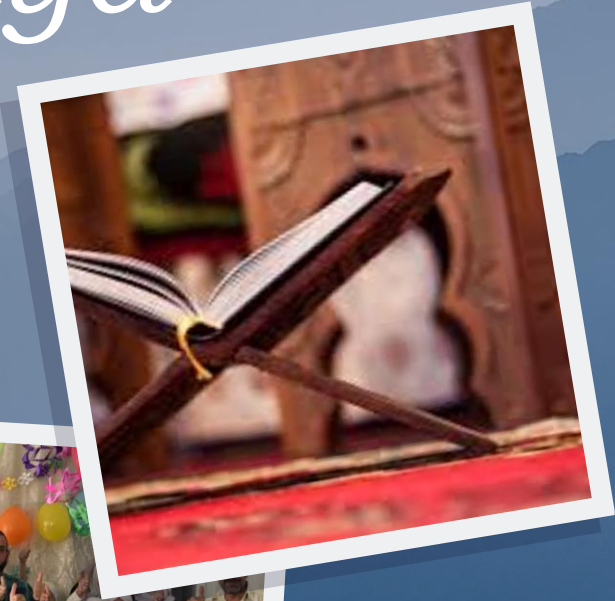


# Plan Your Will

## with the intention of

# *Sadaqa Jariya*

A simple worksheet to plan your ideas  
before meeting your will advisor



“A gift in your will can enable  
you to earn reward for eternity  
and as long as Darul Arqam  
Masjid continues to provide  
education to future  
generations”

# Islamic Wills

When we leave this world we will be questioned about our wealth and from whence we earned it and how we utilised it during our lives. Even when we pass on from this world the wealth we leave behind is in fact the wealth of our inheritors and ceases to be the wealth of the deceased. The Prophet (Peace be Upon Him) mentioned that when the sons of Adam pass on to the next life there only regret will be not spending of their wealth in charitable causes.

And spend [in the way of Allah ] from what We have provided you before death approaches one of you and he says, "My Lord, if only You would delay me for a brief term so I would give charity and be among the righteous." Before that time comes let's prepare so we don't regret that moment and we leave wealth for our family and our hereafter. (Maniqaon : 10)

The following is a simple guide of how we can do this together - yourself and Darul Arqam.

# Lets start !

If you are organising your own Will

- 1) Write in your will that (see template below) that all funeral expenses be paid from your estate. It is perfectly acceptable for these expenses to be met voluntarily by one or more family members.
- 2) Any outstanding debts should be repaid
- 3) Any amount you wish to bequeath (*Wasīyyah*) up to a maximum of 1/3rd can be given to any person or organisation. The condition is that the person should not be from the family members who will inherit compulsory from the inheritance.

Many people leave a donation to a charity - a lump sum. While that is commendable, it is not continuous charity (*Sadaqah Jariyyah*) - that which earns the deceased continuous reward. We at Revive (Darul Arqams humanitarian branch) will ensure your donation is a continuous one either individually or combined with other donations so it can cover the cost of a continuous donation - eg a bread factory - a well - an orphanage - etc.

- 4) Make an appointment with DA with a list of your family members and the total value of your assets (approximately). We will work out the percentages for you.

The actual distribution depends entirely upon the number of surviving family members, but most likely involves parents receiving one-sixth of the assets each, and a wife (in the case of her husband passing away) one-eighth, or a husband (in the case of his wife passing away) one-quarter, with the balance shared between the children, such that sons receive twice what daughters receive.

- 5) Inheritance tax is payable at a rate of 40% on all wealth, including the family home, valued over £325,000 for a single person, or £650,000 for married couples (officially registered marriages). All wealth transferred to a spouse on death is exempt from inheritance tax. Wealth transferred to anyone else on death is only exempt up to a limit of £325,000. This limit can vary over time and is applicable for the tax year ending 5th April 2019.
- 6) A will must be legally valid so it can be enforced by the courts (should the need arise). In the event of dying intestate, your family will have to apply to the courts to administer your estate – a far more lengthy and costly process than if you had written a will.
- 7) Given Shari'ah is not recognised under English Law, the easiest way to enforce Shari'ah is to place wealth “under trust”, but only after death has occurred, not prior to death. A trust is a distinct legal entity recognised under English law. It is controlled by trustees on behalf of beneficiaries (recipients), who would typically be the family members. Specific trustees can be nominated within the Will, who would be legally required to follow Shari'ah principles when distributing assets to the beneficiaries.
- 8) You must clarify ownership before death (or the illness before death ) to be more specific. This includes the house and possible also the family business. To stop any further disputes this should be witnessed by two impartial witnesses.

# Seven simple steps to making your will

All of us need to make a will to provide for loved ones after we have passed away and to make sure our wishes are carried out. Otherwise, promises you have made may not be carried out, your wishes may be disregarded, and you may leave your loved ones with legal and financial problems to sort out.

Making a will need not be complicated. The following steps will help guide you through the process. Use this will planner to note down key information about your assets and your wishes before visiting Darul Arqam. Please note that due to different legislation regarding probate, this will planner is not suitable for use in the Channel Islands.

## 1. Choose the executor

Firstly you need to think about who you would like to administer your will as executor(s). You can nominate a partner, close friend, or a solicitor.

People usually choose two executors, but you can have up to four if considered appropriate. In the past, Darul Arqam Educational Trust has sometimes acted as an executor. Let us know if you think this might be appropriate for you. Please note that there is no restriction on an executor being a beneficiary of your will.

## 2. Guardians for young children

If you have children under 18 (under 16 in Scotland) or pets, it is important to choose and ask a guardian to look after them in the event of your death. It is necessary who the executor is going to be and the guardian.

## 3. What do you own?

Make a note of your assets and calculate their approximate value. The value of your estate will be your assets minus any outstanding money owed e.g. short term loans.

## 4. How do you want to leave it?

Make a note of who you would like to receive your property however you cannot give more than one third of your total estate and also you cannot give this property to anyone who will inherit according to fixed shares in Islamic inheritance law. Please consult with Darul Arqam for further advice.

There's no limit to the number of different gifts you can make. Once you have provided for your loved ones, you could also consider making a gift to charity to transform the lives of people in need in the future. Even a very small percentage of your estate could make a real difference to the education of our future generations

Darul Arqam will help you with the wording of your gift, but if you want to leave a gift to Darul Arqam Educational Trust, here is an example of some wording you might use:

### For a residuary gift:

I give free of inheritance tax X% (maximum of 33 %) of my residuary estate to Darul Arqam Educational Trust, registered charity numbers 1092608, absolutely for its general charitable purposes and I declare that the receipt of the treasurer or other proper officer for the time being shall be a sufficient discharge to my executors.

### For a pecuniary gift:

I give free of inheritance tax £ X to the Darul Arqam Educational Trust, registered charity number 1092608 for its general charitable purposes and I declare that the receipt of the treasurer or other proper officer for the time being shall be a sufficient discharge to my executors.

## 5. Darul Arqam will accompany you to meet a solicitor.

Take this completed will planner with you when you meet our solicitor. Our solicitor will discuss your instructions and advise on how best to word your will. If you do not have an executor, we can also arrange this for you. If your estate is large, Darul Arqam will also advise whether you need to make additional arrangements for tax planning and will advise you of the costs.

## 6. Approving your will

When drafted, your will should be sent to you to look over for approval. Any changes can be made at this point. Once you are happy with the document, your solicitor will ask you to sign it in the presence of two witnesses at the same time. Please note that beneficiaries cannot witness your will.

## 7. Keeping your will safe

You can keep your will at home or your solicitor may offer to hold it for you. Don't forget to make sure it is safe and to let your family know where it is.

# Last Will and Testament of (insert full name) :

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## 1. REVOCATION

I REVOKE all my previous Wills and testamentary dispositions.

## 2. DECLARATION OF FAITH

I bear witness that there is nothing worthy of worship but Allah, the One, the Merciful, Almighty God, Creator of the Heavens and the Earth and all therein, God of Abraham, Moses, Jesus, Muhammed and all the Prophets, peace be upon them. He is the One God and He has no partner. And I bear witness that the Prophet Muhammed is His servant and His Messenger and the last of all the Prophets, peace be upon them all. I bear witness that Paradise is true, and Hell is true. And I bear witness that the coming of the Day of Judgement is true, there is no doubt about it, and that Allah, Who is exalted above all deficiency and imperfection, will surely resurrect the dead of all the 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 and that they submit to their Creator, may He be exalted, and worship Him as He alone is to be worshipped, fear Him and love Him and His Prophet Muhammed (peace be upon him) with a complete love that is rivalled 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 their 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 their 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 male and female relatives to mourn for up to three days. However, a widow is required to observe mourning for the duration of her 'iddah (period of waiting). Wailing and excessive lamentation is forbidden by 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 honour my beliefs: I ask them to honour my instructions and wishes in this document and not to seek to alter or obstruct it in any way. Rather, let them see that I am buried as I have asked to be buried, and let my assets be divided as I have instructed them to be divided.

I request my trustees to donate to Darul Arqam Educational Trust towards projects related to Sadaqa, Zakat or Lillah

To the amount (insert amount) ..... OR (percentage of my estate % ) .....absolutely for its general purposes and I direct that the receipt of the Treasurer or other duly authorised officer shall be a sufficient discharge to my Executors. The foregoing shall be taken from my Trust of Residue, such that its total does not exceed one third of said remainder of the value of my total estate. Otherwise, each of the foregoing contributions shall be proportionally reduced to make the total within the "one-third limit"

### 3.FUNERAL WISHES

I direct my Executors, surviving relatives and friends to ensure that I have a funeral strictly in accordance with Islamic law, which must include ghusl (washing), jana-zah (funeral prayer) and dafn (burial). In particular I do not wish for an autopsy to be performed on my body, and request that my body be released for burial immediately upon death or as soon as is practical. In the event that an autopsy becomes a legal requirement, I would wish that this is met through an MRI scan if my Trustees deem it appropriate. I would also like to be buried in the Muslim Cemetery closest to the place of my death. I am aware that this is a serious obligation and would request that you use your best endeavours to reach agreement over the fundamental matters mentioned and compromise on others if you differ in opinion.

### 4.GUARDIANSHIP

I APPOINT my (relation) .....

of (insert address) ..... to be the Guardian of any of my children who are under the age of eighteen at the time of my death but if (he/she) is unable or unwilling to act for any reason then I appoint:

.....

.....

of (insert address) .....to be the Guardian.

### 5. APPOINTMENT OF EXECUTORS AND TRUSTEES

I APPOINT .....

of (insert address) .....

and .....

of (insert address) .....

to be the Executors and Trustees of the Will.

### 6. RESIDUARY ESTATE

II GIVE all the residue of my estate (out of which shall be paid my funeral expenses and my debts) and any property over which I have at my death any general power of appointment to my Trustees ON TRUST to sell, call in and convert into money such parts as do not consist of money but with full power to postpone doing so for as long as they see fit without being liable for loss (and such estate and property which currently represents it is referred to in my Will as “the Trust Fund”).

**7. TRUSTS OF RESIDUE**

MY TRUSTEES shall hold the Trust Fund ON TRUST absolutely to be distributed and where relevant invested in accordance with Shari'ah (Islamic Law), the interpretation and application of which my Trustees in their absolute discretion shall determine provided that such distribution does not breach English Law in which case my Trustees shall apply such modifications as are necessary to comply with English Law.

**8. STANDARD PROVISIONS**

SUBJECT as below, the standard provisions of the Society of Trust and Estate Practitioners (1st Edition) shall apply with the deletion of paragraph 5 and with the modification of paragraph 6 such that the Trustees have the same additional powers as to the application of capital as they have as to the application of income.

NEITHER Section 33 Wills Act 1837 nor Section 11 and 22 Trusts of Land and Appointment of Trustees Act 1996 shall apply to this Will. MY TRUSTEES are requested to have regard to generally accepted Islamic principles of investment and shall not be liable for the consequences of following such principles, nor for any loss to the Trust Fund that may result from investing, or keeping the Trust Fund or any part of it invested, in Islamic investments rather than non-Islamic investments. MY TRUSTEES shall not be obliged to insure any part of the Trust Fund and shall not be liable for the consequences of not insuring any part of the Trust Fund.

SIGNED by me on the :  
(DD/MM/YY)

SIGNED by:  
(DD/MM/YY)

.....  
.....

.....  
.....

Signature of First Witness	Signature of Second Witness
<p>Name .....</p> <p>Address.....</p> <p>.....</p> <p>.....</p> <p>Occupation.....</p>	<p>Name .....</p> <p>Address .....</p> <p>.....</p> <p>.....</p> <p>Occupation .....</p>

SIGNED by the said (legator) :

.....

in our presence and then by us in 'his/her' presence.

## CONCLUSION

Islam has placed great emphasis on distributing the wealth of a Muslim in a pre-determined manner upon death. These principles have endured for over fourteen centuries and continue to play a vital role today, not only in allowing Muslims to fulfil their religious obligations, but also in preventing wealth from being overly concentrated in the hands of the few as well as ensuring womenfolk have guaranteed rights to their own wealth.

This DIY Will template is designed to make it much easier for British Muslims to put in place a legally valid Shari'ah-compliant Will.

We pray the Almighty is pleased with this effort. Any errors contained herein are from us, whilst any guidance is only from our Creator.



# Simple Will Planner

Prepare for your meeting with Darul Arqam by completing this simple checklist

<p>Your name &amp; address</p>	
<p>Your partners name &amp; address (if different from you own)</p>	
<p>Your executors</p> <p>These are the people who will ensure everything happens. You can have up to four executors. They could be friends or family or a solicitor. Make a note of their full names and addresses.</p>	
<p>Children's names &amp; addresses (if different form your own)</p>	
<p>Guardian's full name and addresses</p> <p>(if you are appointing a guardian for your child). Remember to discuss your wishes with the people you wish to appoint to make sure they agree. Some people may also have pets they would like someone to take care of.</p>	

# Make a list of your assets

In this section below, make a list of everything you own and make a note of its approximate value. This section will help you work out the value of your estate.

In the second section, think about what you owe and make a note of your liabilities. Deduct total B from total A and the result is the total net value of your estate.

<b>What is the value of your major assets</b>	<b>£</b>
Your home (or share in it) Other property and land Cars and other vehicles Items of particular value (eg jewellery/art) Money in banks and building societies Shares, investments, national savings, premium bonds Insurance and pensions Other savings and assets	
<b>A Total assets</b>	

<b>What are your major liabilities?</b>	<b>£</b>
Your mortgage payments for next year Loans and overdrafts Your credit cards Credit or HP agreements Other liabilities	
<b>B Total liabilities</b>	

<b>total assets – total liabilities = total estate value</b>	<b>£</b>
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# Who do you want to remember in your will to a maximum of 33% ?

Make a list of the family, friends and charities you would like to benefit in your will and think about what you would like them to receive.

You will need to decide what you would like to give each person and whether it should be a specific item or amount of money or a % share from your estate.

Name	Address	% share	Amount £	specific item
Darul Arqam Educational Trust charity no 1092608	16 Thurmaston Lane, Leicester, LE5 0TE			

## Any Questions?

Now that you have started to think about making your will you may have additional queries. List any questions you might like to discuss with your solicitor on a separate sheet and keep these together with your will planner.

# Legal Terms

**Glossary of legal terms you might find useful when making your will.**

**An administrator** is someone who is appointed by law to settle your affairs if you die with no will.

**A beneficiary** is anyone who receives something from a will.

**A bequest (legacy)** is a gift left in a will. It can be:

- **Specific:** a definite object or property
- **Pecuniary:** a gift of a particular sum of money
- **Residuary:** a gift of money or assets left when other legacies and expenses have been paid. It is normally expressed as a part or percentage of the residue of your estate.

**A codicil** is an addition or amendment to an existing will.

**Your estate** is the total value of everything you own at your death, less any outstanding commitments.

**An executor** is the person or people you choose to make your will happen. They can be a relative, a friend, Darul Arqam or your solicitor.

**Guardians** are the people chosen by parents to look after their children in the event of their death. **Intestacy** is the name for the situation that arises when someone dies without making a will.

**Inheritance tax** is a 40 per cent tax deducted from estates with a value of more than £325,000. Money left to your spouse or a charity is not taxed. If your spouse predeceased you and did not use up their full inheritance-tax-free allowance, this will be added to your own at the rate prevailing at your death.

**Probate** is the legal process to establish whether your will is valid. If not, an administrator is appointed.

**A testator/testatrix** is the person making the will.

**A trust** is an arrangement you can make in your will to administer part of your assets after your death

**“Thank you for helping Darul Arqam Educational Trust to make a difference for many years to come.”**

For more information please call **0116 319 1984** to speak to a local community legacy manager who will be happy to answer any of your queries regarding leaving a gift in your will Darul Arqam Educational Trust .

**Alternatively, you can email us at [info@datrust.org](mailto:info@datrust.org)**

# Contact Us

If you would like more information about leaving a gift in your will please  
contact us on : 0116 319 1984  
or email: [revive@datrust.org](mailto:revive@datrust.org)

## Confidential Reply Form

"I want to help Darul Arqam Educational Trust  
make a difference for years to come"

It will be really helpful if you can let us know if you have left a gift to Darul Arqam Educational Trust in your will or that you intend to do so.

It will give us confidence that we will be able to continue with our life-changing work in future years. It will also mean that we can thank you properly and keep you up to date with our work, as well as ensuring that you are not contacted inappropriately.

To let us know your intentions, or to ask for further information, please complete the form below in complete confidence.

Please tick :

- I now intend to leave a gift to Darul Arqam Educational Trust in my will.
- I have already included a gift to Darul Arqam Educational Trust in my will.
- I would like to speak to Darul Arqam Educational Trust about leaving a gift in my will. Please call me on:  
Tel no. \_\_\_\_\_
- I am unlikely to remember the Darul Arqam Educational Trust in my will. Please do not write to me on this same subject again.

Title (Mr, Mrs, Ms, Other) \_\_\_\_\_ First name \_\_\_\_\_

Surname \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

Please detach and post in a envelope to:

DARUL ARQAM EDUCATIONAL  
TRUST 16 THURMASTON LANE  
LEICESTER  
LE5 0TE