

الوصية

LAST WILL & TESTAMENT

FULL NAME

ID NUMBER

Bismihi Ta'ala

I, the undersigned, _____, holding
Identity Number

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, declare that this is my Last Will and
Testament.

I am presently residing at _____.

I am currently married to _____, holding
Identity Number

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 ; according to;

Islamic Law only ☐ Ante-Nuptial 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.

2. Nomination of Executor(s)

2.1 I nominate and appoint the following person(s) as the Executor(s) of my estate or their
successors in title:

Name	I.D. Number	Relationship
1.		
2.		
3.		
4.		
5.		

2.2 In the event of any one or more of my said Executor(s) predeceasing me, or dying
during his/her term of office or declining to act or vacates office for any reason
whatsoever, then the remaining or surviving Executor(s) are authorised to act alone.

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

As Witnesses:

1. _____

2. _____

Testator/Testatrix

2.4. In the event of all such Executor(s) predeceasing me or dying during office or declining to act, then I declare that Darul Ihsan Humanitarian Centre or in their absence, any competent Islamic Judicial Body shall be authorized to appoint one or more Executor(s).

3. Security

I direct that my Executor(s) or any assumed or succeeding Executor(s) in terms of clause (2) above 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 66 of 1965 as amended, or any other law for the due performance of their duties.

4. Powers of my Executor(s)

For the purpose of winding-up of my estate and for the benefit of my heirs and beneficiaries and subject to the terms of this Will and in addition to the general powers given to Executors and Administrators by Law, I hereby confer, inter alia, the following powers upon my Executor(s) and Administrator(s):

4.1 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.

4.2 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.

5. Distribution of Estate in order of Priority

5.1. I direct that the Executor(s) proceed with the distribution of my estate in the following order of priority as required by the Islamic Law of Succession: -

5.1.1 Payment of shrouding and burial expenses as explained in clause 6

5.1.2 Payment of all my debts as explained in clause 7

5.1.3 Payment of my bequests as set out in clause 8

5.1.4 Distribution of the residue of my estate to my heirs in accordance with the Islamic Law of Succession as set out in clause 9

As Witnesses:

1. _____

2. _____

Testator/Testatrix

6. Shrouding and Burial Expenses

6.1 Basic Shrouding and Burial expense is a first charge to my estate.

7. Payment of Debts

7.1 Debts incurred by me during my lifetime as well as actual expenses incurred for the winding up and administration of my estate are the next charge to my estate.

8. Wasiyyah (Bequest)

8.1 My Executor(s) shall thereafter discharge bequests made hereunder which should not exceed one-third of the net-value of my estate.

8.2 My Executor(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 the Islamic faith until the date of my death. For the guidance of my Executors and Administrators I hereby declare that at present my liabilities in this respect are as follows:

1. Unpaid Zakah	
2. Unaccomplished Hajj	
3. Unkept Fast	
4. Unperformed Salah (Prayers)	
5. Unfulfilled Kaffarah	
6. Undischarged Vows, etc	
7. Undischarged Qurbani	

8.3. I bequeath and give as free and absolute legacies to the following persons (who are non heirs) or institutions, the amount as set out opposite their respective names as follows, subject to clause 8.4, clause 8.5 and clause 8.6 below;

	Percentage or amount
a) Darul Ihsan Waqf Trust <input type="checkbox"/> Yes <input type="checkbox"/> No	
b)	
c)	
d)	
e)	

As Witnesses:

1.
2. _____

Testator/Testatrix

8.4 In the event of any of the above mentioned legatees predeceasing me or ceasing to exist then, such legacies shall lapse and the corresponding amounts shall form part of my estate.

8.5 In the event that the total value of such legacies including my religious obligations in terms of clause 8.2 above, so exceeds one third of the net value of my estate then, I direct that my religious obligations will be paid first and thereafter, the balance, if any, will abate proportionately.

8.6 In pursuance of the said bequests, should any conflict or misunderstanding arise in the interpretation or implementation, a written directive shall be sought from Darul Ihsan Humanitarian Centre or in their absence, a competent Muslim Judicial Body.

9. Residue

9.1. I bequeath the entire net residue of my estate and effects, of whatsoever nature or kind, wheresoever 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 the proportions specified by the Islamic Law of Succession.

9.2. For the purposes of giving effect to this clause, my Executor(s) shall file with the Master of the High Court a certificate issued by Darul Ihsan Humanitarian Centre or its successors or in their absence, a competent Muslim Judicial Body.

10. Beneficiaries

10.1 Minor Beneficiaries

10.1.1. The share of income or capital which may be payable to a minor in terms of this Will shall not be paid into the Guardians Fund but shall be held in trust by my Executor(s) who shall have the right to invest such income or capital in such investments as they may in their sole discretion decide. My Executor(s) 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 beneficiary, provided that such investment is not in conflict with Islamic Law.

As Witnesses:

1. _____

2. _____

Testator/Testatrix

10.1.2. The share of income, capital or any item from the estate of such a beneficiary shall be paid to him/her upon attaining the age of 21 (Twenty One). My Executor(s) shall be entitled to pay a portion or the whole of such a share to such beneficiary at any time before that, if they are of the opinion that such a beneficiary has attained a degree of mental maturity which would enable such an heir to manage his or her own affairs without any detriment. My Executor(s) shall keep full and proper accounting records in this regard.

10.2 Married Beneficiaries

In the event of any of my heirs or beneficiaries 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 1984, I direct that his or her inheritance in terms of this Will shall be excluded from the joint estate arising from such community of property that may exist or may come into existence, or from such accrual system and shall accordingly be separate, sole and absolute property of such an heir who shall have the power to dispose or deal with such inheritance independently.

11. Collation

I hereby direct that none of my heirs and beneficiaries shall be obliged to collate any sums of money or gifts in kind which I may have given or donations that I may have made to them during my lifetime.

12. No Attachment by Creditors

No portion of my Estate or the income therefrom shall be liable for or be taken or seized or sold in execution or in any other manner charged or encumbered for in respect of any debts, liabilities or obligations contracted at any time by any person (heir or legatee) entitled to any portion of my Estate, or any income therefrom.

13. Redistribution Agreement

My heirs shall be entitled to enter into any redistribution agreement on such terms and conditions as may be mutually agreed upon with consensus.

As Witnesses:

1. _____

2. _____

Testator/Testatrix

14. Mediation/Arbitration

In the event of there being any dispute relating to any aspect of my estate, the matter shall be referred to mediation failing which it will be best to arbitrate. I hereby nominate Darul Ihsan Humanitarian Centre or in their absence, a competent Muslim Judicial Body to facilitate such mediation. The decision of the arbitrators shall be final and binding upon all the parties.

15. Alterations/Additions

I reserve to myself the right at all times to make such alterations and/or additions to my Last Will as I deem appropriate, by a separate act or at the foot hereof 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.

16. Miscellaneous

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

Thus done in the presence of the subscribing witnesses, who signed in my presence and in each other's presence, all of us being present at the same time and executed

at _____ Date: ____ Month: _____ Year: _____

corresponding with the Islamic Date: ____ Month: _____ Year: _____

As Witnesses:

1. _____

2. _____

Testator/Testatrix

'Anexure A'

My religious liabilities and obligations (Unpaid Fidya, Zakah, Kaffarah)

[illegible]

As Witnesses:

1. _____

2. _____

Testator/Testatrix
