

1st Ethical

1st Ethical Charitable Trust

Last Will & Testament

Your Islamic Will Made Easy

Dated: (Insert Date) *e.g. 01 January 2010*

WILL of (Insert Name) *e.g. Abdul Ali Ahmed*

www.1stethical.com

IMPORTANT GUIDELINES TO READ BEFORE WRITING THIS DOCUMENT

THIS WILL IS ONLY SUITABLE FOR:

1. Those owning assets in England or Wales wanting an Islamic Will valid under English Law.
2. Those whose individual assets are valued at less than £325,000 or, for married couples, those whose joint assets are valued at £650,000 (40% Inheritance Tax may be payable on any assets over this amount).
3. Those who expect their surviving family to amicably distribute their wealth upon their death.
If any one of the above three conditions do not apply to you, please do not proceed with using this template, and obtain professional legal / tax advice.

PLEASE CAREFULLY READ THE FOLLOWING:

1. You will **need** to insert information in the white dotted box sections of the Will.
2. Please store this Will in a safe place and inform family members about its location.
3. Please compile a list of your main assets and debts, along with details of bank account numbers, land registry records etc. Attach this information with your Will.
4. It is advisable to make multiple copies of this Will and give these to your family members for safe keeping.
5. Please read the 1st Ethical Guide to Islamic Wills prior to completing this document - <http://www.1stethical.com/knowledge-base/financial-legal-matters/guides/preparing-an-islamic-will/>
6. You will need to appoint Guardians to look after any minor children, and Executors to manage your estate after your death. Please ensure you have obtained consent from prospective Guardians and Executors before you include their details. Should the need arise for a Guardian to be appointed, they will need to consult a scholar over Shariah rules pertaining to guardianship.
7. Please note jointly-owned assets (for e.g. the family home) need to be held as tenants in common – please refer to page 7 of the Guide for more details (point 5).
8. Shariah principles require funeral expenses, along with any debt owed to others, to be met first from the wealth left by the deceased. Up to one third of any money left after this may be distributed as bequests. This includes the cost of an MRI scan as an alternative to an invasive Post Mortem, as well as any gifts to charity etc. The remaining estate must then be distributed according to Shariah principles to the surviving family members; usually parents, spouse and children. For more details, please refer to the Guide (point 5).
9. Please note for married couples, a separate Will is required for both husband and wife.



IMPORTANT NOTES:

- 1 If you wish to use this Will, please ensure the document is duly signed, dated and witnessed in accordance with English Law and Shariah principles.
- 2 A Will which is unsigned, or undated or not independently witnessed by TWO persons will not be valid.
- 3 Please ensure the TWO witnesses are NOT family members, or married to family members, not named Executors and Trustees of the Will, or married to them, and finally are independent adults of sound mind.

Please note this template is provided for information purposes only, and does not constitute financial or tax advice under the Financial Services and Markets Act 2000. If advice is required, we strongly recommended professional guidance is obtained and this template is not relied upon. 1st Ethical Charitable Trust will not accept any liability whatsoever, for any loss or any form of damages, whether actual or consequential, arising from any actions taken or forsaken, as a result of using this document. We further strongly recommend professional guidance be taken if tax mitigation or asset protection services are required.

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THIS IS THE LAST WILL AND TESTAMENT of me: *Insert your name and address*

[Empty dashed box for name and address]

1. REVOCATION

I REVOKE all my previous Wills and testamentary dispositions

2. DECLARATION OF FAITH

I bear witness that there is no deity but Allah, the One, the Merciful, Almighty God, 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. He is the 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 them all. I bear witness that Paradise is truth, and Hell is truth. And 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 deficiency and imperfection, will surely resurrect the dead of all the 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 and love Him and His Prophet Muhammad (peace be upon him) with a complete love that is rivalled by nothing besides them. Let them obey Him and hold fast to His Shariah. 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 their 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 their 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 male and female relatives to mourn for up to three days. However a widow is required to observe mourning for the duration of her iddah (period of waiting). Wailing and excessive lamentation is forbidden by 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 honour my beliefs. I ask them to honour my instructions and wishes in this document and not to seek to alter or obstruct it in any way. Rather, let them see that I am buried as I have asked to be buried, and let my assets be divided as I have instructed them to be divided.

Any other bequests you may wish to make can be added here for example giving up to one third to charity

[Empty dashed box for bequests]

3. FUNERAL WISHES

I direct my Executors, surviving relatives and friends to ensure that I have a funeral strictly in accordance with Islamic law, which must include Ghusl (washing), Janazah (funeral prayer) and Dafn (burial). In particular I do not wish for an autopsy to be performed on my body, and request that my body be released for burial immediately upon death or as soon as is practical. In the event that an autopsy becomes a legal requirement, I would wish that this is met through an MRI scan if my Trustees deem it appropriate. I would also like to be buried in the Muslim Cemetery closest to the place of my death. I am aware that this is a serious obligation and would request that you use your best endeavours to reach agreement over the fundamental matters mentioned and compromise on others if you differ in opinion.

4. GUARDIANSHIP

I APPOINT my {relation}

of *Insert Address*

to be the Guardian of any of my children who are under the age of eighteen at the time of my death but if {he/she} is unable or unwilling to act for any reason then I appoint

.....
of *Insert Address*

to be the Guardian

5. APPOINTMENT OF EXECUTORS AND TRUSTEES

I APPOINT

of *Insert Address*

and

of *Insert Address*

6. RESIDUARY ESTATE

I GIVE all the residue of my estate (out of which shall be paid my funeral expenses and my debts) and any property over which I have at my death any general power of appointment to my Trustees ON TRUST to sell, call in and convert into money such parts as do not consist of money but with full power to postpone doing so for as long as they see fit without being liable for loss (and such estate and property which currently represents it is referred to in my Will as "the Trust Fund").

7. TRUSTS OF RESIDUE

MY TRUSTEES shall hold the Trust Fund ON TRUST absolutely to be distributed and where relevant invested in accordance with Shariah (Islamic Law), the interpretation and application of which my Trustees in their absolute discretion shall determine provided that such distribution does not breach English Law in which case my Trustees shall apply such modifications as are necessary to comply with English Law.

8. STANDARD PROVISIONS

SUBJECT as below, the standard provisions of the Society of Trust and Estate Practitioners (1st Edition) shall apply with the deletion of paragraph 5 and with the modification of paragraph 6 such that the Trustees have the same additional powers as to the application of capital as they have as to the application of income.

NEITHER Section 33 Wills Act 1837 nor Section 11 and 22 Trusts of Land and Appointment of Trustees Act 1996 shall apply to this Will.

MY TRUSTEES are requested to have regard to generally accepted Islamic principles of investment and shall not be liable for the consequences of following such principles, nor for any loss to the Trust Fund that may result from investing, or keeping the Trust Fund or any part of it invested, in Islamic investments rather than non-Islamic investments.

MY TRUSTEES shall not be obliged to insure any part of the Trust Fund and shall not be liable for the consequences of not insuring any part of the Trust Fund.

SIGNED by me on the: (DD/MM/YY)

SIGNED by

Print name in CAPITALS

Signature of First witness

Name

Address

Occupation.....

Signature of Second witness

Name

Address

Occupation.....

SIGNED by the said.....

in our presence and then by us in 'his/her' presence.

LIST OF MAJOR ASSETS & FAMILY DETAILS OF

Insert your name and address

Please include:

- **Properties** (include full postal address)
- **Bank Accounts** (include name of holder, name of bank, sort code, account number)
- **Shares** (include name of companies and number of shares owned)
- **ISAs / Pensions etc** (include policy numbers and provider name)
- **Jewellery / Diamonds / Watches etc** (include details of where these are stored)
- **Any other valuable assets not mentioned above** (please use additional sheets if required)

ASSET 1:

ASSET 2:

ASSET 3:

ASSET 4:

ASSET 5:

ASSET 6:

Note to Executors / Guardians:

When required, please visit the following weblink for details on how to obtain probate, death certificate etc:

<http://www.direct.gov.uk/en/Governmentcitizensandrights/Death/index.htm>