

LAST WILL AND TESTAMENT

OF _____ SS# _____

ARTICLE 1: PREAMBLE

In the name of God, the Beneficent, the Merciful.

I testify that there is no god but Allah, He is One and has no partner.

I believe that Muhammad is the Final Messenger of God,

And that Ali & his infallible descendants are successors of Muhammad.

May Allah send his blessings upon Muhammad & his Progeny.

All praise is for Allah the creator of the heavens. I praise Him, I seek His help and His forgiveness. I believe in Him and put my trust entirely in Him. I seek refuge with Allah from the evils of myself and my deeds. Whom Allah guides no one can mislead, and whom Allah misleads no one can guide

I, _____, Male/Female, Muslim, presently resident of _____, being of sound mind and memory declare the following is my Last Will & Testament (*waseeat*) made on this _____ day of _____. I do hereby revoke any and all former wills and codicils that I may have previously made.

I ask all my relatives, friends, and others, whether they be Muslims or non-Muslims, to honor my right to be a Muslim. I ask them to honor the spirit and letter of this document and not to try to obstruct or change it in any way. Let them see to it that I am buried as a Muslim should be, and my properties are divided as I wanted them to be divided according to the Shia Muslim laws of inheritance. I ordain that under no circumstances should the contents of this will be changed voluntarily.

ARTICLE II: MY IMMEDIATE FAMILY

- a) I am married to _____ and all references in this will to my husband/wife are to him/her.
- b) I am the father/mother of the following children whose names, relationships and dates of birth are:

	<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
1			
2			
3			
4			
5			

- c) The following are my living biological parent's names, relationship, and dates of birth:

	<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
1		Father	
2		Mother	

ARTICLE III: EXECUTOR AND TRUSTREE

- a) I hereby nominate and appoint for my **entire estate**: cash, bank accounts, real property, shares in any business (SCHEDULE - A), and any other property not mentioned in this will, the persons named below, who shall act also as an Executor and Trustee to serve without bond, to distribute it according to Shia Muslim Shariah.
- b) My Son _____, or, if he/she fails to survive me by 45 days. In the event that he/she predeceases me or in the event that we suffer a simultaneous death, or he/she is unwilling or unable to act as my executor or shall for any reason fail to qualify as such Executrix, then and in that event, then I nominate, constitute, and appoint the following individuals as joint co-executors and trustees of my last Will and Testament:
- c) _____, currently residing at _____,
_____, and _____, currently
residing at _____ ;

- d) In the event any of the co-Trustees are unwilling or unable to act as my executor, I hereby nominate and appoint the following Imam of the local Shia Muslim community: _____

Trustee/Executor's Powers

I direct my personal representative to take all actions legally permissible to have the probate of my will done as simply and as free of court supervision as possible under the laws of the state having jurisdiction over this will, including filing a petition in the appropriate court for the independent administration of my estate.

I grant to my personal representative the following powers, to be exercised as he or she deems to be in the best interests of my estate:

- a) To settle any claim for or against my estate and power to sell any property, real, personal, or mixed, in which I have interest, without court order and without bond.
- b) To retain property without liability for loss or depreciation.
- c) To dispose of property by public or private sale, or exchange, or otherwise, and receive and administer the proceeds as a part of my estate.
- d) To vote stock, to exercise any option or privilege to convert bonds, notes, stocks or other securities belonging to my estate into other bonds, notes, stocks or other securities, and to exercise all other rights and privileges of a person owning similar property.
- e) To lease any real property in my estate.
- f) To abandon, adjust, arbitrate, compromise, sue on or defend and otherwise deal with and settle claims in favor of or against my estate.
- g) To continue or participate in any business which is a part of my estate, and to incorporate, dissolve or otherwise change the form of organization of the business.

The powers, authority and discretion I grant to my personal representative are intended to be in addition to the powers, authority and discretion vested in him or her

by operation of law by virtue of his or her office, and may be exercised as often as is deemed necessary or advisable, without application to or approval by any court.

ARTICLE IV: BURIAL ARRANGEMENTS

I ordain that:

- a) My body be prepared for burial in keeping with the Shia Muslim Law (Shariah),
- b) No autopsy or embalming be done on my body unless required by law..
- c) My body be prepared for burial by Shia Muslims according to the tenets of Shia Islamic Law.
- d) Absolutely no non-Islamic religious service or observance shall be conducted upon my death, or on my body or at the grave site. No pictures, crescents and stars, decorations, crosses, flags, flowers, plants, any symbols or music be involved at any stage of my burial.
- e) My body may not be transported over any unreasonable distance from the locality of death unless necessitated by the circumstances or consensus of my Muslim family members.
- f) My grave be dug in complete accordance with the Shia Islamic practice. It should face in the direction of the Qiblah (towards the Ka'aba at Makkah in the Arabian Peninsula, Saudi Arabia, towards which Muslims face for daily prayers).
- g) My body be buried without casket or any other encasement that separates the shroud from the surrounding soil.
- h) My grave be covered with dirt only. The marking, if necessary, should be simple. My grave shall be level with the ground or slightly mounded, with no construction or permanent structure of any kind over it.
- i) My burial should take place as soon as possible, preferable before sunset on the day of my death or the following day. Under no circumstances should the burial be unduly delayed.
- j) In the event that the local laws require casket encasement, I command that such encasement be of the simplest, most modest, and least expensive type possible

and I furthermore ordain that the bottom of the encasement be filled with dirt, unless prohibited by law.

- k) In the event of legal difficulties in the execution of this Article, I direct that my executor seek counsel from my heirs.

ARTICLE V: CUSTODIAN AND GUARDIAN

If at my death, any of my children are minors, I hereby nominate and appoint my husband/wife _____ to be guardian of the minor children and the estate of such of my children who shall be minor at and after my death, during their minority, so long as the guardian remains a Muslim of sound mind and judgment.

In the event she predeceases me or is not willing or unable to act as my guardian or shall for any reason fail to qualify as an Executrix, then and in that event, I nominate, constitute and appoint _____, residing at _____ to be the guardian.

In the event _____ is not alive or is not willing or unable to act as guardian, I nominate _____, currently residing at _____ to be the guardian

In all cases I urge that all my minor children be raised to be practicing Shia Muslims and not in any way be indoctrinated into any other faith or religion. I direct that no bond be required of any personal guardian.

- A. Any property or other inheritance that this Will gives to any of my minor children shall be held and administered by their personal guardian in the best interest of the children until the child reaches the age of twenty-one (21) years, as custodian for the minor children under the New Jersey Uniform Transfers to Minor Act.
- B. However, if any of my aforesaid children predecease me leaving issue, him, or her or them surviving, then and in that event, I give devise and bequeath to the

issue, per stripes, the share or shares of my estate which my said child would have received if living.

- C. If any portion of my estate shall become payable to a child under the age of twenty-one (21) years, his, her or their share shall be paid to my co-trustees hereinafter named. They shall separate the said gift into separate share for each such child and shall pay the corpus and all accretions to the said child when he/she attains the age of twenty-one (21) years.
- D. The co-trustees may, in their sole discretion, invade a child's share to pay for that child's only reasonable charges attributable to his healthy education and welfare, taking into account all other sources of funds available to that child.

ARTICLE VI: DEBTS AND EXPENSES

I direct my executor:

- a) To return to the rightful owners all trust and properties that are in my care at the time of my death.
- b) To first apply the assets of my estate to the payment of all my just legal debts, including such expenses incurred by my last illness and burial as well as the expenses of the administration of my estate.
- c) To pay any outstanding "obligation due to Allah (swt)" (*huquq* Allah) which are binding on me including unpaid Zakat, Khums, *Kaffaraat* of unperformed pilgrimage (Hajj), etc.
- d) I direct that all inheritance, state, and succession taxes, if any (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, with reimbursement from any person; except that this provision shall not be construed as a waiver of any rights 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 power of appointment.

ARTICLE VII: SPECIFIC BEQUESTS

I direct my executor to:

Pay the following amount from the remainder of my estate after paying all the expenses mentioned above, to the person/s or organization/s named below. The total must not exceed 33 percent (one third) of the remainder of my estate.

<u>Pay To</u>	<u>%</u>
1	of the total remainder
2	of the total remainder
3	of the total remainder
4	of the total remainder
5	of the total remainder
TOTAL BEQUESTS (must not be more than 33%	of the total remainder

If any of the above does not survive me or is unwilling to take this payment, I hereby direct my executor to distribute the remainder to the next person or institution on the above list. If no one on the list above survive me or is unwilling to take this payment, I hereby direct my executor to distribute the remainder to my beneficiaries below according to Shia Inheritance Law.

ARTICLE VIII: DISTRIBUTION OF THE REMAINDER OF MY ESTATE

I direct my executor to:

- a) Divide and pay or transfer the balance of my estate as soon as is reasonably practicable after my death as follows:
 - i. to my son, _____, my clothes in which I die, my ring and my personal Qur'an.
 - ii. to my wife/husband, _____
 - iii. to my father, _____
 - iv. to my mother, _____

- v. to my son, _____
- vi. to my daughter, _____

If any of the above beneficiaries predecease me or is unwilling to take their share or payment, the trustees should calculate the redistribution of the estate according to Shia Islamic laws of Inheritance outlined below. SCHEDULE B outlines of this Will outlines several different possible distribution scenarios under the Shia Inheritance laws.

- b) Ensure that all beneficiaries must survive me for 45 days to receive property under this will. The term “**survive me**” means to be alive or in existence as an individual on the 45th day after my death.
- c) Distribute the residue and remainder of my estate strictly in accordance with the tenets of Shia Muslim law of inheritance. “**Residue estate**” means all property I own at my death that is subject to this Will that does not pass under a specific bequest, including all failed or lapsed bequests. “**Specific bequest**” refers to a gift of specifically identified property that I leave in this Will.
- d) All personal and real property that I leave in this Last Will and Testament shall pass subject to any encumbrances or liens placed on the property as security for the repayment of a loan or debt.
- e) Ensure that no part of the remainder of my estate shall be inherited by any non-Muslim, no matter how he/she is related to me.
- f) Ensure that should I die as a result of murder, no part of the remainder of my estate shall be inherited by my adjured murderer responsible for direct unlawful killing (actionable homicide), no matter how he/she is related to me.
- g) Ensure that no part of the remainder of my estate shall be inherited by a person whose claimed relationship to me, ascending or descending, is the result of a non-Islamic or unlawful marriage, or through adoption, except if this relationship to me is through his/her mother who is biologically (through blood) related to me or if he/she is specifically mentioned in bequests above.
- h) Regard a fetus, conceived before my death, whose relationship to me qualifies it to be an heir according to the Islamic Laws if it is born alive within the limit of

time specified by Shariah. If such a fetus exists at the time of my death, the executor may delay the distribution of the residue and remainder of my estate after the execution of Articles I to VII, until after the birth of the fetus. If he/she chooses to distribute the estate prior to the birth of the fetus then he must withhold a portion of the estate equal to the share of the fetus for distribution until after the birth of the fetus.

- i) I direct and devise that whenever there exists a fetus who may become my heir according to the Shia Islamic Shariah, the whole distribution of the residue and remainder of my estate after the execution of Debts and Expenses section under this Will and distribution of one-third of my estate as mentioned above, shall be delayed until after the birth of the fetus; or that the largest potential share of the fetus be set aside until its birth alive. Should such a fetus be born alive, but qualify for a lesser share, or should it not be born alive within the limits of the time specified by Shariah, any surplus of the set aside amount must be returned to the estate and distributed according to the Shia Inheritance Laws.
- j) That in case of any difficulty in distributing my estate according to this will, the matter should be referred to a Muslim knowledgeable in Shia Islamic Inheritance Law for advice and guidance.
- k) That the residue and remainder of my estate after the execution of Articles I to VII and Article VIII sections 1 to 6 above be donated to the following person/s or organization/s for the establishment of Islamic School or an Islamic Library in the United States.
- l) That any portion of my estate disclaimed or refused to be received by any of the legatee's names or referred to in this document be donated to the following person/s or organization/s for the establishment of Islamic Schools and Islamic Libraries in the United States.

ARTICLE IX: 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.

I subscribe my name to this Will this day _____ at _____
_____ and do hereby declare that I sign and execute
this instrument as my last will and that I sign it willingly, that I execute it as my free and
voluntary act for the purposes therein expressed, and that I am of the age of majority or
otherwise legally empowered to make a will, and under no constraint or undue influence.

Signature

Name

Date

WITNESSES:

On this _____ day of _____, _____ declared to us, the undersigned, that this
instrument was his/her will and requested us to act as witnesses to it. He/She thereupon
signed this will in our presence, all of us being present at the same time. We now, at
his/her request, in his/her presence, and in the presence of each other, subscribe our
names as witness and declare that we understand this to be his/her last will, and that to be
the best of our knowledge the testator is of the age of majority, or is otherwise legally
empowered to make a will, and under no constraint or undue influence.

We declare under penalty of perjury that the foregoing is true and correct.

Witness 1. _____

Witness 2. _____

Subscribed, sworn to and acknowledged before me by _____,
the Testator and subscribed and sworn to before me the witnesses, this _____ day of
_____ in the year _____.

Notary Public _____ date _____

My Commission Expires _____

Distribution of Inheritance According to the Book of Allah (Al-Quran)

Allah says in Sura An-Nisaa:7-14

7. There is a share for men and a share for women from what is left by parents and those nearest related, whether, the property be small or large - a legal share.

8. And when the relatives and the orphans and AlMasâkin (the poor) are present at the time of division, give them out of the property, and speak to them words of kindness and justice.

9. And let those (executors and guardians) have the same fear in their minds as they would have for their own, if they had left weak offspring behind. So let them fear Allâh and speak right words.

10. Verily, those who unjustly eat up the property of orphans, they eat up only a fire into their bellies, and they will be burnt in the blazing Fire!

11. Allâh commands you as regards your children's (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allâh. And Allâh is Ever All-Knower, All-Wise.

12. In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or

woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allâh; and Allâh is Ever All Knowing, Most Forbearing.

13. These are the limits (set by) Allâh (or ordainments as regards laws of inheritance), and whosoever obeys Allâh and His Messenger (Muhammad SAW) will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success.

14. And whosoever disobeys Allâh and His Messenger (Muhammad SAW), and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.

SCHEDULE A **of** **EXPENSES, ASSETS and LIABILITIES**

	Detail Description	Estimate
Expenses		
	Wajib Funeral Expenses, including kafan, water for ghusl, rental of space for ghusl, coffin, grave, transportation to burial site, and other charges paid to government.	
	Damages done to others' property or person	
	Zakat, Fitra, Kaffarah	
	Hajj Obligations & Transportation	
Assets (What I Own)		
	Cash at various banks	
	Investments, Retirement accounts (attach records)	
	Life Insurance (attach policies)	
	Annuities	
	Furniture, Autos, Household equipment	
	Loans Receivable (high probability of collection) (attach itemization)	
	Land, including agricultural AND land on which your home is built.	
	Building – Value of home without land and other structures	
Business Interests		
	Business Assets, bank accounts, etc	
	Investment in Property	
	Interest in Partnerships, etc (attach details)	
Liabilities (What I Owe)		
	Mortgages	
	Credit Card Debt	
	Auto Loan	
	Personal Loans Payable (attach itemization)	

SCHEDULE B

SURVIVORS AND THEIR SHARE

(“AS ABOVE” MEANS ALL THE CONDITIONS THAT PRECEDE IN THIS SCHEDULE)

1. No survivors or any of the conditions mentioned below: after meeting all the conditions described in articles I to IX and in this schedule all remainder should be given to **Shia Islamic Schools or Shia Islamic Libraries.**
2. One or more sons, and/or one or more daughter, no other. He or she or they get all remainder, sons get equal amount and daughters get equal amount. Daughter/s get only half as much total as son/s. If there are other survivor/s, wife/husband/mother/father. Grand parents receive they get their share before son/s and daughter/s.
3. Wife: She gets $\frac{1}{8}$ (12.5%); rest as above. If no other survivors she gets $\frac{1}{4}$ (25%); rest as above. If more than one wife they divide wives' share equally among them.
4. Husband: He gets $\frac{1}{4}$ (25%); rest as above. If no other survivors he gets $\frac{1}{2}$ (50%) rest as above.
5. Father: He gets $\frac{1}{6}$ (16.67%); rest as above. If no other survivors he gets all. If only father and mother survive mother gets $\frac{1}{3}$ and father the rest. If only father and one daughter survive: Father gets $\frac{1}{2}$ (50%) and the daughter gets $\frac{1}{2}$ (50%). If only father and more than one daughter survive: Father gets $\frac{1}{2}$ (50%) and the daughter gets $\frac{1}{2}$ (50%). If only father and more than one daughter survive: Father gets $\frac{1}{3}$ (33.33%) and the daughters divide equally the rest $\frac{2}{3}$ (66.67%).
6. Mother: She gets $\frac{1}{6}$ (16.67%); rest as above. If no other survivors she gets all. If father and mother survive mother gets $\frac{1}{3}$ and father the rest. If only mother and one daughter survive: Mother gets $\frac{1}{4}$ (25%) and the daughter gets $\frac{3}{4}$ (75%). If only mother and more than one daughter survive: Mother gets $\frac{1}{5}$ (20%) and the daughters divide equally the rest $\frac{4}{5}$ (80%). (Any combination of 2 to 6: Spouse and parent get their share before offspring.)

7. Father, mother and one daughter; no other: Father gets $\frac{1}{3}$, mother $\frac{1}{6}$ and daughter $\frac{1}{2}$. If more than one daughter: Father and mother get $\frac{1}{6}$ each and $\frac{2}{3}$ equally divided among the daughters.
8. Father, wife and one daughter, no other: $\frac{1}{3}$ to father, $\frac{1}{8}$ to wife and $\frac{1}{2}$ to daughter. If more than one daughter: $\frac{2}{3}$ equally divided among them, $\frac{1}{8}$ to wife and $\frac{5}{24}$ to father.
9. Mother, wife and one daughter, no other: $\frac{1}{8}$ to wife, $\frac{7}{32}$ to mother and $\frac{21}{32}$ to daughter. If more than one daughter: $\frac{1}{8}$ to wife, $\frac{7}{40}$ to mother and $\frac{7}{10}$ equally divided among the daughters.
10. Father, mother, wife and one daughter: $\frac{1}{8}$ to wife, $\frac{1}{6}$ to mother, $\frac{5}{24}$ to father, and $\frac{1}{2}$ to daughter. If more than one daughter: $\frac{3}{27}$ to wife, $\frac{4}{27}$ to mother, $\frac{4}{27}$ to father and $\frac{16}{27}$ equally divided among the daughters.
11. Husband, father and one daughter: $\frac{1}{4}$ to husband, $\frac{1}{4}$ to father and $\frac{1}{4}$ to daughter. If more than one daughter: $\frac{3}{13}$ 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 father, and $\frac{8}{13}$ to daughters equally.
12. Husband, mother and one daughter: $\frac{1}{4}$ 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.
13. Husband, parents and one daughter: $\frac{3}{13}$ to husband, $\frac{2}{13}$ to mother, $\frac{2}{13}$ to father and $\frac{6}{13}$ to daughter. If more than one daughter: $\frac{3}{15}$ to husband, $\frac{2}{15}$ to mother, $\frac{2}{15}$ to father and $\frac{8}{15}$ to daughters equally.
14. For any other combination of survivors the following principles would be followed and their share determined in consultation with a knowledgeable Muslim.

THE GOLDEN PRINCIPLES OF ISLAMIC LAW OF INHERITANCE

Position of Spouses

- (1). The husband is entitled to $\frac{1}{2}$ (maximum) or $\frac{1}{4}$ (minimum) share from the property of their deceased wife.
- (2). The wife or wives are entitled to $\frac{1}{4}$ (maximum) or $\frac{1}{8}$ (minimum) share from the property of the deceased husband.
- (3). The spouse (husband or widow/s as the case may be) get the maximum share i.e. Husband $\frac{1}{3}$ and the widow $\frac{1}{4}$ if the deceased spouse does not leave behind his or her (i.) child and (ii.) any agnatic descendant (the child of any agnatic male descendant however so low).
- (4). If the above two conditions are not satisfied the spouse is entitled only to the minimum share ($\frac{1}{4}$ in case of husband and $\frac{1}{8}$ in case of widow/s).
- (5). Widow/s who were divorced by the deceased husband are entitled to their right of inheritance provided the divorce was '*Rajai*' (revocable) or it was '*Bain*' (irrevocable) but the husband died during *iddat* period of the widow.
- (6). Spouses are primary heirs so they are never excluded. Neither they exclude blood relations nor they are excluded by any blood relation.

Position of Parents

- (1). Both mother and father are primary heirs so they are never excluded. If alive they are always entitled to a share: mother $\frac{1}{3}$ (maximum) or $\frac{1}{6}$ (minimum); father $\frac{1}{6}$ (minimum) or the entire amount if no other heirs are present. Mother excludes all types of grandmothers maternal as well as paternal. Paternal grandmothers are also excluded by father.

Position of Grandparents

(1). Paternal grandparents and great grandparents substitute parents if they are predeceased. The nearer one excludes the distant. However grandfather is not entitled to the special treatment; when mother and spouse are alive they take their maximum share. Grandfather does not exclude paternal grandmother. The grandmother/s, unlike mother, gets only 1/6. She never gets 1/3.

Position of Children and Descendants

(1). Sons and daughters are primary heirs. They always inherit.

(2). A son's daughter/s become heirs like a daughter if he, the son, is predeceased. If there is one daughter, then son's daughter/s get 1/6; if there are more than one daughter then son's daughter/s are excluded. In the presence of her male counterpart (e.g. son's son) a son's daughter becomes a residuary and shares the residue according to the principle "double share to male". Daughter' or son's daughter's position is not affected by marriage, dissolution of marriage, place of residence etc.

(3). A son's son is completely excluded by a son.

Position of Brothers and Sisters

(1). Uterine brothers and sister (related through mother only) do not inherit in the presence of father, grandfather, daughters, son, son's son and son's daughters.

(2). Full brothers and sisters do not inherit in the presence of father, sons and son's sons. They are also excluded by the true grandfathers, with few exceptions.

(3). The full brother converts the full sisters into a residuary and they inherit the residue in the ratio 2:1. Same principle applies to consanguine brothers and sisters.

Position of Other Relatives

(1). The following relations have no claim except if they are mentioned in No. 1 above or in article VII. Stepchildren, daughter/s-in-law, son/s-in-law, parent/s-in-law, brother/s and sister/s-in-law, adopted children, any other person not related by blood to the deceased.

(2). In some cases where certain heirs mentioned above do not survive, certain distant blood relatives may be entitled. In all such situations, a knowledgeable Muslim may be consulted to determine their share.

Principle of *Awl* and *Raad*

(1). Principle of *Awl* (When the total sum of the fractional shares allotted to the Quranic heirs exceeds unity, the already allotted shares are readjusted by using a procedure where all shares are reduced proportionately. This situation arises only in the presence of daughters or sisters.) and *Raad* (When the total sum of the fractional shares allotted to the Quranic heirs is less than unity. The shares are readjusted in proportion to their already allocated shares. This situation may arise in the absence of a residuary heir.) may be applied in cases where necessary.

HEALTH CARE PROXY AND LIVING WILL

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

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

Name: _____

Phone No: _____

Address: _____

This health care proxy shall take effect if and when I become unable to make my own health care decisions.

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

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

Signature: _____

Date: _____

We, the undersigned witnesses, declare that the person who signed this document is personally known to us and appears to be at least eighteen years of age, of sound mind and able to understand the nature and consequences of health care decisions at the time this document was signed, and acting willingly and free from duress. The person signed this document in our presence. We are not the persons appointed as agent or alternate agent by this document and we sign this document as witnesses on this person's request.

Signature: _____

Date: _____

Name of Witness: _____

Address: _____

Signature: _____

Date: _____

Name of Witness: _____

Address: _____