**LAST WILL AND TESTAMENT**

OF

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of MONTGOMERY COUNTY, State of Maryland, hereby declare this to be my Last Will and Testament, hereby revoking any and all other Wills and Codicils that I previously may have executed. At the time I signed this Last Will and Testament my family consists of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

**PREAMBLE**

I bear witness that there is no deity worthy of worship 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 Judgment 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.

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.

**SECTION 1. DEFINITIONS AND DESIGNATION OF FIDUCIARIES**

The provisions set forth shall apply in connection with the administration of my state and the construction of the Will.

* 1. For purposes hereof: the term "Fiduciary" and/or "Fiduciaries," however expressed, shall refer to my Personal Representative(s) who may be serving at any time.
  2. Any reference in this Will to my "wife," or my "spouse," whether specifically named or not, shall be construed as meaning only \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  3. For purposes hereof: the term "child," however expressed, shall refer to any descendant in the first degree of the parent designated. The term "descendant," however expressed, shall include (i) children or more remote descendants, naturally born; (ii) legitimate descendants only; and (iii) any child or remote descendant in gestation at any time specified in connection with the administration, division or distribution of any portion of my estate.
  4. I designate and appoint \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to serve as my Personal Representative. If for any reason, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** is or becomes unwilling or unable to serve in this capacity, then I constitute and appoint **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** as my Personal Representatives. (The Personal Representative(s) shall be referred to in this Will collectively as "Personal Representative.").
  5. I hereby excuse those persons named in or appointed pursuant to this Will as Personal Representatives from the necessity of posting any bond or other security for the faithful performance of their respective duties.

**SECTION 2. FUNERAL EXPENSE AND BURIAL RIGHTS**

* 1. I direct my Personal Representative to pay the expenses of my funeral in such amount as my Personal Representative may deem proper, without the necessity of obtaining the approval of any court having jurisdiction over the administration of my estate and without regard to any applicable statutory limitation. I wish to be buried in accordance with Islamic law.
  2. If my Personal Representative is unable to bury my body in accordance with Islamic law, then I nominate and appoint the president of the local Muslim community, mosque or association/organization in the area where I die to execute these provisions of funeral and burial.
  3. In the event of legal difficulties in the execution of this Article, I direct the above­ named person to seek counsel from **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, USA (Tel: **\_\_\_\_-\_\_\_\_-\_\_\_\_\_**).
  4. I ordain and direct that absolutely no non-Islamic religious service or observance be conducted upon my death, or on my body.
  5. I ordain and direct that no pictures, crescents, stars, decorations, crosses, flags, any symbols -Islamic or otherwise- or music be involved at any stage of the process of conducting my funeral and burial or ever be placed at the site of my grave.
  6. I ordain and direct that my body shall not be transported over any unreasonable distance from 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 or by the local Islamic organization.
  7. I ordain and direct that my grave be dug deep into the ground in complete accordance with the specifications of Islamic practice, that it faces the direction of Qiblah (the direction of the City of Makkah in the Arabian Peninsula) towards which Muslims face during prayers.
  8. I ordain and direct that my body shall be buried without a casket or any encasement that separates the wrapped body from the surrounding soil. In the event local laws require casket encasement I ordain that such encasement be of the simplest, the most modest, and the least expensive type possible. I further ordain that the encasement be left open during burial and filled with dirt unless prohibited by law.
  9. I ordain and direct that my grave be leveled with 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 other than name and dates of birth and death.

**SECTION 3. DEBTS**

* 1. I direct my Personal Representative to pay all debts first and claims which are legally enforceable against me, including such expenses incurred by my last illness and burial as well as the expenses of administrating my estate. I direct the said Personal Representative to pay any “obligations to Allah” (Huquq Allah) which are binding on me, such as unpaid Zakah, Kaffarat, or unperformed pilgrimage (Hajj) except that all mortgages, liens, and other encumbrances on property owned by me at the time of my death shall be a charge on the property so encumbered, and my estate shall not be liable for any such indebtedness.

**SECTION 4. SPECIFIC BEQUESTS**

* 1. I direct and ordain my Personal Representative to pay the following contributions and transfers, not to exceed one third of the remainder of my estate after making provision for payments of my obligations mentioned in Section 3, to the following named persons and organizations:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Person or Organization** | **Percent of the remainder of my estate after execution of Section** | |  |
| In # | In Words |  |
|  |  |  | Percent |
|  |  |  | Percent |
|  |  |  | Percent |

**SECTION 5. DISTRIBUTION OF THE REMAINDER OF MY ESTATE**

* 1. All my tangible personal property is to be distributed in accordance with the dictates of Islamic Law after making provision for payment of my obligations and distributions provided in Section 3 and Section 4. Specifically, my personal property should be distributed in accordance with the Islamic SCHEDULE OF MAWARlTH. If my Personal Representative needs any guidance as to how my personal property should be distributed according to the SCHEDULE OF MAWARITH, he or she should contact the Islamic Society of North America for guidance. A copy of the SCHEDULE OF MAWARITH is attached hereto as an Exhibit.
  2. 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.
  3. Should I die as a result of murder, I direct that the adjured murderer, principal, or accessory in the murder shall be disqualified to receive any part of my estate.
  4. I direct that no part of my estate shall be given to relatives whose relationship to me, ascending or descending, has occurred through non-Islamic and unlawful marriage, or through adoption, at each and every point, except the following:

1. Legatees specifically named in Section 4

1. A relative who is related to me through his/her biological mother
   1. I direct and devise that any fetus, conceived before my death, whose relationship to me qualifies it to be an heir according to this Article, shall be considered as an heir if the following condition is fulfilled: the fetus should be born alive within 365 days of my death. I further direct and devise that whenever there exists a fetus who may become an heir according to this section, the whole distribution of the residue and remainder of my estate after the execution of Section 3 and Section 4 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 the fetus be born alive, but qualify for a lesser share, or should it not be born alive within the 365 days, any surplus of the set aside amount must be returned to the estate and distributed according to Schedule A.
   2. I direct, devise, and bequest all the residue and remainder of my estate of every nature and kind and whenever situated after making provisions for payments of my obligations and distribution of my estate as provided in Articles III and IV. I further direct, devise, and ordain that any portion of my estate disclaimed or refused to be received by any of the legatees named or referred to in this Last Will and Testament, or the remainder of my estate in the event of non-existence of my Islamic heirs, shall be given to the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**SECTION 6. DISPOSITION OF RESIDUARY ESTATE**

6.01 My residuary estate shall be distributed in accordance with the dictates of Islamic Law. Specifically, my residuary estate should be distributed in accordance with the Islamic **SCHEDULE OF MAWARITH**. If my Personal Representative needs any guidance as to how my personal property should be distributed according to the **SCHEDULE OF MAWARITH**, he or she should contact the Islamic Society of North America for guidance. A copy of the **SCHEDULE OF MAWARITH** is attached hereto as an Exhibit.

If I am survived by children of my deceased children, I order and direct that each one of these grandchildren shall be given as a Wasiyyah (a will) from the residual after payment of debts and expenses and all other charges and taxes of my estate.

1. The children of each deceased child must be given the share of their deceased mother/father which she/he would have inherited if she/he was alive at the time of my death.
2. The distribution to the grandchildren mentioned above will be as per the rules stated in (1.a) of the **SCHEDULE OF MAWARITH**.

6.02. If any descendant entitled to distribution under the Will is then under the age of twenty-one (21) years, or is in the opinion of my Personal Representative, by reason of mental or physical disability, incapable of managing his personal or business affairs, my Personal Representative shall be authorized, without the necessity of obtaining the approval of any court with respect thereto, to make such distribution in one or more of the following ways:

1. Directly to the beneficiary;
2. By deposit in a bank or savings institution, without interest, in the name of the beneficiary;
3. By direct application by my Personal Representative for the use and benefit of the beneficiary;
4. To a legally appointed guardian;
5. To any relative, friend, or other person or institution, who, in the opinion of my Personal Representative surviving, may be standing in loco parentis or supplying services to, or caring for, the beneficiary, or with whom the beneficiary may be living, to be applied by such relative, friend, or other person or institution for the use and benefit of the beneficiary; or
6. If at the time for such distribution the beneficiary is a "minor" for purposes of the Maryland or other applicable, Uniform Transfers to Minors Act, by distribution to such person or institution as may be designated by my Personal Representative as Custodian for such beneficiary under such Act, with all the duties and powers in such Custodian as are set forth therein; and if permitted by such Act, such Custodianship shall continue until such beneficiary obtains the age of twenty-one (21) years. If otherwise eligible to serve, my Personal Representative shall be included among the persons and institutions eligible to be designated as Custodian hereunder. A bequest or devise which is distributed to a Custodian pursuant to this paragraph shall be deemed to be made by me under the Maryland, or other applicable, Uniform Transfers to Minors Act.

**SECTION 7. PROPERTY NOT VALIDLY DISTRIBUTABLE**

7.01 In the event that any portion of my estate remaining in the hands of the Personal Representative Trustee shall be indisposed of or not be validly distributable under the foregoing provisions of this, my Last Will and Testament, the Personal Representative shall grant, convey, pay over and deliver, absolutely free and clear of any trust, such property as follows:

* 1. One-half (1/2) thereof (or all thereof, in the event nothing passes pursuant to Section 8.01 (b) hereof, as the case may be) to those persons, and in such proportions, as would be entitled to take the same (under the laws of the State of Maryland, in effect at any such time), had I then died, seized and possessed of the same, intestate, unmarried, without creditors and a resident of the State of Maryland.
  2. One-half (1/2) thereof (or all thereof: in the event nothing passes pursuant to Section 8.01 (a) hereof, as the case may be) to those persons, and in such proportions, as would be entitled to take the same (under the laws of the State of Maryland, in effect at any such time), had my wife then died, seized and possessed of the same, intestate, unmarried, without creditors and a resident of the State of Maryland.

**SECTION 8. POWERS OF PERSONAL REPRESENTATIVE**

8.01 My Personal Representative shall serve without bond.

8.02 My Personal Representative shall have all powers and discretions conferred by Maryland law.

8.03 My Personal Representative is authorized to execute on my behalf or on behalf of my estate any tax return which may be filed.

8.04 Personal Representative shall have, in addition to any other power, the specific powers to invest, reinvest, sell, mortgage or otherwise dispose of any part or all of my estate, without the necessity of obtaining prior or subsequent court approval.

8.05 Distributions may be made in cash or in kind in the discretion of my Personal Representative.

8.06 I authorize my Personal Representative in its absolute discretion to make any tax election permitted by any tax law, and to join in filing any joint tax return, regardless of the effect on any interests under this Will, and to make or not make any adjustment of any interest by reason of any election or joint return.

8.07 I also give my Personal Representative power, exercisable in the discretion of my Personal Representative, to deal with matters involving the actual or threatened contamination of property held in my estate (including any interests in sole proprietorships, partnerships or corporations and any assets owned by such business enterprises) by hazardous substances, or involving compliance with environmental laws. In particular, my Personal Representative is empowered:

* 1. To inspect and monitor any such property periodically, as it deems necessary, to determine compliance with any environmental law affecting such property, with all expenses of such inspection and monitoring to be paid from the income or principal of the estate;
  2. To respond (or take any other action necessary to prevent, abate or "clean up") as it shall deem necessary, prior to or after the initiation of enforcement action by any governmental body, to any actual or threatened violation of any environmental law affecting any of such property, the cost of which shall be payable from estate assets;
  3. To settle or compromise at any time any claim against my estate or trust related to any such matter asserted by any governmental body or private party;
  4. To disclaim any power which my Personal Representative determines may cause it to incur personal liability as a result of any such matter, whether such power is set forth in my Will, incorporated by reference herein, or granted or implied by any statute or rule of law; and
  5. To decline to serve as personal representative hereunder or, having undertaken to serve, resign at any time my Personal Representative reasonably believes there is or may be a conflict of interest between it in its fiduciary and individual capacities by virtue of potential claims or liabilities which are or might be asserted against my estate because of the type or condition of estate assets.

When used in this instrument, the term "hazardous substance(s)" shall mean any substance defined as hazardous or toxic or otherwise regulated by any federal, state or local law(s), rule(s), or regulation(s) relating to the protection of the environment or human health ("environmental law(s)").

8.08 No Personal Representative shall be personally liable to any beneficiary or other party interested in my estate or to any third parties, for any claim against my estate for the diminution in value of estate property resulting from matters involving hazardous substances, including any reporting of or response to (i) the contamination of estate property by hazardous substances, or (ii) violations of any environmental laws related to my estate; provided that my Personal Representative shall not be excused from liability for its own negligence or wrongful or willful acts.

8.09 To the maximum extent permitted by law, my Personal Representative may withhold a distribution to a beneficiary hereunder until receiving from the beneficiary an indemnification agreement in which the beneficiary agrees to indemnify the Personal Representative against claims filed against the Personal Representative as an "owner" or "operator" under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as from time to time amended, or any regulation there under, or any other environmental law.

**SECTION 9. HEADINGS**

9.01 The headings, titles, and subtitles in this Will have been inserted solely for convenience, and shall be ignored in its construction.

IN WITNESS WHEREOF, I have signed my name to this Last Will and Testament this \_\_\_\_ day of \_\_\_\_, **20\_\_**.

|  |  |  |
| --- | --- | --- |
| (Printed Name) |  | (Signature) |
|  |  |  |
|  |  | (Date) |

Signed, sealed, published and declared by the above-named Testator, as and for his Last Will and Testament, in the presence of us, who at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses thereto.

|  |  |  |
| --- | --- | --- |
| Witness: |  |  |
|  |  |  |
| (Printed Name) |  | (Signature) |
|  |  |  |
| Address: |  | (Date) |
|  |  |  |
| Witness: |  |  |
|  |  |  |
| (Printed Name) |  | (Signature) |
|  |  |  |
| Address: |  | (Date) |
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This document was acknowledged before me on:

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|  |  | (Seal, if any) |
| Date |  |  |
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|  |  |  |
| Signature of Notary |  |  |
|  |  |  |
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| My Commission Expires On: |  |  |