth (1/6) of the estate if any of my children are alive at the time of my death, and two thirds (2/3) if no children survive me. My father is _____ whose date of birth is ___/___/___ and the social security number is ____-____-_____

Item 3. MOTHER

- My mother is to be given one sixth (1/6) of the estate if any of my children survive me, and one third (1/3) if none of my children survive me.

My mother is _____ whose date of birth is ___/___/___ and the social security number is ____-____-_____

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Item 4. CHILDREN

The remainder of my estate will be distributed in the following manner:

1. If at least one son survives me, all of my remaining estate is to be distributed among my children, with sons inheriting double the share of daughters.
2. If no son survives me and one daughter survives me, she inherits one half (1/2) of the remaining estate and for the distribution of the remainder one half (1/2) of my estate refer to applicable Islamic estate distribution criteria.
3. If no son survives me and more than one daughter survives me, two thirds (2/3) of my remainder estate is distributed equally among them and for the distribution of the remainder one third (1/3) of my estate refer to applicable Islamic estate distribution criteria.

At the time of writing this Will, I have the following sons:

1. _____, whose date of birth is ___/___/___ and the social security number is _____-____-_____
2. _____, whose date of birth is ___/___/___ and the social security number is _____-____-_____
3. _____, whose date of birth is ___/___/___ and the social security number is _____-____-_____

At the time of writing this Will, I have the following daughters:

1. _____, whose date of birth is ___/___/___ and the social security number is _____-____-_____
2. _____, whose date of birth is ___/___/___ and the social security number is _____-____-_____
3. _____, whose date of birth is ___/___/___ and the social security number is _____-____-_____

As used in writing this Will, the words “my children” shall mean the biological legitimate sons and daughters listed above, and any others hereafter born to me.

Item 5. BROTHERS AND SISTERS

- In presence of parents or one or more sons, the brothers or sisters are not given any share.
- In presence of one or more daughters and no sons refer to the Islamic law on distribution of estate for applicable distribution criteria.
- If only sister she is given one half of the estate.
- If two or more sisters they will share two thirds (2/3) of the estate.
- Brothers when present will be given double the share of sisters.

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- If the deceased is a female and left only a brother he shall inherit her estate.

At the time of writing this Will, I have the following brother(s):

1. _____, whose date of birth is ___/___/___ and the social security number is

_____-_____-_____

2. _____, whose date of birth is ___/___/___ and the social security number is

At the time of writing this Will, I have the following sister(s):

1. _____, whose date of birth is ___/___/___ and the social security number is

_____-_____-_____

2. _____, whose date of birth is ___/___/___ and the social security number is

_____-_____-_____

In the case, that any of my heirs, predecease me or is ineligible for inheritance, I direct that their share be distributed among the eligible heirs.

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