

## LAST WILL AND TESTAMENT

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

### **LAST WILL AND TESTAMENT**

I, \_\_\_\_\_ (*herein referred to as TESTATOR*) presently

residing at \_\_\_\_\_

county/region of \_\_\_\_\_ province of \_\_\_\_\_ 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(pbuh), 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(pbuh) 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(pbuh) 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 & religious rights 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.

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### ARTICLE I: FUNERAL AND BURIAL RITES

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

- a. I hereby nominate and appoint \_\_\_\_\_, presently 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 \_\_\_\_\_, presently residing at \_\_\_\_\_, 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 BSIA, currently located at 6 Lowry Drive, Brampton, Ontario, Canada, L7A 1C4, Tel: (905) 459-9444.
- 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.

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**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 \_\_\_\_\_ 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 payments of my obligations mentioned in Article III, to the following named persons and organizations:

Name: \_\_\_\_\_ ( \_\_\_\_\_ %) \_\_\_\_\_ percent.

Name: \_\_\_\_\_ ( \_\_\_\_\_ %) \_\_\_\_\_ percent

Name: \_\_\_\_\_ ( \_\_\_\_\_ %) \_\_\_\_\_ percent

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**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 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 Article IV

2. A relative who is related to me through his/her biological mother

e. 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 Articles III and IV 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.

f. 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 Brampton Sunnatul Islamic Association, as a contribution for establishing Islamic schools, centers, mosques, and other activities in North America.

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**ARTICLE VI:  
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.

In witness whereof, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_

\_\_\_\_\_  
Testator's Legal Name

\_\_\_\_\_  
Testator's Muslim Name, **if different from Legal Name**

Signature of Testator: \_\_\_\_\_

**Witnesses:**

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. \_\_\_\_\_ resident of \_\_\_\_\_

Signature of Witness#1 \_\_\_\_\_ Date \_\_\_\_\_

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

Signature of Witness# 2 \_\_\_\_\_ Date \_\_\_\_\_

This document, comprising 11 pages, including Schedule A: MAWARITH is made in THREE copies.

The original is with me.

One copy is deposited with \_\_\_\_\_ resident of \_\_\_\_\_

One copy is deposited with \_\_\_\_\_ resident of \_\_\_\_\_

**Notary Public:**

\_\_\_\_\_  
Notary Public's Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Commission Expires

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**SCHEDULE A  
MAWARITH (THE ISLAMIC DISTRIBUTION OF THE ESTATE)**

I ordain and direct that this schedule be used as the only reference for distribution of the residue and remainder of my estate, referred to in Article V This schedule is a part of my Last Will and Testament.

**CASE NO.1  
ONE SON OR MORE AND ANY NO. OF DAUGHTERS**

| <b>Surviving Heirs</b>  | <b>Share of the Remainder of My Estate</b>  |
|---|---|
| 1a. with no other relatives   | he, or they, get all the remainder such that sons are equal in their class, daughters are equal in their class, and for a daughter half of a son's share. |
| 1b. with wife   | 1/8 to wife, the rest as in 1.a   |
| 1c. with husband  | 1/4 to husband, the rest as in 1a   |
| 1d. with father and mother  | 1/6 to father and 1/6 to mother, the rest as in 1a  |
| 1e. with one parent   | 1/6 to parent, the rest as in 1.a   |
| 1f. with any Possible combination of 1b, 1c, 1d, and 1e                                   | Spouse and parents take shares mentioned above, and the rest as in 1a   |
| 1g. with father of father, no parents, no other grandparents                              | 1/6 to father of father and the rest as in 1a   |
| 1h. with father of father and mother of father or mother of mother, no parents            | 1/6 to father of father, 1/6 to either mother of father or mother of mother, the rest as in 1a  |
| 1i. 1g or 1h) with wife   | 1/6 to mother of father or of mother (if she exists); 1/6 to father of father, 1/8 to wife, and father of father, the rest as in 1a                       |
| 1j. 1g or 1h 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 1a.   |
| 1k. with father of father, and mother, no father  | 1/6 to mother, 1/6 to father of father, the rest as in 1a   |
| 1l. 1k with wife  | 1/6 to mother, 1/6 to father of father, 1/8 to wife, and the rest as in 1a  |
| 1m. 1k with husband   | 1/6 to mother, 1/6 to father of father, 1/8 to wife, and the rest as in 1a  |
| 1n. with father and mother of mother (no mother)  | 1/6 to mother of mother, 1/6 to father, and the rest as in 1a   |
| 1o. 1n with wife  | 1/6 to father, 1/6 to mother of mother, 1/8 to wife, and the rest as in 1a  |
| 1p. 1n with husband   | 1/6 to father, 1/6 to mother of mother, 1/4 to husband, and the rest as in 1a   |
| 1q. 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 1a  |
| 1r. 1q with wife  | 1/6 to mother of mother or mother of father, 1/8 to   |

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|  | wife, the rest as in 1a  |
| 1s. 1q with husband  | 1/6 to mother of mother or mother of father, 1/4 to husband, the rest as in 1a                         |
| 1t. 1h, 1n, or 1q, but instead of one grand mother, 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 father of mother, and no mother of mother nor mother of father) | grandmothers share equally 1/6, father or grandfather 1/6, the rest as in 1a                           |
| 1u. 1t 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 1a |
| 1v. In each of 1a through 1u, 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 BRAMPTON SUNNATUL ISLAMIC ASSOCIATION.

### CASE NO. 2 DAUGHTER OR DAUGHTERS; NO SONS

| <b>Surviving Heirs</b>      | <b>Share of the Remainder</b>  |
|-----------------------------|--|
| 2a. with no other relatives | If one only, she takes all the remainder. If more than one, they equally share all the remainder.                            |
| 2b. with wife               | 1/8 to wife, the rest as in 2a   |
| 2c. with husband            | 1/4 to husband, the rest as in 2a  |
| 2d. 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                           |
| 2e. with mother             | 1/4 to mother, 3/4 to daughter. If more than one, they share 4/5 equally and 1/5 to mother                                   |
| 2f. 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  |
| 2g. 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 to father |
| 2h. 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                   |

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|   | daughters equally  |
| 2i. 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  |
| 2j. 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   |
| 2k. 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  |
| 2l. 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  |
| 2m. 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   |
| 2n. 2m with wife  | As in 2g, but father of father in place of father  |
| 2o. 2m with husband   | As in 2j, but father of father in place of father  |
| 2p. 2m with mother, or without mother but with either mother of father or mother of mother  | As in 2f, but father of father in place of father and grandmother in place of mother; the two grandmothers divide share of mother equally between themselves   |
| 2q. 2p with wife  | As in 2i, but father of father in place of father and grandmother in place of mother; the two grandmothers divide the share of mother equally between themselves   |
| 2r. 2p with husband   | As in 2l but father of father in place of father and grandmother in place of mother; the two grandmothers divide the share of mother equally between themselves  |
| 2s. 2p, 2q, 2r 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 | The two grandmothers (or the three great grandmothers) share equally what is assigned to the mother or one grandmother in cases 2p, 2q, and 2r; the rest as in 2p, 2q, and 2r respectively   |
| 2t. with son of son   | 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   |
| 2u. with more than one son of son(s) and any number of daughters of son(s)  | As in 2t, but the share of son of son is divided among son of son(s) and daughters of son(s) according to rules stated in 1a   |
| 2v. 2t or 2u with wife or husband   | 1/2 to daughter, 1/8 to wife, or 1/4 to husband, the rest to children of son(s) as in 2.t or 2u. 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 2t or 2u   |
| 2w. 2v with both parents  | 1/2 to daughter, 1/8 to wife, 1/6 to mother, and 1/24 to grandchildren as in 2t and 2u. 6/13 to daughter, 3/13, 2/13 to father, 2/13 to mother, nothing to grandchildren. If more than one daughter, 16/27 to daughters equally, 3/27 to wife, 4/27 to mother, 4/27 to mother, 4/27 to mother, 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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| 2x. 2v 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 2t and 2u; or, 1/2 to daughter, 1/4 to husband, 1/6 to parent, and 4/12 to children of son(s) as in 2t and 2u. 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 2t and 2u; or, 8/13 to daughters, 2/13 to parent and 3/13 to husband, nothing to grandchildren |
| 2y. 2v 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  |
| 2z. 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)  |
| 2aa. 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)  |
| 2bb. 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, 4/3 to sister(s) and brother(s) on same basis  |
| 2cc. 2aa or 2bb with wife or husband  | 1/2 to daughter, 1/8 to wife and 3/8 to sister(s) and/or brother(s) as in 2aa)and 2bb. 1/2 to daughter, 1/4 to 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   |
| 2dd. 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  |
| 2ee. with one grandmother, either side, or both grandmothers  | 5/6 to daughter and 1/6 to grandmother or grandmothers <sub>s1</sub> equally between them. If more than one daughter, 5/6 to daughters and 1/6 to grandmothers   |

IF THE TESTATOR'S CASE IS UNDER NO. 2 BUT NOT FOUND ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF THE BRAMPTON SUNNATUL ISLAMIC ASSOCIATION.

### 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).

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

| <b>Surviving Heirs</b>  | <b>Share of the Remainder</b>  |
|---|--|
| 4a. father alone; or father and brother(s) and/or sister(s)   | all the remainder to father alone, nothing to brother(s) and sister(s)   |
| 4b. father and wife or husband  | 1/4 to wife, or 1/2 to husband, and the rest to father   |
| 4c. father and mother, no brothers, no sisters  | 1/3 mother, the rest father  |
| 4d. 4c with husband or wife   | 1/2 to husband, 1/6 to mother, the rest to father  |
| 4e. 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 |
| 4f. mother only   | she takes all the remainder  |
| 4g. mother and husband or wife  | 1/4 to wife, or 1/2 to husband, and the rest to mother   |
| 4h. 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  |
| 4i. 4h 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          |
| 4j. 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 1a   |
| 4k. 4j 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 1a   |
| 4l. mother with two sisters or more, of the same two parents or on father's side                            | 1/5 to mother, 4/5 to sisters equally between them   |
| 4m. 4l 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   |
| 4n. 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  |
| 4o. 4n with husband or wife   | 1/4 to wife, 1/2 to mother, 1/4 to brother or sister<br>1/2 to husband, 1/3 to mother, 1/6 to brother or sister  |
| 4p. 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   |
| 4q. 4p with husband or wife   | 1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s) equally between them all   |
| 4r. mother with father of father, no brother(s), no sister(s)   | 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s) equally between them all  |
| 4s. 4r. with husband or wife  | 4/3 to mother, the rest to father of father  |
| 4t. mother with son of brother, (the brother is of the same parents)  | 1/3 to mother, 1/4 to wife or 1/2 to husband, the rest to grandfather  |
| 4u. mother with children of brother(s), (the brother is of the same parents)                                | 1/3 to mother, the rest to son of brother  |
| 4v. 4t or 4u 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 4t or 4u   |
| 4w. mother with brother of father   | 1/3 to mother, the rest to brother of father the same two parents  |

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| 4x 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 children of brother(s) according to rules in 1a  |
| 4y. 4w and 4x 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 4x  |
| 4z father with mother of mother and of father   | 1/6 to mother of mother, the rest to father no mother   |
| 4aa. 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 equally) |
| 4bb. 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)  |

IF THE TESTATOR'S CASE IS UNDER NO. 2 BUT NOT FOUND ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF THE BRAMPTON SUNNATUL ISLAMIC ASSOCIATION.

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

| <b>Surviving Heirs</b>   | <b>Share of the Remainder</b>  |
|--|--|
| 5a. wife only  | 1/4 to wife, the rest to the Brampton Sunnatul Islamic Association to be used as a Waqf whose net return only should be used for BSIA's activities in Canada |
| 5b. husband only   | 1/2 to husband, the rest as in 5a  |
| 5c. husband and wife, with one brother or more and any number of sisters                                 | 1/2 to husband, or 1/4 to wife, the rest to brother(s) and sister(s) according to rules in 1a  |
| 5d. husband or wife, with sister(s), no brothers   | 1/2 to husband or 1/4 to wife, the rest to the sister or equally between sisters   |
| 5e. husband or wife, with son or sons of brother(s), or son(s) and any number of daughters of brother(s) | As in 5c but niece(s) and nephew(s) replace sister(s) and brother(s)   |
| 5f. husband or wife! with brother(s) of father   | 1/2 to husband or 1/4 to wife and the rest to uncle or uncles equally between them   |
| 5g. husband, or wife, with one brother of father or more, and any number of sisters of father            | 1/2 to husband or 1/4 to wife, rest to uncle(s) and aunt(s) according to the rules in 4a   |

IF THE TESTATOR'S CASE IS UNDER NO. 2 BUT NOT FOUND ABOVE, THE EXECUTOR MUST FOLLOW THE ADVICE OF THE BRAMPTON SUNNATUL ISLAMIC ASSOCIATION.

### CASE NO.6: ALL OTHER CASES

Relatives not mentioned in cases (1) through (5) must be disregarded. However, I direct and ordain that all cases not specifically mentioned in this schedule shall be referred to the Brampton Sunnatul Islamic Association, for distribution of estate, and that the advice of BSIA must be followed to the letter. Further, for any interpretation of any of the above cases or articles and provisions of the will, I ordain that the executor shall refer to the Brampton Sunnatul Islamic Association and must follow the advice given by BSIA.