

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِن تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ
بِالْمَعْرُوفِ ۖ حَقًّا عَلَى الْمُتَّقِينَ (١٨٠)

It is prescribed, when death approaches any of you, if he leave any goods that he make a bequest to parents and next of kin, according to reasonable usage; this is due from the Allah-fearing. 2:180

Guide to writing an Islamic Will

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Introductory note

It is highly recommended as perceived from the Quran and Sunnah of the Holy Prophet (S.A.W.) to write a Will.

To avoid the common pitfalls and prevalent problems when persons die instate, we have taken this initiative to prepare this booklet. It contains guidelines on making an Islamic Will as well as a sample Will. If you fill this tailor made Will it should become a legal and binding document.

First of all in our community with its unique demographics, the question of who and how Funeral of the deceased should be executed becomes a challenge. In the presence of clear guidelines for family in this regard can protect them for any confusions and arguments on such a somber occasion.

Secondly, many orphans and widows have had to endure hardships and resort to legal wrangles lasting a long time until the estate of their deceased is sorted. If the Will clearly stipulates all your wishes then there would no room for any infighting.

On a different note, You have the choice of using one third of your estate as per your wishes and do not miss on this chance to earn salvation for the hereafter by using this option to do the best charity. There might be some activities you have wished to undertake all along, this is the chance to get them fulfilled by allocating valuable resources for it to become a reality.

We strongly believe you have benefited and been a proud member of our community. Now it is the turn of the community to gain from you out of the one third. Perhaps you could name your local Community or Ahlul Bait Foundation of South Africa or any other charity of the community accredited by AFOSA, as a beneficiary; and leave behind a legacy from which many will benefit perpetually and you shall be remembered with fond memories and be an example to emulate for others.

We humbly suggest that you give this document the seriousness it deserves and do not put your Will on hold any further. Please read it carefully and fill it today¹. No one knows when death comes.

With Salaams and Duas,

AHLUL BAIT FOUNDATION OF SOUTH AFRICA

¹ If you wish to write your Will using this template, Please print pages from 13-24 only

Making an Islamic Will

1. Importance of Making an Islamic Will

The timing of death is uncertain, but death itself is certain. Most people believe that their possessions will automatically pass on to their immediate spouse/children/family with no complications and everyone will receive what the deceased wanted them to. The fact is, unless you have made a Will, there is no guarantee that this is always the case. Yet, most people die without making one. Even if you have no family, it is important that you make a Will so that what you own will pass to whomever you wish. You will no doubt want to be sure that when you die, your property and affairs be dealt with in accordance with your wishes and in an efficient manner.

If you die without making a Will, the Master will appoint an executor who will divide the estate in terms of South African Intestate Succession Law. This could mean that some of your dependants may be deprived of essential financial security and possessions of particular sentimental value. The Executor's remuneration will be paid from your estate, and the government bureaucracy takes its time in getting things done.

Secondly, from the Shariah point of view, your heirs may get more or less than the shares specified for them in Islam. By not writing a Will, you are leaving the door open for a non-Islamic authority to distribute your estate according to its own views. So not having a Will is costly as well as problematic from both the State and the Islamic points of view.

If you have no living relatives and have not made a Will leaving your estate, say to a friend, a favorite charity or other organization, then the State could receive everything on your death.

By making a Will, you can be sure that your estate is passed to the named beneficiary/ies in the most tax-efficient way. In South Africa we have estate duty tax, thus you may also take positive steps now to limit your estate's liability to estate duty tax by making gifts, taking out life assurance cover or by setting up a trust, which makes specific provision for your family. To help achieve this, it is important that you should make a Will and, having written it, check it regularly to make sure that it always is still up to date. Times change, families grow and yesterday's Will may not be right for today.

Our Holy Prophet Mohamed (S.A.W.) said:

"It is not proper for a Muslim to pass two nights except that his/her (last) Will and Testament is near his/her pillow."

"One who goes from this world after making a good Will dies the death of a martyr."

"A person who without making a Will, dies the death of a pagan."

Although according to Islamic law a Will need not necessarily be in writing or in any particular form of verbal declaration to constitute a WASIYYAH, the present day world requirements and laws of the land makes it obligatory upon a person to prepare a Will in writing to ensure speedy disposal of wealth, to avoid unforeseen hardships to the family members and to alleviate unnecessary problems for the administrators.

2. The One-Third Option

After a person dies, there are certain possible relationships between him and his estate. These are:

- He has full control over it through a Will.
- He has partial control over it through a Will.
- He has absolutely no control over it.

Islam has taken the middle position. It says that when a person dies, he still retains the right to decide about up to one-third of his entire estate. But as far as the two-thirds are concerned, the deceased person loses the right to dispose according to his wish. The two-thirds must be divided according to the shares specified by the Shariah. (Most of these shares have been specified in the Holy Qur'an itself.) This law is part of the overall system, which Islam has introduced for the distribution of wealth in society.

The right of disposing the one-third according to your own wish can be exercised only by making a Will.

You can do whatever you like with the one-third: give to a family member, a relative, a friend, a charitable cause or organization, etc. For example, you can use the 1/3 or a part of it to make – if you like – the shares of your wife or your daughter equal to those of your other children.

When the Holy Qur'an talks about Wasiyyah, which is normally translated as "Will", it refers to the Will covering mainly the one-third only. For example, it says:

It is prescribed, when death approaches any of you, if he leave any goods that he make a bequest to parents and next of kin, according to reasonable usage; this is due from the Allah-fearing. 2:180

The one-third will be assessed after taking those expenditures, which are incumbent upon the whole estate, like funeral expenses, and the legal or religious debts.

Monetary obligations (Religious or Legal) are to be deducted out of the whole estate whether the testator made a Will or not. Some examples are: debts owed by him, property sold by him but not delivered to the buyer, the price of articles purchased by him but not paid for. Sureties and guarantees if necessary to be made up, fines, taxes, death duties,

Khums, Hajj, Zakat, monetary retributions as those of Kaffarra of Ihram and Saum, monetary Nazr like Nazr of Sadka, etc. When all monetary obligations of the estate of the deceased are deducted, then the one-third of the remaining property will be the subject of the Will. (The testator can, however, specify that certain monetary obligations be paid out of the one-third instead of the whole estate).

Since the testator has got the right to dispose of the one-third of the net estate, he can bequest the same in accordance with his own personal wishes.

In order to prepare a 'Good Will' (according to Ahadith), it is highly recommended to bear in mind the following recommendations while making bequest:

- a. Bequest made for feeding poor and incapacitated people;
- b. Bequest made in favour of relatives, for example children of one's own deceased son or daughter;
- c. Bequest made in favour of other poor or incapacitated relatives;
- d. Bequest made in favour of one's own parents;
- e. Bequest made for the maintenance of religion.

One could also make a bequest for Sadaqate Jariyah that is having perpetual benefits, for example, donating to hospitals, schools, mosques, building of wells, and the like.

3. What is an "Estate"?

An "estate" is the collective name for everything that you own. The estate consists of the followings:

- All properties, goods and investments that are in your name.
- Half or the specified portion of the goods and investments in which you are a co-owner.

The first type of property is very straightforward—the entire estate will be divided according to the will and the specified shares of the heirs.

But there are certain cases in the second type which need explanation.

4. Who can inherit?

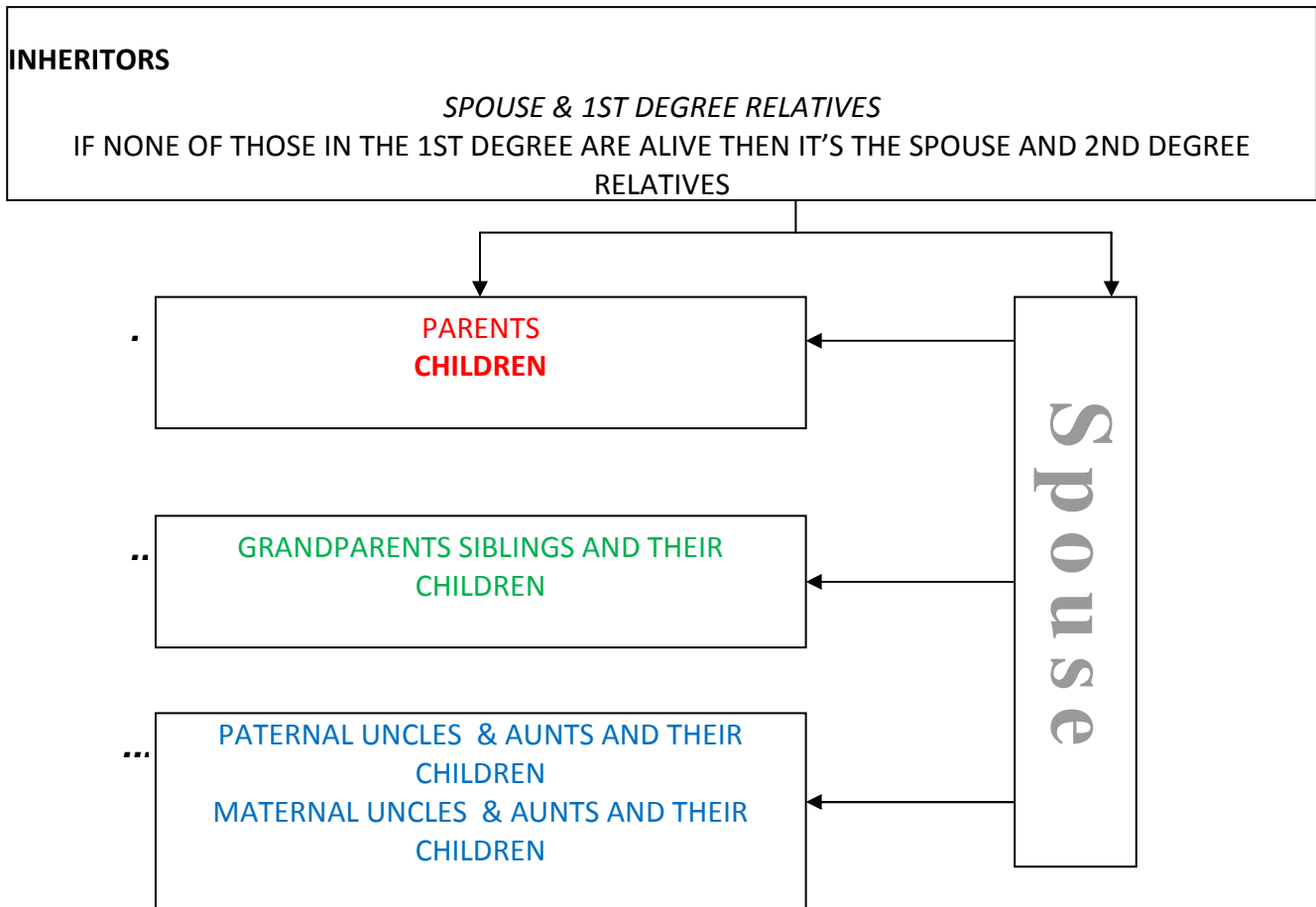
After disbursing the one-third according to your Will, your remaining estate is to be divided among the heirs mentioned in the Holy Qur'an: the surviving spouse and blood relatives.

No one can prevent the spouse from inheriting his or her specified share from the estate of the deceased spouse.

As for the blood relatives, there are of different degrees.

- **First degree:** **Your parents & children**
- **Second degree:** **Your grandparents & siblings**
- **Third degree:** **Both your maternal and paternal uncles & aunts and their children**

The right of inheritance by virtue of matrimony appertains to the individual heirs under all circumstances. A husband or wife is never excluded from inheritance. A widow or widower is entitled to the specific share before the estate is divided amongst the heirs succeeding by virtue of blood relation.



Note that if anyone from your first degree relatives is alive, no other relatives from the second or third degree will get anything from your estate

5. Basic Shares in the most Common cases.

What you see below are the basic shares of your most common heirs. In these examples, you have been considered as the deceased and the relatives mentioned here are your heirs.

Your Heirs	Their Shares
YOUR FATHER	if you had a child 16.66% (1/6) If you had no child whatever remains after share of the mother and/or the spouse.
YOUR MOTHER	If you had a child or brother* 16.66% (1/6) If you had no child or brother* 33.33% (1/3)
YOUR HUSBAND	If you had a child 25% (1/4) If you had no child 50% (1/2)
YOUR WIFE	If you had a child 12.5% (1/8) If you had no child 25% (1/4)
CHILDREN	Whatever remains after giving the shares of the parents and/or the surviving spouse. A male child gets twice the share of a female.

* In presence of a parent (or a grandparent) or a child (or a grandchild), the brother of the deceased does not get anything. However, he affects the share of the mother: instead of 1/3, it becomes 1/6.

6. Wife's Share

Since the share of the wife is somewhat complicated, it is necessary to explain a few points separately:

Firstly, as the definition of the "estate" shows, a house jointly-owned by a couple is divided – according to the Shariah – into two: half becomes part of the estate of the deceased, and the other half was from before the property of the surviving spouse.

Secondly, according to the Shariah, the wife is not entitled to inherit land of her husband (whether agriculture land or a residential plot): she only inherits the house on the land according to her proportional shares in inheritance. In common ownership case, the wife is the owner of 50% of the house and the land; the other 50% becomes part of her husband's estate from which she will inherit only 6.25% of the house.

So in the end, the wife becomes the owner of 56.25% of the house and 50% of the land. This creates practical problems. A house cannot be divided; if other heirs insist on their share in the house, then it has to be sold and the price divided accordingly; it is also difficult to assess the value of the land separate from the house, etc.

Therefore, the following is suggested:

- A. Either Give the house to your wife during your life-time.
- B. Or, if the value of the 50% of the house plus the land is within the one-third of your entire estate, then write the entire house to your wife in your Will. In this way, half of the house plus the land is her property from before and the other half will go to her on strength of the $\frac{1}{3}$ option in your Will.

In theory, it will work out like this:

- a. 50% of the land and house belongs to your wife.
- b. 6.25% of the house is your wife's share of inheritance.
- c. 50% of the land + 43.75% of the house goes to her by using the $\frac{1}{3}$ option.

Or, if the value of the 50% of the land is more than the one-third of your estate, then discuss it with your other heirs (parents and children) and ask for their consent to write the entire house for your wife in the Will. If they give the consent (which is irrevocable), then you can write the house to your wife in the Will even if it is more than her proportional share of inheritance.

7. Executors

It is a normal practice to appoint your spouse or another family member as the executor of your Will. There is nothing wrong with this. The only conditions which are necessary for an executor/executrix is he or she should be Adult, of a sane mind, Trustworthy and a Muslim.

If you accept to be an Executor for someone's Will, then it becomes Wajib (Compulsory) for you to fulfill your duty. You can only reject this responsibility while the testator is alive; but if the Testator dies before such rejection, or without the information having reached him, the retraction is null and void, and it is incumbent upon the Executor to assume the responsibility. An Executor cannot reject this role after his/her death.

Some Important Notes:

1. An Executor may apportion reasonable normal remuneration for his services. But, when there is an express implied signs that services be honorary, this Executor must perform his duties without remuneration, provided he had accepted the nomination.

2. An Executor cannot appoint his own successor or cannot entrust the management of the testator's property to his own Executor or to any other person unless the testator had authorized him to do so. **It is advisable**, therefore, to make a provision in the Will giving **power** to the Executor/s to nominate successor/s and to enlist assistance from others for the smooth management of the affairs of the estate.

8. Guardian of Children

We live in a non Muslim Country with a non Islamic Culture. We are not just responsible for our material inheritance to be preserved in Islamic way but also on a more serious note are accountable about our religious and cultural legacy. It is in this background, it is crucial to write in your Will about the guardian and custodian of your children. Under normal circumstances, the surviving spouse is made the guardian, and this is indeed, the best decision in most of the cases.

However, it is important to note here that the guardian must be a Muslim, sane, trustworthy and religiously conscious person.

The most important condition is that he/she besides being trustworthy must also be a person who will raise the children according to the teachings of Islam.

9. Updating your Will

Equally important to making a Will is that you review it regularly to make sure that it reflects any changes in your circumstances or in the names of those you would like to benefit.

Changes in financial or marital status, or a wish to include new family members, are things that could lead to a need to change your Will. During the review, you could also take into consideration any new legislation, which may help reduce your inheritance tax liability.

10. Some Legal Matters

For a written Will to be recognized in the Court of Law, must be:

- a. Dated,
- b. Hand written or typed,
- c. Signed by the testator and two witnesses, who must be 16 years and older and regarded as competent in a court of law
- d. Each page of the Will must be signed by the testator and the two witnesses all together and in the presence of each other.

The witnesses **MUST NOT** be the heirs or beneficiaries of the testator, otherwise the bequests to them will be void.

11. The South African Law of Intestate Succession

Whenever a person dies without leaving a Will his/her assets under South African Law shall be distributed in terms of the relevant laws of intestate succession. The intestate heirs must be determined as at date of death of the deceased.

The Law of Intestate Succession is based on the following principles:

1. Once a deceased has died his property descends directly to the surviving spouse, being either a child's portion or an amount stipulated in the government gazette (currently R 125 000.00) whichever is the greater amount and the balance to his children in equal shares.
2. If the deceased has no surviving spouse the property will descend to all his children in equal shares.
3. If the deceased has no surviving spouse and children his property shall devolve upon his parents.
4. If there is no surviving spouse, children or parents, the property will then devolve upon the deceased's brothers and sisters.
5. If there is no surviving spouse, children, parents or siblings, the property will devolve upon the grandparents of the deceased, both maternal and paternal.
6. If there is no surviving spouse, children, parents, siblings or grandparents the property shall devolve upon the descendants of the deceased grandparents.

It is important to note the following:

- Where a deceased dies intestate and is married in community of property, the surviving spouse is entitled to either child's share or the R 125 000.00 whichever is the greater amount, and her half share of the property by virtue of the marriage in community of property. However if the joint estate is worth less than R125000.00, the surviving spouse shall inherit the full estate by virtue of the marriage in community of property and the laws of intestate succession.
- Where a deceased was married out of community of property the surviving spouse inherits a child's share or R125 000.00, whichever is greater. If the estate is less than R 125 000.00 the surviving spouse shall inherit the entire estate or if the estate is in excess of R 125 000.00 the surviving spouse shall inherit the R 125 000.00 and the balance shall be distributed among the deceased children. In terms of our intestate succession laws, an adopted child is equivalent to a blood relationship to the deceased and may only inherit from his adoptive parents.

- Where the deceased leaves an illegitimate child he/she will only be entitled to inherit from his natural parent.
- Where a deceased dies and leaves no blood relations whatsoever, the estate is forfeited to the Government of South Africa.

Glossary

Prior to devising a Will, the definitions of some of the terms used should be understood:

- **Will** – It is a directive, which is also known as Testament. In terms of Shariah it is called "**WASIYAAH**" (الوصية)
- **Testator** – Person making a **Will**. He is called "**MUSI**" (الموصى)
- **Beneficiaries** – Persons having right to inheritance. They are also as heirs or legatees. The beneficiaries are called "**MUSA LAHU**" (الموصى له)
- **Executors** – Persons appointed by the testator, to execute, administer and distribute the estate in accordance with the Will. They are also known as Administrators or Trustees. They are called "**Wasi**". (الوصى)
- **Estate** – All property/ies owned by the testator at the time of his death that is subject to distribution, for example land, building, cash in hand, cash at banks, shares, motor cars, etc.
- **Net Estate** – Net Estate is a person's estate **less** all debts owing by the testator at the time of death including estate duty, income tax, Khums, Zakat, etc.
- **Bequests or Legacy** – These are specific grants made, viz, grants made to the particular members of the family or allotments made to the poor or for the advancement of religion, etc.
- **Probate** – Power to distribute the wealth.

A Sample of an Islamic Will

DUA OF IMAM ZAINUL ABIDEEN(AS) WHEN DEATH WAS REMEMBERED

اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِهِ، وَكَفِّنَا طَوْلَ الْأَمَلِ، وَقَصِّرْهُ عَنَّا بِصِدْقِ الْعَمَلِ حَتَّى لَا نَأْمَلَ اسْتِئْتَامَ سَاعَةٍ بَعْدَ سَاعَةٍ وَلَا اسْتِيفَاءَ يَوْمٍ بَعْدَ يَوْمٍ، وَلَا انْصَالَ نَفْسٍ بِنَفْسٍ، وَلَا نُحِيقَ قَدَمَ قَدَمٍ بِقَدَمٍ. وَسَلِّمْنَا مِنْ غُرُورِهِ، وَأَمَّنَّا مِنْ شُرُورِهِ، وَأَنْصِبِ الْمَوْتَ بَيْنَ أَيْدِينَا نُصْبًا، وَلَا تَجْعَلْ ذِكْرَنَا لَهُ غِبًّا، وَاجْعَلْ لَنَا مِنْ صَالِحِ الْأَعْمَالِ عَمَلًا نَسْتَبِطُ مَعَهُ الْمَصِيرَ إِلَيْكَ، وَنُحْرِمُ لَهُ عَلَى وَشِكَ اللَّحَاقِ بِكَ حَتَّى يَكُونَ الْمَوْتُ مَا نَسْنَا الَّذِي نَأْتِسُ بِهِ، وَمَا لَقْنَا الَّذِي نَشْتَأِقُ إِلَيْهِ، وَحَامَتْنَا الَّتِي نُحِبُّ الدُّنْيَا مِنْهَا فَإِذَا أوردَتْهُ عَلَيْنَا، وَأَنْزَلَتْهُ بِنَا فَاسْعِدْنَا بِهِ رَأْرَاءً، وَأَنْسَنَا بِهِ قَادِمًا، وَلَا تُشَقِّنَا بِضِيَاقَتِهِ، وَلَا تُخْرِزْنَا بِزِيَارَتِهِ، وَاجْعَلْهُ بَابًا مِنْ أَبْوَابِ مَغْفِرَتِكَ، وَمِفْتَاحًا مِنْ مَفَاتِيحِ رَحْمَتِكَ. أَمَّنَّا مُهْتَدِينَ غَيْرَ ضَالِّينَ طَائِعِينَ غَيْرَ مُسْتَكْرَهِينَ تَائِبِينَ غَيْرَ عَاصِينَ وَلَا مُصْرِينَ يَا ضَامِنَ جَزَاءِ الْمُحْسِنِينَ، وَمُسْتَصْلِحَ عَمَلِ الْمُفْسِدِينَ

O God, Bless Muhammad & his Household,

Spare us drawn out expectations and cut them short in us through sincerity of deeds,

that we may not hope expectantly for completing an hour after an hour, closing a day after a day,

joining a breath to a breath, for overtaking a step with a step!

Keep us safe from the delusions of expectations, make us secure from their evils,

Set up death before us in display and let not its remembrance be temporary for us,

Employ for us from among the righteous deeds a deed which will make me feel return to your

kingdom as slow and crave a quick joining with Thee,

so that death may be our intimate abode with which we are intimate, our familiar place toward which we yearn, and our next of kin whose coming we love!

So when you bring it to us and descend it upon us,

Make us happy with it as a visitor, comfort us with its arrival, make us not miserable through entertaining it, and demean us not through its visit,

And appoint it as one of the gates to your forgiveness and the keys to your mercy!

Make us die guided and not astray, obedient and not averse, repentant and not persisting,

O He who guarantees the reimbursement of the good-doers and seeks to set right the work of the corrupt!²

² If you wish to write your Will using this template, Please print pages from 13-24 only.



In the Name of Allah, the Beneficent, the Merciful

This is the last Will & Testament of me

of _____

made on _____

1. I testify that I am a Muslim of the Shia Ithna Asheri School believing in:

- ✚ There is no God except Allah, He is one, has no partner and Just in his creation, legislation and remuneration. He is indeed most loving, compassionate and forgiving.
- ✚ Muhammad is the final Messenger & Prophet of Allah and best of his creations.
- ✚ Quran is the Final words and complete Guidance from Almighty to Mankind.
- ✚ Divine Leadership (Imamat) of 12 Imams commencing From Imam Ali and concluding with his descendent Imam Mahdi, who is alive after Prophet Muhammad's demise.
- ✚ Resurrection and Day of Hereafter when Allah, the Exalted, will revive all people after their death and will then reward the obedient and punish the wrong-doers
- ✚ Also in all other tenants of Islam as established in Quran & Sunnah of The Prophet Muhammed (SAWA) and presented/interpreted in detail by His Holy Household (Ahlul Bait)(AS) including Salah(Daily Prayers). Sawm(Fasting), Zakat & Khums, Hajj, Jihad, Enjoining what is Good and Forbidding what is evil and Love for Ahlul Bait and Immunity from their adversaries.

2. I hereby revoke all my former Wills, Codicils and Testaments made by me and declare this to my last Will.

AS WITNESSES:

1. _____

2. _____

TESTATOR

3. Being a Muslim following Shia Ithna Asheri School out of my free will and choice, I hereby affirm that my funeral Services (Ghusl, Kafan, Salat of Janaza and Burrial etc) should be processed by Religious Leader/s and according to the teachings of the Shia Ithna Asheri School.³

4. Being a Shia Ithna Asheri Muslim, I hereby declare the administration and devolution of my estate be governed by Islamic Law of Succession and Inheritance as followed by Muslims of the Shia Ithna Asheri Sect.

5. I appoint _____
of _____
and _____
of _____
to be the joint Executors and Trustees of this my last Will and Testament .

6. BUT IF anyone or more of the above named persons should refuse to act, die before me, or die before the trusts hereof have been fully performed,
then I appoint _____
Of _____
to be the Executor of my Will and Testament in the place and stead of anyone or more of the above named persons, and the expression “my Trustee”, used throughout include the Trustee for the time being, whether original or substitutional.

AS WITNESSES:

1. _____

2. _____

TESTATOR

³ It is highly recommended that immediately after my death, my local Imam (.....)
Tel:or alternatively Head offices of Ahlul Bait Foundation of South Africa Tel: 021 7041580
should be contacted for the above procedures.

7. **I GIVE, DEVISE AND BEQUEATH all my real and personal property of every nature and kind, where so ever situated, including my property over which I may have a general power of appointment, to my Trustees upon the following trusts, namely:**
- A. subject to my express direction to the contrary, to use their discretion in the realisation of my estate with the power to my Trustees to sell, call in or convert into cash at any time they see fit, either for cash or credit, or part cash and part credit as my Trustees may in their absolute discretion decide upon, and my Trustees shall not be held responsible for any loss that may happen to my estate by reason of their so doing;
 - B. to pay my just debts (as listed in Codicil II), funeral and other testamentary expenses, all succession duties, inheritance and death taxes, and all expenses necessarily incidental thereto, to be paid and satisfied by my Trustees as soon as is convenient after my death; to collect all my debts and outstanding property(as listed in Codicil III) and to return the property (Amanat) that I have of others (as listed in Codicil II);
 - C. that all my clothes, jewellery (other than those kept for investment purposes), ornaments which have from time to time been made and given to my parents, my wife and to my children which are in their possession or are kept in the family safe or in the safe deposit vault are their absolute property respectively and do not form part of my estate, and the Trustees have no right over such property;
 - D. to pay the below amount to the respective heirs as outlined in the Islamic Law of Succession and Inheritance followed by the Muslims of the Shia Ithna Asheri sect, after incurring all customary and adequate expenses of my funeral and all expense from 6.A to C above, and then to distribute the balance of my net estate in the manner laid down hereunder:

AS WITNESSES:

1. _____

2. _____

TESTATOR

i. **ONE THIRD:** One third of my estate, should be distributed as follows:

.....
.....
.....
.....
.....
.....

ii. **Two-thirds of my estate,** which will be distributed according to the ratios set out in the Islamic law of Inheritance and Succession as followed by the Muslims of the Shia Ithna Asheri sect, and I declare that the below named are my only lawful heirs at present:

➤ My wife/wives/husband:

➤ My father :

➤ My mother:

➤ My son (s)

1. .

2. .

3. .

4. .

➤ My daughter(s)

1. .

2. .

3. .

4. .

AS WITNESSES:

1. _____

2. _____

TESTATOR

- iii. Based upon above details in accordance with Islamic personal Law the shares of the above will be as follows:

- E. to appoint successor(s) and/or assistant(s) of their own choice and also to seek help from any quarters (even professional) for the purpose of the administration and execution of my estate;
- F. to apportion for themselves, their successor(s) and/or assistant(s) a just and reasonable remuneration for their services out of my whole estate prior to the distribution of the same.

AS WITNESSES:

1. _____

2. _____

TESTATOR

8. The share of each child of mine shall be paid or transferred to such child, if he or she is over the age of 21 at the time of my death, for his or her own use absolutely. If however, any one of children of mine, whether male or female, is under the age of 21 at the time of my death, my Trustees shall hold and keep the invested share of the such child(ren) of mine and use the income from such for maintenance, education and benefit of such child(ren) of mine until he or she reaches the age of 21, at which time my Trustees shall pay or transfer the amount remaining of the share of such child(ren), if any, to such child for his or her own use absolutely.

9. **Guardian of Children:** I appoint _____

Of _____
to be the guardian of my minor children. I direct the guardian of my minor children to raise them as Muslims according to the rules, customs, and teachings of the Shia Ithna Asheri sect of Islam.

9. In the event that any of my heirs should predecease me, then my estate should be divided among my remaining heirs according to (4) above.

10. It is my most earnest request to all my heirs that if any differences of opinion should arise between them as regards any of my assets whatsoever or as the ownership, character, value or otherwise, of the same or as to the meaning or true interpretation of anything contained in my Will, or Codicils, thereto, they shall on no account have to resort to any Court of Law whatsoever. They should settle it amongst themselves first, if not, then with the Trustees of this Will and if not, then with the Imam of my Local Jama'at or Ahlulu Bait Foundation of South Africa and if not, then as a last and final option they should take the matter to the living Marja'e Taqleed and accept whatever decree follows.

AS WITNESSES:

1. _____

2. _____

TESTATOR

11. Some advises or my wishes:

AS WITNESSES:

1. _____

2. _____

TESTATOR

In witness, whereof I, the said

holder of ID NO:..... have signed my name on at

Signed by the said

Signed by the Testator and published and declared as his last Will and Testament, in the presence of us both present together and in his presence and in the presence of each other have hereunto subscribed our names as witnesses.

Signature of Witness 1: _____

IDNO: _____

Date: _____

Address: _____

Signature of Witness 2: _____

IDNO: _____

Date: _____

Address: _____

رَبَّنَا فَاعْفِرْ لَنَا ذُنُوبَنَا وَكَفِّرْ عَنَّا سَيِّئَاتِنَا وَتَوَقَّنَا مَعَ الْأَبْرَارِ
اللهم عفوك عفوك عفوك عفوك عفوك عفوك عفوك

Codicils I, II, III and IV are part of this Will.

Codicil I

List of all my Property/Assets

(Here make a list of all your property including: cash, bank accounts* (local and foreign), off shore accounts, life assurances, real estate, jewellery (kept for the purpose of investment), shares/stocks, lockers and others).

Name of property/estate/cash	Location	Comments

AS WITNESSES:

1. _____

2. _____

TESTATOR

* It is advisable to have all your bank accounts in joint names, where either of the account holders can operate it.

Codicil II

List of Debts and Property of other to whom I have to pay/return
(Here list all your debts and property (Amanat) you have of other people)

Name of person who I owe	Amount/Property owed	Comments

AS WITNESSES:

1. _____

2. _____

TESTATOR

