

Wills & Inheritance

The Forgotten Knowledge

WellWishers
Through **Charity** and **Education**

Overview

- Importance
- What happens after death?
- Wasiyyah - Will/Bequest
- Need + importance
- Types of inheritors
- Mistakes
- Inheritance rules + examples

Importance

- Forgotten Knowledge
- "Half of knowledge"
- "first to be removed..."
- Fixed by Allah
- Punishment/warnings for disobedience

What should happen after death?

- 1. Funeral expenses**
- 2. Pay off debts**
- 3. Fulfil Wasiyyah**
- 4. Distribute inheritance**

Wasiyyah

Will/Bequest

Cannot bequeath to an inheritor

Only up to **1/3**

Wasiyyah

- Only in permissible wealth
- Bequeathed is alive
- Not cancelled
- Possible to own
- Not killer
- Mature

Need for a Will

- Wealth to bequeath
- Guardianship of children
- Fear of **bid'ât**
- *Missed* Hajj, Salâh, Zakâh, Sawm
- **Non-Muslim country**

Need for a Will

- Fear **non-Islamic** distribution
- Unofficial marriage/divorce
- **Non-Muslim** heirs
- Avoid **inheritance tax**

How to write will

- Hasten to write will
- Witnesses
- Appoint executor
- Shari'ah-compliant and recognised by law

Inheritance Mistakes

- × Deprive females
- × Delay inheritance
- × Deprive rightful heirs
- × Don't distribute at all

Real life examples

The Estate

OWNERSHIP

Establish ownership of all wealth

ABSOLUTELY ESSENTIAL

Why do males inherit double?

- ✓ Men responsible financially
- ✓ More women inheritors
- ✓ In some cases, equal shares
- ✓ Sometimes female receives more
- ✓ They inherit from elsewhere

Inheritance Preventors

1. Slave
2. **Killer** (premeditated / manslaughter)
3. Different **religion**
4. Different "**dâr**"

Types of Inheritors

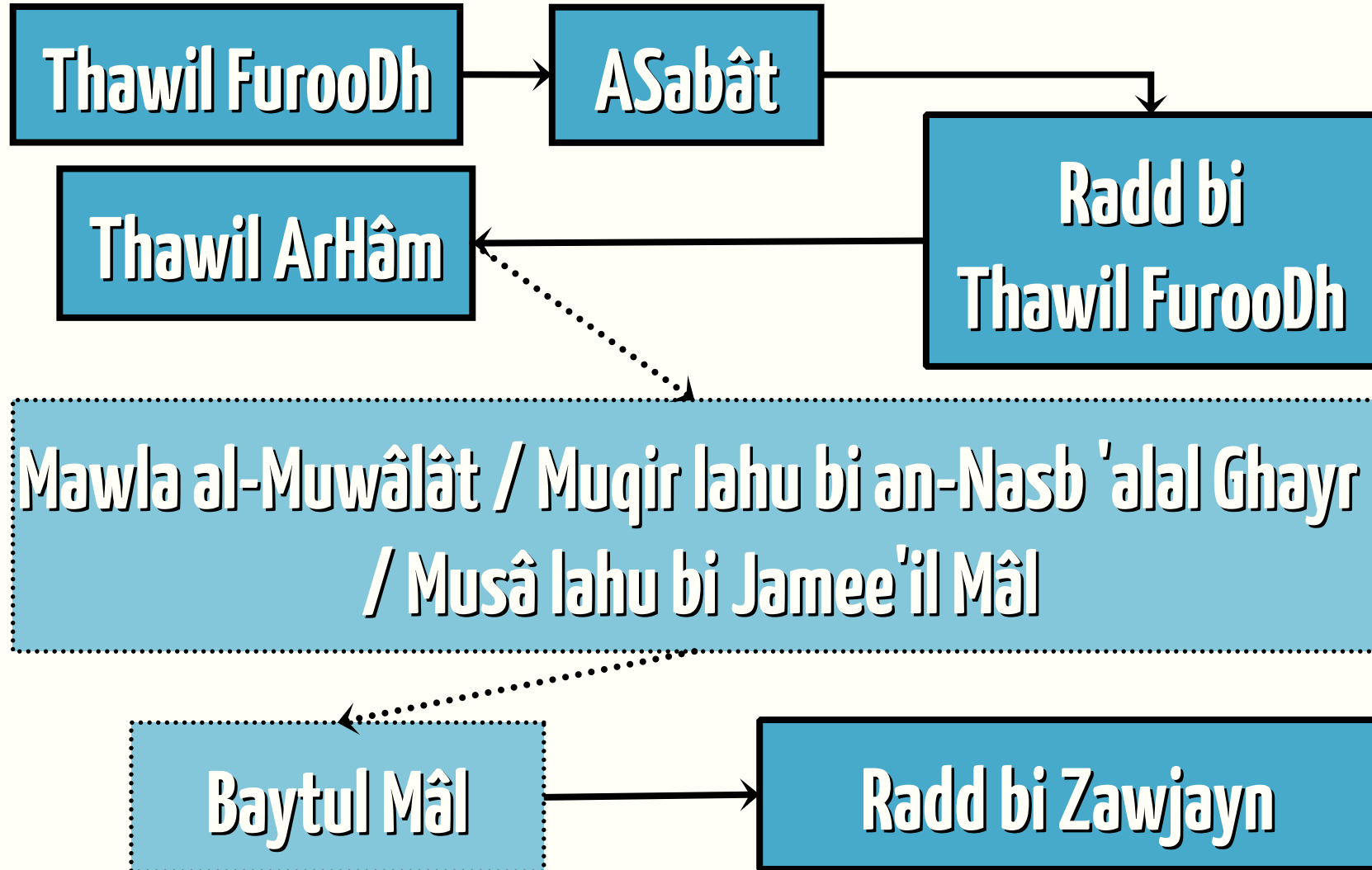
3 main types

Thawil Furoodh - Portions fixed by Allah

ASabât - Close male relatives

Thawil ArHâm - remaining relatives

Order of Inheritance



Thawil Furoodh

Shares **fixed** by Allah

$1/2$, $1/4$, $1/8$, $1/3$, $1/6$, $2/3$

Father
Daughter
Mother
Husband
Wife

Grandfather
Granddaughter
Sister
Sister (Allati)
Brother/Sister (Akhyafi)
Grandmothers

ASabât

Close **male** relatives

Take remaining wealth

1. DESCENDANTS

Son, Grandson
Great-grandson, etc.

2. ASCENDANTS

Father, Grandfather
Great-Grandfather, etc.

3. FATHER'S DESCENDANTS

Brother, nephew, etc.

4. GRANDFATHER'S DESCENDANTS

Uncle, cousin, etc.

Thawil ArHâm

Remaining relatives

Take remaining wealth

1. DESCENDANTS

Children of daughter
granddaughter, etc.

2. ASCENDANTS

Fâsid grandfather /
Fâsidah grandmother

3. FATHER'S DESCENDANTS

Niece, sister's son/
daughter, etc.

4. GRANDFATHER'S DESCENDANTS

Maternal uncle, aunt, etc.

Father

SHARE	SCENARIO
1/6	if male offspring (son/grandson, etc.) present
1/6 + Residue	if female offspring (daughter/granddaughter) present
Residue	if no offspring (children/grandchildren)

GRANDFATHER → **SAME AS FATHER**
EXCEPT IF FATHER PRESENT

Mother

SHARE	SCENARIO
1/3	no offspring and fewer than 2 brothers/sisters from any side present
1/6	any offspring or 2+ brothers/sisters

Daughter

SHARE	SCENARIO
1/2	1 and no son
2/3 (share)	2+ and no son
2:1 ratio share	if son present

Husband/Wife

	SHARE	SCENARIO
Husband	1/2	no children
	1/4	any children
Wife	1/4	no children
	1/8	any children

Sister

SHARE	SCENARIO
1/2	1 and no brother, father, grandfather, children
2/3 (share)	2+ and no brother, father, grandfather, children
2:1 ratio share	if brother present and no father, grandfather, male offspring
nothing	father, grandfather or male offspring present

Example 1

HEIRS	HUSBAND	FATHER
SHARE		
BASE		
PORTION		

Example 1

HEIRS	HUSBAND	FATHER
SHARE	1/2	Residue
BASE	2	
PORTION	1	1

Example 2

HEIRS	WIFE	SON
SHARE		
BASE		
PORTION		

Example 2

HEIRS	WIFE	SON
SHARE	1/8	Residue
BASE	8	
PORTION	1	7

Example 3

HEIRS	WIFE	DAUGHTER	BROTHER
SHARE			
BASE			
PORTION			

Example 3

HEIRS	WIFE	DAUGHTER	BROTHER
SHARE	1/8	1/2	Residue
BASE	8		
PORTION	1	4	3

Example 4

HEIRS	HUSBAND	2 SISTERS
SHARE		
BASE		
PORTION		

Example 4

HEIRS	HUSBAND	2 SISTERS
SHARE	$1/2$	$2/3$
BASE	[6] 7	
PORTION	3	4

Summary

- Prescribed/ordained/fixed by Allah
- Very important; often neglected
- Will is necessary; do not delay
- Avoid common mistakes
- Only a summary/intro → **need more time to learn**

Q & A



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