

هذه وصيتي

This is My Will

I am

Identification Card No.

Prepared by

Dr. Khālid ibn Sa'ood al-Haleeb

Translation: Abu Muḥammad, Abdur-Ra'uf Shākir

In the Name of Allāh, the Beneficent, the Merciful

Points To Consider Before the *Waseeyah* (Last Will & Testament)

All praise belongs to Allāh and He is Sufficient; and may the praise and peace be upon His servants whom He has chosen. To proceed:

Indeed, the Muslim who understands the reason for his existence in this life, and understands that he was created to worship Allāh alone, without any partners, and has therefore prepared (himself, for this purpose) with *Taqwa* (piety), and strengthened himself with righteous deeds, and prepared himself for the meeting with his Lord – he will be constantly longing for the occasion of seeing Him, and standing before Him. And whoever loves to meet Allāh, Allāh loves to meet him.

Indeed, the reality of death is never out of his sight, nor does its mention frighten him. Rather, he is always awaiting his day, prepared for his appointed time, preparing himself just as someone prepares - who has resolved to make a journey to a place where he may stay for a long time, or from where he may not return. Yet, this consciousness does not affect his personal efforts that represents his contribution towards the maintenance and upkeep of the world (that he lives in), and which allows him to suffice himself with that which is lawful; and to be free of need of that which is unlawful and from the humiliation of begging others.

For this reason he is eager – while his condition is like this – to have his registry/record of good deeds continue to increase – always – even after his death. Hence, he eagerly seeks to establish, during his lifetime, an ongoing charity (*Sadaqah Jāriyah*); or some property/real estate set up as an endowment for the sake of Allāh, as a charity from which its income will be spent for charitable purposes; or that he shares in authoring a beneficial book, or have a share in printing it, or something similar to this.

Similarly, he is eager to raise his children upon righteousness and piety since righteous offspring are the best help and support for a human being, as they will supplicate for him and give charity on his behalf, and ask Allāh to give the reward of their righteous deeds to their parents.

He also has the right to write for himself a bequest - to be executed after his death – similar to this, in the areas of charity, or to someone who is not one of his inheritors, within the bounds of one-third of his wealth, but not exceeding this, unless his inheritors agree to an increase (beyond the one-third).

Some scholars of Islāmic jurisprudence considered it preferable to limit such a will to one-fourth or one-fifth, based upon the saying of the Messenger of Allāh (ﷺ): ‘(make it) one-third, and (even) one-third is a lot.’

This should be done in such a way that it does not leave his inheritors in poverty, wherein they will be begging from other people. If his inheritors were in need of this wealth (which he is bequeathing to someone else), then it is disliked that he bequeath any portion of it to anyone other than his inheritors.

Likewise, he should be careful not to leave behind anything that would be used in disobedience to Allāh, such as the forbidden instruments of music/entertainment; or wealth left in the interest-bearing banks;

or property that has been rented out to those who used it for purposes of disobedience to Allāh, and anything similar to this.

It is incumbent that he makes it clear to those who will remain after him whatever he himself has left as an endowment (*Waqf*), as well as any endowments (*Anqāf*) which others have left under his care; or if he has a bequeath for anyone other than his inheritors, and anything that he owes to other people, as well as any deposits left in his care (*Wadā'i*) or anything entrusted to him (*Amānāt*), or any inheritance (*Tarikāt*) that he has any connection to, which has not yet been distributed; or – for example – an automobile or piece of real estate which is registered in his name but belongs to someone else or in which he is a partner; or anything from the rights of Allāh, such as obligatory charity (*Zakāh*) or an expiation (*Kaffārah*) due to be paid by him which he delayed for some necessary reason.

All of this is so that he does not leave any opportunity for his inheritors to fall into dispute among themselves, nor any dispute between themselves and other people. In this way, he will meet Allāh, the Most High, not having wronged himself or anyone else, his soul being pleased, one whom people will pray for and not against.

All of the above are reasons for a Muslim to respond to the commands of Allāh, the Most High, and the commands of His Messenger (ṢallAllāhu Alaihi wa Sallam), by writing the Last Will and Testament (*al-Waseeyah*).

Allāh, the Most High, said:

(يَتَأَيُّهَا الَّذِينَ ءَامَنُوا شَهَدَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ
أَنَّسَانِ ذَوَا عَدْلٍ مِّنكُمْ أَوْ ءَخْرَانِ مِّنْ غَيْرِكُمْ)

“O you who believe, testimony (should be taken) from among you when death approaches one of you at the time of bequests – (that of) two just men from among you or two others from outside...” [Qur'ān, 5:106]

The Messenger of Allāh (ṢallAllāhu Alaihi wa Sallam) said: “It is not right for any Muslim who has any wealth to be inherited that he spend two nights – and in one narration, it has: three nights – except that his bequest/will (*waseeyah*) should be with him in writing.”

Abdullāh ibn 'Umar (RadiyAllāhu an-hu) said: “Not a single night has passed me by since I heard the Messenger of Allāh (ṢallAllāhu Alaihi wa Sallam) say this, except that my bequest (*waseeyah*) was with me.” [al-Bukhāree and Muslim; the wording is from Muslim]

In another Hadeeth – with an acceptable chain of narrators – “The one who is deprived (*al-Mahroom*) is the one who is deprived of his *Waseeyah*.” [Sunan Ibn Mājah, no. 2700] And in the Hadeeth of Ibn Mājah (no. 2701): “Whoever died and left a *Waseeyah*, has died upon the Way (of Allāh) and *Sunnah*...” [Imām Al-Albānee (Raḥimahullāh) declared both of these narrations to be weak (*Da'eef*) in the *Sunan* of Ibn Mājah]

Imām Ash-Shāfi'ee (Raḥimahullāh) said: **“From the correctness of the affair of a person is that his *Waseeyah* is never separated from him.”**

From this we know the importance of hastening to write the *Waseeyah* (the 'Will') and not delaying it. Writing the *Waseeyah* does not bring one's end (death) near, just as delaying it does not distance its time (i.e. the time of one's end). Rather, the time of one's departure (from this world) may come at a moment when a person is incapable to say even one word. In this case, an extremely important matter related to the responsibility of the deceased; or a valuable opportunity to earn some reward (with Allāh) and the expiation for sins - after the cutting off of one's time (in this world); or that which he had intended from the bequests of righteous deeds for himself or others may all go undone.

Beware, my Muslim brother, of ending your life with a bequest of sin and deviation. Indeed, it is an evil ending for someone writing his *Waseeyah* to intentionally deny his inheritors their right of inheritance, like the one who writes a bequest to one of his grandsons for the benefit of that child's father; or agreeing to debts that are false; or writing something in the *Waseeyah* for an inheritor in exchange for him performing some duty which is (actually) obligatory upon him, like looking after the wife (of the deceased) or his child - during his sickness - under the guise that he has labored or been inconvenienced, and such things like this; or that he uses some trick to decrease the rightful share of inheritance for the female inheritors, ignoring the statement of Allāh, the Most High:

“In that which your wives leave, your share is a **half**, if they have no child; but if they leave a child, you get a **fourth** of that which they leave, after payment of any bequeath they may have made or debts. In that which you leave, their (your wives) share is a **fourth**, if you leave no child; but if you leave a child, they get an **eighth** of that which you leave, after payment of any bequeath you may have made or debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a **sixth**; but if more than two, they share in a **third**, after payment of any bequeath he (or she) may have made or debts, so that no loss is caused (to anyone). This is a Commandment from Allāh; and Allāh is Ever All-Knowing, Most-Forbearing. [Qur'ān, 4:12]

Abu Hurairah (RaḍiyAllāhu an-hu) said that the Messenger of Allāh (ṢallAllāhu Alaihi wa Sallam) said: **“Verily, a man will perform the deeds of *Ahlul-Khair* (the People of Goodness) for seventy years. Then, when he makes his *Waseeyah* he does injustice (to someone) in the writing of his bequests. Consequently, his life will be concluded with the most evil of his deeds, resulting in him being admitted into the Hell-Fire. Another man will perform the deeds of *Ahlush-Sharr* (the People of Evil) for seventy years. Then, when he makes his *Waseeyah* he does justice (by everyone) in the writing of his *Waseeyah*. Consequently, his life will be concluded with the best of his deeds, resulting in him being admitted into the Paradise. The narrator then said: Abu Hurairah (RaḍiyAllāhu an-hu) said: You may read, if you like [in confirmation of what I am saying]: ‘These are the limits of Allāh...’ up until His saying: ‘a humiliating punishment.’”** [Reported by Imām Aḥmad. Shaykh Aḥmad Muḥammad Shākir said: Its chain of narrators is authentic (*Saḥeeḥ*)]

Likewise, I warn you against the *Waseeyah* which contains forbidden innovations, even if the people have accepted such things, like crying and screaming over the dead (*an-Niyahab*), extravagant waste (*at-Tabdbeer*), building a structure over the grave, and shrouding the body with silk and brocade. Surely, Allāh has made a way out for the inheritors, whenever they find the likes of these false practices, sinful behavior and deviations in the *Waseeyah* – that they may change these things. However, it is more proper that such changes be done under the supervision of a *Sharee'ah* Judge. And it is not permissible to make any changes in the *Waseeyah* as long as it does not contain any deviation or sinful (clauses).

O my Muslim brother, you must know that (the writing of) the *Waseeyah* is a commendable act - overall. However, it is not obligatory except in reference to those rights (of others) over you which must be fulfilled. It is commendable to put it in writing and have it witnessed. However, if it is not easy to have this done and the inheritors agree to what has been bequeathed, in this case the *Waseeyah* is legitimate.

The *Waseeyah* does not have a particular wording, or a specific introduction. Rather, any wording through which it is known what is *due to* the writer of the *Waseeyah* (i.e. the Testator/ *Muwassin*) and what is *due from* him, then, this is a (legitimate) *Waseeyah*.

It is permissible for the one making a *Waseeyah* (i.e. the Testator/Muwassin) to terminate his *Waseeyah*, or to modify it by adding something to it or subtracting something from it, as long as that does not lead to something forbidden.

If the one making a *Waseeyah* does not define specifically how his estate should be distributed, then it is required of the executor (i.e. the one appointed to execute it) to do so in the most beneficial manner. Hence, he is to distribute it in those areas that he sees as containing the greatest reward, without difficulty or hardship.

It is legislated that one instruct (in his 'Will') that his small children be looked after (and protected), as well as the protection of their wealth, the marriage of his daughters, division of the inheritance, and payment of debts. He may appoint one person to do all of this, or he may appoint more than one person (to share the responsibility). This is something good, in order to prevent disputes among the inheritors.

So, fear Allāh, O servant of Allāh! Hasten – even in a temporary fashion – to put into writing the *Waseeyah* ('Will'). Would you not like to meet Allāh, the Most High, with the *Waseeyah* in your hand, filled with justice, fairness and that which is good? This should be done before the people hear the *Ṣayḥah* (Shout, i.e. the first blast of the horn, at the time of Judgment)

(... فَلَا يَسْتَطِيعُونَ تَوْصِيَةً وَلَا إِلَىٰ أَهْلِهِمْ يَرْجِعُونَ)

“...Then they will not be able to make a bequest, nor will they return to their family.” [Qur'ān, 36:49, 50]

And may the praise of Allāh (in the Highest Assemblies of the Angels) and peace, safety and security be upon our leader, our Prophet Muḥammad, and upon his followers and companions.

This is My *Waseeyah*

The praise belongs to Allāh, the Lord of all the worlds. And I bear witness that nothing deserves to be worshipped except Allāh, Alone, without any partners; He gives life and causes death, and He has power over everything. I also bear witness that Muḥammad (ṢallAllāhu Alaihi wa Sallam) is His servant and His Messenger, and the best of His creation; he delivered the message, fulfilled the trust, and advised this *Ummah* (Muslim community). May the praise of Allāh, peace, safety and security be upon him, his followers and companions until the Day of Judgment... After this...

This is what I, (_____)

the servant who is in need of Allāh, the Most High, have bequeathed:

I bear witness that nothing deserves to be worshipped except Allāh, Alone, without any partners; and that Muḥammad (ṢallAllāhu Alaihi wa Sallam) is His servant and His Messenger; and that Esā (AlaihisSalām) is the servant of Allāh and His Messenger, and His word which He bestowed upon Maryam, and a spirit created by Him; and the Paradise is True and the Hell-Fire is True, and that death is True, and that there is no doubt about the Hour of Judgment, and that Allāh will resurrect those who are in the graves, and that whoever is removed far from the Fire and admitted into the Paradise has certainly achieved success!

Verily, I call Allāh as a witness to this *Waseeyah* ('Will') of mine, and after that I call to witness those who are the witnesses, that I have indeed made this *Waseeyah*, and that they know that I am of sound mind and that I understand (what I am doing), doing it of free choice, without anyone compelling me.

Know – O beloved ones – that I will depart from you, even if it is after a long time, and Allāh has certainly decreed death to befall every human being. So, the most intelligent of you is the one who is most obedient to his Lord.

This is a farewell *Waseeyah* and an advice of compassion and concern which I hope reaches your hearts and leaves an impression upon your lives; perhaps Allāh, the Most High, will join us together 'in a seat of truth (i.e. Paradise) near the Omnipotent King.' [Qur'ān, 54:55]

O my sons! Allāh has chosen for you the (true) religion, therefore, die not except in the Faith of Islām (as Muslims, upon Islāmic monotheism). [Qur'ān, 2:132]

Verily, I advise you to pile up provisions from this fleeting worldly life, by doing righteous deeds which are based upon the two fundamental principles: *al-Ikhlās* (sincerity) and *Mutāba'atur-Rasool* (Strictly Following the Messenger of Allāh) (ṢallAllāhu Alaihi wa Sallam); and in particular, observing *aṣ-Ṣalāh* (prayer), *aḏ-Zakāh* (obligatory charity), *Ṣawmu Ramaḍān* (the fasting of the month of Ramaḍān) and *al-Ḥajj* (pilgrimage). Do not fall short in fulfilling any of these duties, as these – along with ash-*Shahādatain* (the Two Testimonies, i.e. *Lā ilāha illAllāh, MuḥammadurRasoolullah*) – are the great Pillars of *Islām*.

I also warn you against *ash-Shirk* (joining others in partnership with Allāh) and its various forms, and from *Bida'* (innovations), *as-Sihr* (magic) and the rest of the evil actions – that which is considered

insignificant in your eyes and that which is considered serious. Indeed, the minor sins may pile up upon a person until they destroy him. May Allāh grant me, you and all Muslims refuge from this.

I also advise you to be kind to parents, obedient to those in authority, in everything that does not involve sin; to stay far away from *al-Fitan* (trials, tribulations...) and all areas of differences (i.e. arguing and disputing over religious issues).

I encourage you to read the Noble Qur'ān and to memorize it; to seek the religious knowledge which enables you to perform your worship of Allāh, so that you will worship Allāh based upon clear knowledge; and to seek every type of beneficial knowledge, in all fields of life.

Likewise, I encourage you to be among those chosen by Allāh to convey His invitation (to Islām), to command the good and forbid the evil, and that you be patient in doing so.

Beware of differing and disputing, as this is the sickness which stirs up bitter feelings in the hearts (against others), and fuels enmity and hatred, and causes loved ones to separate (from one another). Surely, I hope that you all will live with love and affection (between you), cooperating in performing the good deeds, mutually supporting one another during the ups and downs of life.

Indeed, my expectation of you is only good, so preserve my rights over you by continuing your kindness towards me, through maintaining the ties (of blood-relations), doing all types of good deeds, supplicating and seeking forgiveness (for me), visiting my grave, and keeping ties with my relatives and my friends.

Pardon me – all of you, May Allāh bless you all – free me of blame for my shortcomings in that which is your right, and overlook my sins committed against you, and may Allāh overlook your sins.

I also remind you to be patient with my separation (at the time of death), and to avoid disobedience to Allāh with *Niyāḥab* (wailing) over me, or building any structure over my grave, or any other religious infractions (opposed to the Islāmic Law).

And I hope that you will remain at my grave, after I am buried, equal to the amount of time that it takes to slaughter a camel and cut it up into pieces, all that time asking (Allāh) that I remain firm (during the questioning in the grave).

As for my personal bequest for my loved ones, it is as follows:

Firstly: Begin by paying all of my debts, returning all that has been left in my care and entrusted to me, from that which I am responsible to return to the people; as well as the monetary obligations upon me which are owed to Allāh. Execute what is in this *Waseeyah* of mine, from what I have bequeathed to others besides my inheritors, or any endowment (*Waqf*) and that which is similar to this. All of this is made clear in the following pages of this *Waseeyah*.

Secondly: I request that:

(.....) be in charge of my young children, and the overseeing of their wealth, and allowing it to grow until they reach the age of full maturity (i.e. the legal age of responsibility).

Thirdly: I request that:

(.....) be in charge of the remainder of the inheritance until it is distributed.

Fourthly: I request that:

(.....) be responsible for seeing to it that my daughters are married.

O my beloved...know that the most comprehensive matter is observing *Taqwa* of Allāh, the Most High. So, observe *Taqwa* of Allāh in secret and in public. Allāh is the One I leave behind to watch over you in every situation and circumstance; and the appointed meeting – by the permission of Allāh – is the Place of Permanence and Eternal Bliss, in the High Garden of Allāh.

May Allāh seal my life and yours with good. And may the Peace be upon you and the Mercy of Allāh and His Blessings. And may the Praise of Allāh (in the Highest Assemblies of the Angels), and Peace, Safety and Security be upon the Servant of Allāh and His Messenger, Muḥammad, and upon his family, followers and companions – all of them.

Name and Signature of the Testator (i.e. the one who is writing the *Waseeyah*):

(Print) (Signature)

Name and Signature of the First Witness

(Print) (Signature)

Name and Signature of the Second Witness

(Print) (Signature)

In the following pages are a detailed clarification of my *Waseeyah*. I ask Allāh, the Most High, to grant you (all) success in executing it in its totality as long as it is in accordance with the Divine Law of Allāh, without any injustice in it nor transgression or sin.

The *Waseeyah* for those who are not my inheritors, not to exceed one-third

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Advice

Know – O my Muslim brother – that the charity which is given during your life-time, as well as the endowment which is implemented or executed for the benefit of different types of charities, in general, are better than making a bequest for these purposes (to be executed) after one’s death. It also removes the likelihood of the inheritors disputing over its supervision after your death.

In the authentic Hadeeth which was reported by Abu Hurairah (RāḍiyAllāhu an-hu), he said: “**A man came to the Prophet (ṢallAllāhu Alaihi wa Sallam) and said: O Messenger of Allāh (ṢallAllāhu Alaihi wa Sallam), which charity is greatest in reward? The Prophet (ṢallAllāhu Alaihi wa Sallam) said: “That you give charity while you are healthy (not about to die) and feeling stingy (not wanting to give), fearing poverty, hoping to become wealthy. Do not delay (i.e. giving the charity) until your soul is about to exit the throat (at the approach of death), then you say: ‘This (money or property) is for so-and-so’, - while (at this point) it already belongs to so-and-so.’**”
[Reported by al-Bukhāree, Muslim, Abu Dāwood, an-Nasā’ee and Aḥmad]

Al-Awqāf (The Endowments)

Specifying the **Waqf** (Endowment):

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

The person responsible for supervising the **Waqf**/and the Beneficiary of it:

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

ADVICE

Remember that there are many avenues of charity in your country which await the Charitable Endowment, in order to support the orphan, poor or needy person, or a caller (to Islām) inside or outside (the country); or to establish an Islāmic Center, build a Masjid; or to support the teaching and memorization of the Noble Qur'ān; or for spreading the call (to Islām) among the minorities; or to support the youth in getting married. So, do not restrict and confine your endowment to your wealthy *male* children, intending to deny the *females* (their share). Indeed, this is forbidden by divine Law.

Do *not* put in your *Waseeyah* that which will result in it being wasted, as is the situation with many of the endowments which we see now. So, store up for yourselves that which you would love to see in your record (of good deeds) in the Hereafter.

(يَوْمَ لَا تَمْلِكُ نَفْسٌ لِنَفْسٍ شَيْئًا وَالْأَمْرُ يَوْمَئِذٍ لِلَّهِ)

“It will be the Day when no person shall have power (to do) anything for another, and the Decision, that Day, will be (wholly) with Allāh.” [Qur'ān, 82:19]

Clarification of **My Debts** Owed to Others

Name of the Person I Owe Date of the Debt Amount Date Payment Is Due Notes

.....

.....

.....

ADVICE

My Muslim brother, if you are able to meet Allāh **without having any debt upon you**, then do so. As it has been reported from Abdullāh ibn Qatādah, from his father (RadīyAllāhu an-hu), who said:

“A man came to the Prophet (SallAllāhu Alaihi wa Sallam) while he was standing upon the *minbar* (elevated place of standing from which the Khuṭbah is given). The man said: O Messenger of Allāh (SallAllāhu Alaihi wa Sallam) what if I went out with my sword in the Way of Allāh, being patient, hoping (for a reward from Allāh), moving forward without turning back (from the enemy), until I am killed – do you think Allāh will expiate from me my sins? He (SallAllāhu Alaihi wa Sallam) said: Yes (Allāh will expiate your sins). Then, when the man turned away, the Prophet (SallAllāhu Alaihi wa Sallam) called him and said: This is (the angel) Jibreel, saying: [you will have your sins expiated] *unless you have debt against you.*” [Reported by Muslim, Tirmidhee, Aḥmad, Mālik, ad-Dāriimee, An-Nasā'ee; and the actual wording is from an-Nasā'ee.]

Clarification of wealth (money) and other things **due to me** which are in the hands of others

Name of the Debtor Date of the Debt Amount Date Payment Is Due Notes

.....

.....

.....

ADVICE

I remind you, my Muslim brother, of the virtue of giving more time to someone who is in difficulty or forgoing the debt.

On the authority of Abu Hurairah (RadīyAllāhu an-hu), that the Messenger of Allāh (ṢallAllāhu Alaihi wa Sallam) said: **There was a man who had not done any good whatsoever. He used to lend people money and say to those he sent out (to collect the debts): collect whatever is easy (for them to pay) and leave whatever is difficult (for them to pay) and excuse them (from paying) – perhaps Allāh, the Most High, will excuse us (i.e. pardon our sins).**

So, when that man died, Allāh, the Mighty, the Majestic, said to him: Have you done any good at all? The man said: No, except that I had a servant and I used to lend money to the people; so, whenever I sent him to collect (my money), I would say to him: 'Take from them whatever is easy (for them to pay) and leave whatever is difficult (for them to pay) and excuse them (from paying) – perhaps Allāh, the Most High, will excuse us (i.e. pardon our sins). So, Allāh, the Most High said: Indeed, I have excused (i.e. pardoned) you. [Reported by al-Bukhāree and Muslim]

Clarification of the **deposits** and **trusts** *belonging to me* which I have left in the custody of others:

- 1.
- 2.
- 3.
- 4.
- 5.

Clarification of **non-movable properties** *left behind*, like real estate (buildings):

1.

2.

3.

4.

5.

Clarification of the **shares** (*Musahamāt*) in companies, etc. *belonging to me*:

The Company

Number of Shares

1.

2.

3.

4.

5.

Clarification of my shares in business and trade and my financial partnerships with others:

The Company

Number of Shares

1.

2.

3.

4.

5.

[Other Matters Requiring] Clarification

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.

May Allāh pardon me and you and seal our lives and the lives of our parents with good, and make us all to be among those who have a long life and good deeds.

The one who hopes for the mercy of his Lord when he meets Him; the one who has prepared this sample of the *Waseeyah*: Khālīd ibn Sa'ood al-Haleebī.

Translation: Abu Muḥammad, Abdur-Ra'uf Shākir [9/29/2013]