

LAST WILL AND TESTAMENT

Caution: This Will is a specimen and testators should be properly advised before preparing their wills.

Name:
Family Name:

IN THE NAME OF ALLAH THE ALL COMPASSIONATE THE MOST MERCIFUL

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 all the Prophets, mercy and peace be upon them all. He is One God and He has no partner. And I bear witness that Prophet Muhammad is His Servant and His Messenger and the last of all the Prophets, mercy and peace be upon him.

This is my counsel to my relatives and friends, my Muslim brothers and sisters, and all those who remain after me: that they strive to be true Muslims, that they submit to their Creator - may He be exalted - and worship Him as He alone is to be worshipped, fear Him 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 to 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. So do not preoccupy yourselves with my death, but instead make proper preparations for your own. Maintain good relations and do not break ties with each other.

Finally, I ask all my relatives, friends, and all others to forgive me, pray in whatever way is easy and dedicate the reward to me. I ask them to honour this document which I have made, and not to try to obstruct it or change it in any way

AS WITNESSES:

1.

.....
TESTATOR/TESTATRIX

2.

THIS IS THE LAST WILL AND TESTAMENT OF:**Name:****Address:****Married to:****Survived by:**

In accordance to: (1) Islamic law ✓ and by (2) Antenuptial contract ✓

(1)

Revocation of previous wills

I, revoke, cancel and annul all previous wills, codicils and testamentary writings made or executed by myself and declare this to be my last will and testament, dated, of, 20.....

(2)

Nomination of executor(s)

I hereby nominate and appoint the following person(s) to be the executor(s) and administrator(s) of my estate:

Sakinah Medical Waqf Foundation, Nigeria, or their nominees or successors

I hereby give and grant to my executor(s) and administrator(s) such power and authority as is required or allowed in law and especially that of assumption.

(3)

Security

My executor(s) and administrator(s) shall not be required to file or provide any security to the Master of the High Court for the administration of my estate in terms of the Administration of Estates Act of as amended or any other law for the proper performance of their functions.

AS WITNESSES:

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TESTATOR/TESTATRIX

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(4)

Discharge of debts and obligations

4.1 My said executor(s) and administrator(s) shall firstly pay all my lawful obligations, and all my lawful debts contracted by me during my lifetime, including any mahr [dowry], funeral expenses and expenses connected with the administration of my estate.

4.2 Thereafter my said executor(s) and administrator(s) shall endeavour to ascertain what amount, if any, is due by me in respect of my religious liabilities and obligations in accordance with the tenets of Islamic Law until the date of my death. I hereby direct that such amounts shall be paid as a first charge against my estate, before distribution to my heirs, to such person(s) or institution(s) as my executor(s) and administrator(s), in their absolute discretion, shall determine to be entitled thereto according to the laws of Islam. The total amount payable under this clause shall not, however, exceed one third of the net value of my estate.

(5)

Legacies (Wasiyyah)

I, hereby bequeath as free and absolute legacies (wasiyyah) to the following person(s) or institution(s) the following:

Name of legatee(s): _____ Amount or description of legacy: _____

Sakinah Medical Waqf Foundation, Nigeria% of the net value of my estate.
Registered No: CAC/IT/NO121911

The said amount shall be endowed as a discretionary waqf.

Provided that the legatee(s) named in this clause is/are not person(s) who qualify as legal heirs According to the Islamic law of succession at the time of my death in terms of clause 6 hereof.

Provided further that the total value of such legacies does not exceed one third of the net value of my estate after the discharge of my debts. In the event that the total value of such legacies including my religious obligations in terms of clause 4.2. above, so exceeds one third of the net value of my estate, the amount thereof will abate proportionately.

AS WITNESSES:

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TESTATOR/TESTATRIX

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The residue of my estate

I hereby bequeath the entire net residue of my estate and effects of whatsoever nature or kind where so ever the same may be situated, whether movable or immovable, corporeal or incorporeal whether in possession, reversion, remainder or expectancy to my lawful heirs and heiresses to be determined at the time of my death in accordance with and the proportions specified by the Islamic law of succession.

For the purposes of giving effect to this clause, my executor(s) shall file with the Master of the High Court a certificate executed by an authorised person appointed by the Sakinah Waqf Foundation of Nigeria (Registered No: CAC/IT/NO121911), its nominees or successors. The said certificate shall set out the full names of my lawful heirs and heiresses at the time of my death, and their respective shares in accordance with the rules of the Islamic Law of Succession.

(7)

Minor beneficiaries

The share of income or capital which may be payable to minors upon my death in terms of this will shall not be paid into the guardians fund, but shall be held in trust by my administrator (s) who shall have the right to invest such income or capital in such investments as they may in their sole discretion decide and shall further have the right to apply the whole or portion of the income or capital for the maintenance, education or other benefit of the minor beneficiary, provided that such investment is not in conflict with Islamic Law.

The share of income or capital of such minors shall be paid to such beneficiary upon the latter attaining the age of 25(twenty five) provided that my administrator(s) shall be entitled to pay a portion of the whole of such share to such beneficiary at any time before that, if they are of the opinion that such a minor has attained a degree of mental maturity which would enable such a minor to manage his or her own affairs without any detriment. My administrator(s) shall keep full and proper accounting records relating to the trust and shall have annual financial statements prepared from the date of my death until the termination of the trust of such beneficiaries.

AS WITNESSES:

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TESTATOR/TESTATRIX

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Married beneficiaries

In the event of any of my heirs under this will being married in community of property, or if their matrimonial regime is subject to the accrual system in terms of the matrimonial property act of, then I direct that his or her inheritance and income in terms of this will shall be excluded from the joint estate arising from such community of property or from such accrual system and shall accordingly be the separate, sole and absolute property of such heir who shall have full power to dispose or deal with such inheritance without the assistance of the other spouse.

(9)

Power of my executor(s) and administrator(s)

For the purpose of winding-up of my estate and for the benefit of my heirs and beneficiaries, I hereby confer inter alia the following powers upon my executor(s) and administrator(s):

- a) To sell, lease or alienate any assets of whatsoever nature whether movable or immovable whether by public auction or by private treaty in their sole discretion for the benefit of the beneficiaries.
- b) To make interim payments for the maintenance and support of any beneficiary "on account" until the winding – up of my estate is completed and the estate is properly distributed.
- c) To continue any business carried on by me for the period as from the date of my death until the estate accounts are approved without objection and the estate is distributed to the entitled beneficiaries in accordance with the provisions hereof.

(10)

Arbitration

Should any dispute arise from any nature whatsoever in connection with my estate, such dispute shall be referred to arbitration. I hereby nominate the National Awqaf Foundation of South Africa, their nominees or successors, to appoint such person or persons as they in their discretion deem fit to act as arbitrator(s). The decision of the arbitrator(s) shall be final and binding upon all the parties.

AS WITNESSES:

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TESTATOR/TESTATRIX

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Variations and additions

I hereby reserve to myself the right to make such alterations and/or additions to this my Last Will as I think fit, by a separate act or of desiring that all such alterations or additions so made under my own signature and duly witnessed, may be held valid and effectual as if incorporated herein.

(12)

Signature & witnesses

In witness whereof I have hereunto set my hand at, on this day of December 20..... corresponding to (Islamic Date) in the presence of the undersigned witnesses, who in my presence and in the presence of each other, all being present at the same time have hereunto set their hands.

Sakinah WAQAF

AS WITNESSES:

1.

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TESTATOR/TESTATRIX

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