

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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Narrated ‘Abdullah bin ‘Umar (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.” [4:1-O.B]

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LAST WILL AND TESTAMENT

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

## LAST WILL AND TESTAMENT

I, \_\_\_\_\_, presently residing at \_\_\_\_\_, \_\_\_\_\_, City of Calgary, Province of Alberta, 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 about 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 worshiped, fear Him as He alone is to be feared, and love Him and His Prophet Muhammad with a complete love that is rivaled by nothing besides them. Let them obey Him and hold Fast to His *Shari'ah*. Let them spread and firmly establish His religion of Islam, and let them die only in a state of complete submission to His Will.

I remind them that no man and no woman dies before his/her time. The exact

duration of each life span is precisely determined before we are born by the All-Powerful Creator, may He be exalted. Death is tragic only for the one who lived out his/her life in self-deception without submitting to the Creator and preparing for the final return to Him. So, do not preoccupy yourselves with my death, but instead make the proper preparations for your own.

Maintain patience and self-composure as the religion of Islam requires. Islam permits relatives to mourn for no more than three days, although a widow is allowed to mourn for four lunar months and ten days, until her *iddah* (period of waiting) is completed. Wailing and excessive lamentation is forbidden by the Creator, and it reflects only a lack of understanding and dissatisfaction with the Will of the Creator, may He be exalted.

Finally, I ask all my relatives, friends, and all others—whether they choose to believe as I believed or not—to honor my Constitutional right to these beliefs. I ask them to honor this document which I have made, and not to try to obstruct it or change it in any way. Rather, let them see that I am buried as I have asked to be buried and let my properties be divided as I wanted them to be divided.

## ARTICLE I: FUNERAL AND BURIAL RIGHTS

I ordain that no autopsy or embalming be done on my body unless required by law and that without unjustified delay my body be washed, wrapped with cloth free of any ornaments and other articles, prayed for, then buried, which should all be done by Muslims in complete accordance with Islamic tenets.

a. I hereby nominate and appoint \_\_\_\_\_, residing at \_\_\_\_\_, \_\_\_\_\_, to execute these and other necessary provisions for my Islamic funeral and burial. In the event that he/she shall be unwilling or unable to execute, I nominate and appoint \_\_\_\_\_, and in the event that he/she shall be unwilling or unable, I nominate and appoint the president of the local Muslim community or association in the area where I die to execute these provisions of funeral and burial.

b. In the event of legal difficulties in the execution of this Article, I direct the above-named person to seek counsel from an Islamic Organization which adheres to the \_\_\_\_\_

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- Qur'an and Authentic Sunnah of the Prophet Muhammad(pbuh).
- c. I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death or on my body.
  - d. I ordain that no pictures, crescents 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.
  - e. 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.
  - f. 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).
  - g. I ordain that my body shall be buried without a casket or any encasement that separates the wrapped body from the surrounding soil. In the event 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.
  - h. 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 II:  
EXECUTOR AND GUARDIAN**

- a. I hereby nominate and appoint \_\_\_\_\_, presently residing at \_\_\_\_\_, to be the executor of this, my Last Will and Testament. In the event that he/she will be unwilling or unable to act as executor, I nominate and appoint \_\_\_\_\_, residing at \_\_\_\_\_,
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LAST WILL AND TESTAMENT

- \_\_\_\_\_, to be executor of this, my Last Will and Testament.
- b. I give my executor herein named power to settle any claim for or against my estate and power to sell any property, real, personal, or mixed, in which I have an interest, without court order and without bond. I direct no bond or surety for any bond be required for my executor in the performance of his/her duties.
- c. I hereby nominate and appoint \_\_\_\_\_, presently residing at \_\_\_\_\_, \_\_\_\_\_, to be the guardian of the persons and estates of such of my children who shall be minor at and after my death, during their minority, so long as said guardian remains a Muslim of sound mind and judgement. In the event he/she shall be unwilling or unable to act as guardian, I nominate and appoint \_\_\_\_\_, residing at \_\_\_\_\_, \_\_\_\_\_, to be the guardian.

**ARTICLE III:  
DEBTS AND EXPENSES**

- a. I direct that my executor apply first, the assets of my estate to the payment of all my legal debts—including such expenses incurred by my last illness and burial as well as the expenses of administrating my estate. I direct the said executor to pay any “obligations to Allah” (Huquq Allah) which are binding on me, such as unpaid Zakah, Kaffarat, or unperformed pilgrimage (Hajj).
- b. I direct that all inheritance, state, and succession taxes (including interest and other penalties thereon) payable by reason of my death shall be paid out of and be charged generally against the principal of my residuary estate, without reimbursement from any person; except that this provision shall not be construed as a waiver of any right which my executor has, by law or otherwise, to claim reimbursement for any such taxes which become payable on account of property, if any, over which I have a power of appointment.

**ARTICLE IV:  
CHARITABLE CONTRIBUTIONS AND  
TESTAMENTARY TRANSFER**

I direct and ordain my executor to pay the following contributions and transfers, not to exceed one third of the remainder of my estate after making provision for pay-

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ments of my obligations mentioned in Article III, to the following named persons and organizations:

Name of Persons or Organizations	Percent of remainder of my estate after execution of Article III	
	In #	In Words
1. _____	( _____ %);	_____ percent
2. _____	( _____ %);	_____ percent
3. _____	( _____ %);	_____ percent
4. _____	( _____ %);	_____ percent
Total: _____	( _____ %);	_____ percent

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

a. I direct, devise, and bequest all the residue and remainder of my estate after making provision for payment of my obligations and distributions provided in Article III and IV, to only 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: MAWARITH (INHERITANCE)\***

This Schedule A is signed by me as a part of this Last Will and Testament.

b. I direct that no part of the residue and remainder of my estate shall be inherited by any non-Muslim relative, whether he/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 the named schedule.

c. 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.

d. I direct that no part of my estate shall be given to relatives whose relationship to



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\_\_\_\_\_  
Legal Name

\_\_\_\_\_  
Muslim Name, if different

We hereby certify that the forgoing instrument was on the date thereof signed, published, and declared by the Testator \_\_\_\_\_, and as for his/her Last Will and Testament, in our presence, who at his/her request and in his/her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, believing said Testator at the time of the signing to be of sound mind and memory.

1. \_\_\_\_\_ of \_\_\_\_\_

2. \_\_\_\_\_ of \_\_\_\_\_

3. \_\_\_\_\_ of \_\_\_\_\_

This document, comprising \_\_\_\_\_ pages, including Schedule A, is made in THREE copies. The original is with me, one copy is with \_\_\_\_\_, and one copy is with:

\_\_\_\_\_  
(The Executor/Bank)

**Notary Public:**



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wife, and father of father, the rest as in (1.a)

1.j) (1.g) or (1.h) with husband

1/6 to mother of father or of mother (if she exists); 1/6 to father of father; 1/4 to husband; the rest as in (1.a)

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Surviving Heirs

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Share of the Remainder of My Estate

1.k) with father of father, and mother, no father

1/6 to mother, 1/6 to father of father, the rest as in (1.a)

1.l) (1.k) with wife

1/6 to mother, 1/6 to father of father, 1/8 to wife, and the rest as in (1.a)

1.m) (1.k) with husband

1/6 to mother, 1/6 to father of father, 1/8 to wife, and the rest as in (1.a)

1.n) with father and mother of mother (no mother)

1/6 to mother of mother, 1/6 to father, and the rest as in (1.a)

1.o) (1.n) with wife

1/6 to father, 1/6 to mother of mother, 1/8 to wife, and the rest as in (1.a)

1.p) (1.n) with husband

1/6 to father, 1/6 to mother of mother, 1/4 to husband, and the rest as in (1.a)

1.q) with either mother of father or mother of mother, no parents, and no father of father

1/6 to mother of mother or mother of father, the rest as in (1.a)

1.r) (1.q) with wife

1/6 to mother of mother or mother of father, 1/8 to wife, the rest as in (1.a)

1.s) (1.q) with husband

1/6 to mother of mother or mother of father, 1/4 to husband, the rest as in (1.a)

1.t) (1.h), (1.n), or (1.q), but instead of one grandmother, there are two or more, same degree, grandmothers (i.e mother of mother and mother of father; or mother of mother of mother, mother of mother of father, and mother of father of father, disregard mother of

grandmothers share equally 1/6, father or grandfather 1/6, the rest as in (1.a)

father of mother, and no mother of mother nor mother of father)

1.u) (1.t) with husband or wife	grandmothers share equally 1/6, father or grandfather 1/6, husband 1/4, or wife 1/8, the rest as in (1.a)
Surviving Heirs	Share of the Remainder of My Estate

1.v) In each of (1.a) through (1.u), disregard all other relatives not mentioned in the relevant subcases.

IF TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA, INC., OF INDIANA.

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

Surviving Heirs	Share of the Remainder
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.
2.g) with wife and father	1/8 to wife, 1/2 to daughter, and 3/8 to father. If more than one, 2/3 to daughters equally, 1/8 to wife, and 5/24

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to father

2.h) with wife and mother 1/8 to wife, 7/32 to mother, 21/32 to daughter. If more than one, 1/8 to wife, 7/40 to mother, and 7/10 to daughters equally.

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Surviving Heirs	Share of the Remainder
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2.i) with wife and both parents 1/8 to wife, 1/6 to mother, 5/24 to father, and 1/2 to daughter. If more than one, 3/27 to wife, 4/27 to mother, 4/27 to father, and 16/27 to daughters equally.

2.j) with husband and father 1/4 to husband, 1/4 to father, and 1/2 to daughter. If more than one, 3/13 to husband, 2/13 to father, and 8/13 to daughters equally.

2.k) with husband and mother 1/4 to husband, 7/36 to mother, 5/9 to daughter. If more than one, 3/13 to husband, 2/13 to mother, and 8/13 to daughters equally.

2.l) with husband and both parents 3/13 to husband, 2/13 to father, 2/13 to mother, and 6/13 to daughter. If more than one, 3/15 to husband, 2/15 to father, 2/15 to mother, and 8/15 to daughters equally.

2.m) with father of father, no father, and no brothers 1/2 to father of father, 1/2 to daughter. If more than one, 1/3 to father of father and 2/3 to daughters equally.

2.n) (2.m) with wife As in (2.g), but father of father in place of father.

2.o) (2.m) with husband As in (2.j), but father of father in place of father.

2.p) (2.m) with mother, or without mother but with either mother of father or mother of mother As in (2.f), but father of father in place of father and grandmother in place of mother; the two grandmothers divide share of mother equally between themselves.

<p>2.q) (2.p) with wife</p> <p>share of mother equally between themselves.</p>	<p>As in (2.i), but father of father in place of father and grandmother in place of mother; the two grandmothers divide the</p>
<p>Surviving Heirs</p>	<p>Share of the Remainder</p>
<p>2.r) (2.p) with husband</p> <p>share of mother equally between themselves.</p>	<p>As in (2.l) but father of father in place of father and grandmother in place of mother; the two grandmothers divide the</p>
<p>2.s) (2.p), (2.q), (2.r) but in place of mother, both mother of mother mother of father; or mother of mother of mother, mother of mother father and mother of father of father; disregard mother of father of mother</p>	<p>The two grandmothers (or the three great grandmothers) share equally what is assigned to the mother or one grandmother in cases (2.p), (2.q), and (2.r); the rest as in (2.p), (2.q), and (2.r) respectively.</p>
<p>2.t) with son of son</p>	<p>1/2 to daughter, 1/2 to son of son. If more than one, 2/3 to daughters equally and 1/3 to son of son.</p>
<p>2.u) with more than one son of son(s) and any number of daughters of son(s)</p>	<p>As in (2.t), but the share of son of son is divided among son of son(s) and daughters of son(s) according to rules stated in (1.a).</p>
<p>2.v) (2.t) or (2.u) with wife or husband in</p>	<p>1/2 to daughter, 1/8 to wife, or 1/4 to husband, the rest to children of son(s) as (2.t) or (2.u). If more than one daughter, 2/3 to daughters equally, 1/4 to husband or 1/8 to wife, the rest to children of son(s) as in (2.t) or (2.u).</p>
<p>2.w) (2.v) with both parents</p>	<p>1/2 to daughter, 1/8 to wife, 1/6 to mother, 1/6 to father, and 1/24 to grandchildren as in (2.t) or (2.u). 6/13 to daughter, 3/13 to husband, 2/13 to father, 2/13 to mother, nothing to grandchildren. If more than one</p>

daughter, 16/27 to daughters equally, 3/27 to wife, 4/27 to mother, 4/27 to father, nothing to grandchildren. 8/15 to daughters, 3/15 to husband and 2/15 to mother, 2/15 to father, nothing to grandchildren.

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Surviving Heirs	Share of the Remainder
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2.x) (2.v) with one parent  
 1/2 to daughter, 1/8 to wife, 1/6 to parent, and 5/24 to children of son(s) as in (2.t) and (2.u); or, 1/2 to daughter, 1/4 to husband, 1/6 to parent, and 1/12 to children of son(s) as in (2.t) and (2.u). If more than one daughter, 2/3 to daughters, 1/8 to wife, 1/6 to parent and 1/24 to children of son(s) as in (2.t) and (2.u); or, 8/13 to daughters, 2/13 to parent and 3/13 to husband, nothing to grandchildren.

2.y) (2.v) with father of father, no father and no brothers, and mother; or with father of father, no father and no brother(s) and grandmother(s) on either side, and no mother.  
 As in (2.w), but replace father of father for father and grandmother(s) for mother. Share of grandmothers is divided equally between them.

2.z) with daughters of son(s) and no sons of sons  
 3/4 to the daughter and 1/4 to daughter(s) of son(s), equally between them. If more than one daughter; all to daughters, nothing to daughter(s) of son(s).

2.aa) with sister(s) of same parents (no brothers), or with brother(s) of the same two parents (no sisters)  
 1/2 to the daughter, 1/2 to sister (or brother), or equally among all sisters (or brothers). If more than one daughter; 2/3 to daughters, 1/3 to sister (or brother) or equally among sisters (or brothers).

2.bb) with sister(s) and brother(s) of the same two parents  
 1/2 to daughter, 1/2 to sister(s) and brother(s) on the basis of one share to female and two shares to male. If more than one daughter, 2/3 to daughters,

	1/3 to sister(s) and brother(s) on same basis.
2.cc) (2.aa) or (2.bb) with wife or husband	1/2 to daughter, 1/8 to wife and 3/8 to sister(s) and/or brother(s) as in (2.aa) and (2.bb). 1/2 to daughter, 1/4 to
Surviving Heirs	Share of the Remainder

husband, 1/4 to sister(s) and/or brother(s) as in (2.aa) or (2.bb) respectively. If more than one daughter, 2/3 to daughters, 1/4 to husband, or 1/8 to wife, the rest to sister(s) and/or brother(s) as in (2.aa) or (2.bb) respectively.

2.dd) with uncle(s) from same parents as father      1/2 to daughter and the rest to uncle, or uncles equally between them. If more than one daughter, 2/3 to daughters and the rest to uncle or uncles equally between them.

2.ee) with one grandmother, either side, or both grandmothers      5/6 to daughter and 1/6 to grandmother or grandmothers, equally between them. If more than one daughter, 5/6 to daughters and 1/6 to grandmother(s).

IF THE TESTATOR'S CASE IS UNDER NO. 2 BUT NOT FOUND ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA, INC., OF INDIANA.

**CASE NO. 3:  
CHILDREN OF SON(S), NO SONS, NO DAUGHTERS**

Apply Case No.1 and Case No. 2 after substituting daughter(s) of son(s) for daughter(s) and son(s) of son(s) for son(s).

**CASE NO. 4:  
PARENT(S) AND NO OFFSPRING**

Surviving Heirs	Share of the Remainder
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4.a) father alone; or father and brother(s) and/or sister(s)      all the remainder to father alone, nothing to brother(s) and sister(s)

4.b) father and wife or husband      1/4 to wife, or 1/2 to husband, and the rest to father

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Surviving Heirs	Share of the Remainder
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4.c) father and mother, no brothers, no sisters      1/3 to mother, the rest to father

4.d) (4.c) with husband or wife      1/4 to wife, 1/4 to mother, the rest to father.  
 1/2 to husband, 1/6 to mother, the rest to father.

4.e) both parents, with brother(s) and/or sister(s) and with wife or husband      1/6 to mother, nothing to brother(s) and sister(s), the rest to father. 1/6 to mother, nothing to brother(s) and sister(s), 1/4 to wife, or 1/2 to husband; the rest to father.

4.f) mother only      she takes all the remainder

4.g) mother and husband or wife      1/4 to wife, or 1/2 to husband, and the rest to mother

4.h) mother with one brother or one sister of the same two parents or on father's side      1/3 to mother, rest to brother. 2/5 to mother, the rest to sister.

4.i) (4.h) with husband or wife      1/3 to mother, 1/2 to husband or 1/4 to wife, the rest to brother. 4/13 to mother. 3/13 to wife, and 6/13 to sister. 2/8 to mother, 3/8 to husband, and 3/8 to sister.

4.j) mother with at least two brothers, brother(s) and sister(s) all of same two parents or on father's side      1/6 to mother, the rest to brothers or brother(s) and sister(s) according to rules in (1.a).

4.k) (4.j) with husband or wife      1/6 to mother, 1/4 to wife, or 1/2 to husband, the rest to brothers or brother(s) and sister(s) as in rules (1.a)

4.l) mother with two sisters or more, of      1/5 to mother, 4/5 to sisters equally

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the same two parents or on father's side between them

4.m) (4.l) with husband or wife 3/13 to wife, 2/13 to mother, 8/13 to sisters equally between them. 3/7 to husband, 1/7 to mother, 3/7 to sisters equally between them

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Surviving Heirs

Share of the Remainder

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4.n) mother with one brother on mother's side or one sister on mother's side 2/3 to mother, 1/3 to brother or sister

4.o) (4.n) with husband or wife 1/4 to wife, 1/2 to mother, 1/4 to brother or sister.  
1/2 to husband, 1/3 to mother, 1/6 to brother or sister.

4.p) mother with more than one brother and/or sister on mother's side 1/3 to mother, 2/3 to brother(s) and sister(s), equally between them all.

4.q) (4.p) with husband or wife 1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s) equally between them all.  
1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s) equally between them all.

4.r) mother with father of father, no brother(s), no sister(s) 1/3 to mother, the rest to father of father

4.s) (4.r) with husband or wife 1/3 to mother, 1/4 to wife or 1/2 to husband, the rest to grandfather

4.t) mother with son of brother, (the brother is of the same parents) 1/3 to mother, the rest to son of brother

4.u) mother with children of brother(s), (the brother is of the same parents) 1/3 to mother, the rest to children of brother(s) according to rules in (1.a)

4.v) (4.t) or (4.u) with wife or husband 1/3 to mother, 1/4 to wife, or 1/2 to husband and the rest to son or children of brother(s) as in (4.t) or (4.u)

4.w) mother with brother of father of 1/3 to mother, the rest to brother of

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father the same two parents

4.x) mother with brother(s) of father and any number of sisters of father, all of the same two parents	1/3 to mother, the rest to brother(s) and sister(s) of father according to rules in (1.a)
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Surviving Heirs	Share of the Remainder
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4.y) (4.w) and (4.x) with wife or husband	1/3 to mother, 1/4 to wife, or 1/2 to husband, the rest to brother of father or brother(s) and sister(s) of fathers as in (4.x)
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4.z) father with mother of mother and	1/6 to mother of mother, the rest to father no mother
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4.aa) mother with brother(s) and father of father	1/6 to mother, the rest among brother(s) and father of father equally, unless grandfather's share goes below 1/3 (if it does, he gets 1/3 and the rest to brothers
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equally)

4.bb) mother with father of father and brother(s) and any number of sister(s), all of the same two parents or on father's side	as in (4.aa) and apply rules of (1.a) for brother(s) and sister(s)
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NOTE: IF THE TESTATOR'S CASE IS UNDER NO. 4 BUT NOT COVERED ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA, Inc., ISNA, OF INDIANA.

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**CASE NO. 5:  
HUSBAND OR WIFE, NO OFFSPRING, NO PARENTS,  
AND NO FATHER OF FATHER**

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Surviving Heirs	Share of the Remainder
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5.a) wife only North America Inc.to be used as a Waqf whose net return only should be used for ISNA's activities in North America	1/4 to wife, the rest to the Islamic Society of
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