

# THE SCHEDULE OF MAWARITH THE ISLAMIC DISTRIBUTION OF THE ESTATE

## INTRODUCTION\*

### THE SCHEDULE OF DISTRIBUTION OF ESTATE AND CHARITABLE DISTRIBUTION

#### 7.1 THE SCHEDULE OF MAWARITH

We wife and husband collectively and each one of us individually ordain, devise, declare and direct that the Schedule of Mawarith (the Islamic Distribution of the Estate) attached to this Living Trust as Exhibit B must be used as the only reference for the distribution of the residual and remainder of our estate, whether upon the demise of the first to die of us or the death of the surviving spouse as referred to in Articles IV and V of this Living Trust. This Schedule of Mawarith is an integral part of our Living Trust. Each section of the Schedule of Mawarith must exclusively be read to mean that the deceased is only survived by the relatives mentioned in the title of the case and in the relevant specific section and/or that all other relatives not mentioned in the title or the section must be disregarded.

#### 7.2 OWNERSHIP OF ASSETS AND PROPERTIES

We declare and announce that one half of every thing \_\_\_\_\_ (*wife*) \_\_\_\_\_ and \_\_\_\_\_ (*husband*) \_\_\_\_\_ own or will own in this Trust and/or outside this Trust is in fact owned by \_\_\_\_\_ and the other one half is owned by \_\_\_\_\_. Therefore when one Grantor dies, her/his one half becomes subject to Distribution according to Exhibit B, unless placed in Trust B, and if we die simultaneously all the Trust estate becomes subject to distribution.

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\* This introduction is necessary to implement the schedule. It is taken verbatim from Article VII of the form of the living Trust

### 7.3 EXCLUSION FROM DISTRIBUTION

We further ordain, devise, rule and direct that:

- a. Unless specifically mentioned in Section 7.5 of this Article any adopted, step or foster person be it a child, a grandchild or any other person who would otherwise be an heir of any one of us and any person born outside or before an Islamic or lawful marriage contract and any person whose relationship to the deceased, whether ascending, descending or sibling has passed through any link outside an Islamic marriage or outside a lawful marriage, or through adoption, step or foster relation shall be excluded from being considered an heir of any one of us or from becoming a beneficiary of this Trust and any and all distributions of its assets and estates and all and any other properties of us, and shall be treated as if he/she does not exist with regard to the determination of shares to children, grandchildren and other heirs. We hereby declare and ordain that the decision of the Trustee in this regard must be taken as final, binding to all and cannot be challenged or disputed by any means or in any court.

The only exception of this exclusion is a person whose relation to the deceased goes through a biological mother even if it is out of wedlock.

- b. If any of our children, grandchildren or any potential heir changes his/her religion or it becomes known about him/her that he/she does not perform the daily prayers or denies any of the basic tenets of the religion of Islam, i.e., what is known in the Islamic Law as "necessarily known as part of the Islamic religion", that child, grandchild or potential heir shall not be counted among the beneficiaries of any and all distributions of this Trust and any and all other properties we leave behind. All assets of this Trust and all properties we leave behind shall be distributed to other children, grandchildren and heirs as if he/she never existed. We hereby declare and ordain that the decision of the Trustee in this regard is final, binding to all and cannot be challenged or disputed by any means or in any court.
- c. We also direct and ordain that no part of our estates shall be inherited by, or distributed to any non-Muslim person or relative whether he/she is a kin or in-law, spouse, parent, or child, etc., except for those we personally named in Section 7.5 of this Article. We further direct and ordain that any non-Muslim relative be disregarded and disqualified in the application of this schedule of Mawarith. We hereby declare and ordain that the decision of the Trustee in this regard is final, binding to all and cannot be challenged or disputed by any means or in any court.

- d. Should either of us die as a result of murder, we direct, ordain and order that the adjured murderer, principal or accessory in the murder, as convicted in a court of law, shall be disqualified to receive any part of our estate. Convicted principal or accessory murderers shall be disregarded as if they do not exist with regard to the distribution of our estates and the application of the Schedule of Mawarith.

#### 7.4 DISTRIBUTION TO GRAND CHILDREN FROM DECEASED CHILDREN

Should one or more of our children die before the death of any one or both of us, i.e., when a distribution becomes due we order and direct the Trustee to make the following distribution:

- a. The deceased child's children will get the share of their deceased parent if he/she were alive provided that the total of the shares of all deceased children of ours plus all the distributions we order and ordain in Section 7.5 of this Article does not exceed one third of the amount of the estate subject to distribution.
- b. If the Distribution to all grand children from deceased children is equal to or more than one third, only one third should be distributed to these grand children. Section 7.5 should be discarded all together. The one third must be distributed between such grand children in proportion to the shares of their deceased parents. If the Distribution to all grand children as shares of their deceased parents is less than one third the shares of deceased parents should be distributed to their children and the remainder of the one third should be distributed to persons and organizations in proportion to the distribution mentioned in Section 7.5.
- c. The share of each deceased parent (our child) must be distributed between his/her children on the basis of 'a male gets twice as much as a female.' If a deceased parent has only one daughter who is entitled to inherit from her deceased grand parent(s) according to this section 7.4, she must be given only one half of the share of her parent. If there were two or more daughters only they should be given two thirds of the share of their parent to be distributed equally between them. The difference between the share of the parent of daughter(s) and what is distributed to them shall be rendered to the estate for distribution to our surviving children only in accordance with the rule stipulated in (1a) of the SCHEDULE OF MAWARITH.

7.5 CHARITABLE AND OTHER CONTRIBUTIONS

*[This Section is optional and name of ISNA is only an example. If this section is used it must not give distribution to an heir and any distribution to an heir through this section is invalid. It can be used to give to grand children from surviving children and to non-Muslim relatives. The total distributions of Sections 7.4 and 7.5 must not exceed 1/3 of the remainder of the estate under all circumstances]*

We wife and husband collectively and each one of us individually direct and ordain the Trustee to make the following contributions and distributions, not to exceed one third of the remainder of the estate of the first to die of us and one third of estate of the surviving spouse upon the surviving spouse's death, to the following named persons and organizations:

Name of Persons or Organizations	Percentage of Remainder of the estate of the first to die of us	
	in numbers	in letters
1. Islamic Society of North America,	(____%);	_____ percent
2. Islamic Center of _____	(____%);	_____ percent
3. _____	(____%);	_____ percent
4. _____	(____%);	_____ percent
Total:	(____%);	_____ percent

And,

Name of Persons or Organizations	Percentage of Remainder of the estate of the second to die of us	
	in numbers	in letters
1. Islamic Society of North America,	(____%);	_____ percent
2. Islamic Center of _____	(____%);	_____ percent
3. _____	(____%);	_____ percent
4. _____	(____%);	_____ percent
Total:	(____%);	_____ percent

In case we made a mistake and this total turns to be more than one third of the remainder, only one third shall be distributed to the organizations and persons named above; distribution of this one third between them shall be made in proportion to percentages mentioned above.

Should we die simultaneously together at the same time, the above mentioned charitable distribution should be made within the limit of one third of one half of the estate for each group of contributions.

If the heirs of the first to die of us opt for A/B Trusts the Trustee may delay the distribution stipulated to the persons and organizations mentioned in this Section 7.5 until after the demise of the second to die of us.

#### 7.6 A FETUS HEIR

We direct, order and devise that any fetus, conceived before my death, whose relationship to me qualifies it to be an heir according to the Schedule of Mawarith shall be considered as an heir provided the following two conditions are fulfilled: the fetus must be born alive to a living marital father or within no more than 46 weeks from the death day of its marital father; and, it is not proven illegitimate by a DNA test. We further direct and devise that, whenever there is a fetus who may become an heir according to this section, the largest potential distribution to the fetus out of the residual and remainder of the estate of the deceased one of us must be set aside until the said conditions are satisfied. Furthermore, we direct and devise that any other heir whose share may be affected should the fetus be born alive before the death of the one of us, must be given the lesser of the two potential shares and the difference should be set aside too.

Should the fetus be born alive, but qualifies for a lesser share, or should it not be born alive within the 46 weeks or should it be proven illegitimate, any surplus of the set aside amounts must be returned to the estate and distributed according to the Schedule of Mawarith.

#### 7.7 DISTRIBUTION OF ANY FINAL RESIDUAL

We further direct, devise and ordain that any un-distributable amount of the estate of the last to die of us in the event of non-existence of Muslim Heirs shall be given to the Islamic Society of North America, Inc. (ISNA), as a contribution for supporting ISNA institutions and activities in North America.

**CASE NO. (1):**  
**ONE SON OR MORE, AND ANY NUMBER OF DAUGHTERS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
1.a) with no other relatives.	He, or they get all remainder such that sons are equal in their class, daughters are equal in their class, and for a daughter half of a son's share.
1.b) with wife or with husband.	1/8 to wife, rest as in (1.a); or 1/4 to husband, rest as in (1.a).
1.c) with father and mother.	1/6 to father and 1/6 to mother, rest as in (1.a).
1.c.1) with one parent.	1/6 to the parent, rest as in (1.a).
1.c.2) with any possible combination of (1.b), (1.c), and (1.c.1)	Spouse and parents take shares mentioned above, and the rest as in (1.a).
1.d) with father of father, no parents; or father of father of father and no parents nor father of father (always discard father of mother in all sections of case 1).	1/6 to father of father and rest as in (1.a). Presence of father prevents father of father and presence of father of father prevents father of father of father, and so on.
1.d.1) With father of father, and mother, no father.	1/6 to mother, 1/6 to father of father, rest as in (1.a).
1.d.2) with father of father and either mother of father or mother of mother or both together, no parents,	1/6 to father of father; 1/6 to either mother of father or mother of mother or divided between them equally; rest as in (1.a).
1.d.3) (1.d) or (1.d.1) or (1.d.2) with wife or husband	1/6 to mother or mother of father or of mother or divided between the two grandmothers equally; 1/6 to father of father; 1/8 to wife; or 1/4 to husband; and rest as in (1.a).
1.e) With either mother of father or mother of mother or both, no parents, and no father of father.	1/6 to mother of mother or mother of father or divided between them equally; rest as in (1.a).



**CASE NO. (2):**  
**DAUGHTER OR DAUGHTERS; NO SONS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.a) With no other relatives.	If one only, she takes all the remainder. If more than one daughter; they equally share all the remainder.
2.b) With wife or husband.	1/8 to wife, rest as in (2.a). 1/4 to husband, rest as in (2.a).
2.d) With father. (whenever there is a father disregard all brothers and sisters and apply to all sections of case 2).	1/2 to the one daughter, 1/2 to father. If more than one daughter; they share 2/3 equally, and 1/3 to father.
2.e) With mother.	1/4 to mother, 3/4 to daughter. If more than one daughter; they share 4/5 equally, and 1/5 to mother.
2.f) With both parents.	1/6 to mother, 1/3 to father, 1/2 to daughter. If more than one daughter; 2/3 to daughters equally, 1/6 to mother, and 1/6 to father.
2.g) With wife and father.	1/8 to wife, 1/2 to daughter, and 3/8 to father. If more than one daughter; 2/3 to daughters equally, 1/8 to wife, and 5/24 to father.
2.h) With wife and mother.	1/8 to wife, 7/32 to mother, 21/32 to daughter. If more than one daughter; 1/8 to wife, 7/40 to mother, and 7/10 to daughters equally.
2.i) With wife and both parents.	1/8 to wife, 1/6 to mother, 5/24 to father, and 1/2 to daughter. If more than one daughter; 3/27 to wife, 4/27 to mother, 4/27 to father, and 16/27 to daughters equally.



<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.j) With husband and father	1/4 to husband, 1/4 to father, and 1/2 to daughter. If more than one daughter; 3/13 to husband, 2/13 to father, and 8/13 to daughters equally.
2.k) With husband and mother.	1/4 to husband, 7/36 to mother, 5/9 to daughter. If more than one daughter; 3/13 to husband, 2/13 to mother, and 8/13 to daughters equally.
2.l) With husband and both parents.	3/13 to husband, 2/13 to father, 2/13 to mother, and 6/13 to daughter. If more than one daughter; 3/15 to husband, 2/15 to father, 2/15 to mother, and 8/15 to daughters equally.
2.m) With father of father, no father, and no brothers.	1/2 to father of father, 1/2 to daughter. If more than one daughter; 1/3 to father of father, and 2/3 to daughters equally.
2.m.1) (2.m) with wife or husband.	As in (2.g), but put father of father in place of father. As in (2.j), but put father of father in place of father.
2.m.2) (2.m) With mother; or without mother but with either mother of father or mother of mother, or with both.	As in (2.f), but put father of father in place of father, and grandmother(s) in place of mother; the two grandmothers take share of mother equally between themselves.
2.m.3) (2.m.2) with wife or husband.	As in (2.i), but put father of father in place of father, and grandmother(s) in place of mother; the two grand mothers take the share of mother equally between themselves. Or, As in (2.l), but father of father in place of father, and grandmother(s) in place of mother; the two grandmothers take the share of mother equally between themselves.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
<p>2.m.4) (2.m.2), (2.m.3), but in place of mother, there are mother of mother of mother, mother of mother of father and/or mother of father of father; disregard mother of father of mother.</p>	<p>The great grandmother(s) take what is assigned to the mother in cases (2.m.2) and (2.m.3); the rest as in (2.m.2), and (2.m.3) respectively or share it equally.</p>
<p>Always discard any great grand mother linked to the deceased by a male preceded by a female.</p>	<p>The same rule applies to grand great grand mothers, always a closer one prevents a farther one, same as mother prevents a grandmother.</p>
<p>2.n) With one or more than one son of son(s) and any number of daughters of son(s).</p>	<p>1/2 to daughter, 1/2 to son(s) of son(s) and daughters of son(s) according to rules stated in (1.a). If more than one daughter; 2/3 to daughters equally, and 1/3 to son(s) of son(s) and daughters of son(s) according to rules stated in (1.a).</p>
<p>2.n.1) (2.n) with wife or husband.</p>	<p>1/2 to daughter, 1/8 to wife, or 1/4 to husband, 3/8 or 1/4 (the rest) to children of son(s) according to rules stated in (1.a) as in (2.n). If more than one daughter, 2/3 to daughters equally, 1/4 to husband, or 1/8 to wife, 1/12 or 5/24 (the rest) to children of son(s) according to rules stated in (1.a) as in (2.n).</p>
<p>2.n.2) (2.n.1) with both parents.</p>	<p>1/2 to daughter, 1/8 to wife, 1/6 to mother, 1/6 to father, and 1/24 to grandchildren according to rules stated in (1.a) as in (2.n). 6/13 to daughter, 3/13 to husband, 2/13 to father, 2/13 to mother, nothing to grand children. If more than one daughter; 16/27 to daughters equally, 3/27 to wife, 4/27 to mother, 4/27 to father, nothing to grandchildren. 8/15 to daughters, 3/15 to husband and 2/15 to mother 2/15 to father, nothing to grand children.</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.n.3) (2.n.1) with one parent.	<p>1/2 to daughter, 1/8 to wife, 1/6 to parent, and 5/24 to children of son(s) according to rules stated in (1.a) as in (2.n);</p> <p>1/2 to daughter, 1/4 to husband, 1/6 to parent, and 1/12 to children of son(s) according to rules stated in (1.a) as in (2.n).</p> <p>If more than one daughter; 2/3 to daughters, 1/8 to wife, 1/6 to parent, and 1/24 to children of son(s) according to rules stated in (1.a) as in (2.n);</p> <p>8/13 to daughters, 2/13 to parent, and 3/13 to husband, nothing to grandchildren.</p>
2.n.4) (2.n) with one parent, no spouse.	<p>1/2 to daughter, 1/6 to parent, and 1/3 to children of son(s) according to rules stated in (1.a) as in (2.n);</p> <p>If more than one daughter; 2/3 to daughters, 1/6 to parent, and 1/6 to children of son(s) according to rules stated in (1.a) as in (2.n).</p>
2.n.5) (2.n) with both parents, no spouse.	<p>1/2 to daughter, 1/6 to each parent, and 1/6 to children of son(s) according to rules stated in (1.a) as in (2.n);</p> <p>If more than one daughter; 2/3 to daughters, 1/6 to each parent, and nothing to children of son(s).</p>
2.n.6) any of (2.n) through (2.n.5) but with father of father, no father and no brother(s); or with father of father and grandmother(s) of either side, no father and no brother(s), and no mother.	As in (2.n) to (2.n.5), but replace father of father for father, and grandmother(s) for mother. Share of grandmothers is divided equally between them.
2.o) With daughters of son(s) and no sons of sons.	<p>3/4 to the daughter, and 1/4 to daughter(s) of son(s), equally between them.</p> <p>If more than one daughter; all to daughters; nothing to daughter(s) of son(s).</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.o.1) (2.o) With husband or wife.	<p>9/16 to the daughter, 1/4 to husband and 3/16 to daughter(s) of son(s), equally between them. Or, 21/32 to daughter, 4/32 to wife and 7/32 to daughter(s) of son(s), equally between them.</p> <p>If more than one daughter; 1/8 to wife or 1/4 to husband and the remainder to daughters; nothing to daughter(s) of son(s).</p>
2.o.2) (2.o) With one or both parents.	<p>15/24 to the daughter, 4/24 to parent and 5/24 to daughter(s) of son(s), equally between them. Or, 1/2 to daughter, 1/6 to each parent and 1/6 to daughter(s) of son(s), equally between them.</p> <p>If more than one daughter; 1/6 to parent or 1/6 to each parent and the remainder to daughters; nothing to daughter(s) of son(s).</p>
2.o.3) With any combination of (2.o.1) and (2.o.2).	<p>1/2 to the daughter, 1/6 to parent, 1/4 to husband and 1/12 to daughter(s) of son(s), equally between them. Or, 6/13 to daughter, 2/13 to each parent and 3/13 to husband, nothing daughter(s) of son(s). Or,</p> <p>51/96 to the daughter, 1/6 to parent, 1/8 to wife and 17/96 to daughter(s) of son(s), equally between them. Or, 1/2 to daughter, 1/6 to each parent, 1/8 to wife, and 1/24 to daughter(s) of son(s), equally between them.</p> <p>If more than one daughter; 8/13 to the daughters equally between them, 2/13 to parent, 3/13 to husband and nothing daughter(s) of son(s), Or, 8/15 to daughters, 2/15 to each parent and 3/15 to husband, nothing daughter(s) of son(s). Or,</p> <p>17/24 to the daughters, 4/24 to parent, and 3/24 to wife, nothing daughter(s) of son(s). Or, 16/27 to daughters, 4/27 to each parent and 3/27 to wife, nothing to daughter(s) of son(s),</p>

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.p) With sister(s) of same parents (no brothers), or with brother(s) alone or brother(s) and any number of sisters of the same two parents.	1/2 to the daughter, 1/2 to sister(s) equally between them or to brother(s) or to brother(s) and sisters , according to the rule (1.a). If more than one daughter; 2/3 to daughters, 1/3 to sister(s) equally between them or to brother(s) or to brother(s) and sisters , according to the rule (1.a).
2.p.1) (2.p) with wife, or husband.	1/2 to daughter, 1/8 to wife and 3/8 to sister(s) and/or brother(s) as in (2.p). 1/2 to daughter, 1/4 to husband, 1/4 to sister(s) and/or brother(s) as in (2.p). If more than one daughter: 2/3 to daughters, 1/4 to husband, or 1/8 to wife, the rest to sister(s) and/or brother(s) as in (2.p).
2.p.2) (2.p) and (2.p.1) with mother. (f there is father disregard brothers and sisters and apply earlier sections of the case 2).	1/2 to daughter, 1/6 to mother, the rest (= 1/3) to sister(s) and/or brother(s) as in (2.p) or (2.p.1). Or, 1/2 to daughter, 1/8 to wife, 1/6 to mother, the rest (= 5/24) to sister(s) and/or brother(s) as in (2.p) or (2.p.1). OR 1/2 to daughter, 1/4 to husband, 1/6 to mother, the rest (= 2/24) to sisters and/or brother(s) as in (2.p) or (2.p.1) respectively. If more that one daughter: 2/3 to daughters, 1/6 to mother, the rest (= 1/6) to sister(s) and/or brother(s) as in (2.p) or (2.p.1) respectively. Or. 2/3 to daughters, 1/8 to wife, 1/6 to mother, the rest (= 1/24) to sister(s) and/or brother(s) as in (2.p) or (2.p.1) respectively. OR 8/13 to daughters, 3/13 to husband, 2/13 to mother, nothing to sisters and brothers.
2.p3) (2.p.2) with either mother of mother or mother of father or both; no mother.	As in (2.p.2), but grandmother takes the share of mother, and grandmothers share the same equally.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
2.q) With uncle(s) from same parents as the father.	1/2 to daughter and rest to uncle, or uncles equally between them. If more than one daughter; 2/3 to daughters, and rest to uncle, or uncles equally between them.
2.q.1) (2.q) with husband or wife	1/2 to daughter, 1/4 to husband or 1/8 to wife and rest to uncle, or uncles equally between them. If more than one daughter; 2/3 to daughters, 1/4 to husband or 1/8 to wife and rest to uncle, or uncles equally between them.
2.r) With one grandmother, either side, or both grandmothers.	5/6 to daughter, and 1/6 to grandmother or to grandmothers, equally between them. If more than one daughter; 5/6 to daughters, and 1/6 to grandmother(s).
2.r.1) (2.r) with wife or husband	1/4 to husband or 1/8 to wife, 1/6 to grandmother or to grandmothers, equally between them and the rest to daughter (s).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.A) THROUGH (1.U) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

**CASE NO. (3):**  
**CHILDREN OF SON(S), NO SONS, NO DAUGHTERS**

Apply Case No. (1) and Case No. (2) after substituting daughter(s) of son(s) for daughter(s) and son(s) of son(s) for son(s).

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**CASE NO. (4): PARENT(S), NO CHILDREN AND NO CHILDREN OF SONS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
4.a) Father alone; or father with brother(s) and/or sister(s).	All remainder to father alone, nothing to brother(s) and sister(s).
4.a.1) Father with wife, or husband, with (or without) any number of brother(s) and sister(s).	1/4 to wife; or 1/2 to husband; and 3/4 or 1/2 (the rest) to father; nothing to brothers and sisters.
4.b) Both parents, with no brothers nor sisters, or with no more than one sibling (full or half of either side).	1/3 to mother, 2/3 to father; nothing to the brother or sister.
4.b.1) (4.b) with husband or wife.	1/4 to wife; 1/4 to mother; 1/2 to father; Or 1/2 to husband; 1/6 to mother; 1/3 to father; nothing to the sibling.
4.b.2) Both parents, with two or more brother(s) and/or sister(s), full or either side, and with or without wife or husband.	1/6 to mother; 5/6 to father; nothing to sibling(s). 1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to father nothing to sibling(s).
4.c) Mother only.	She takes all remainder.
4.c.1) Mother with husband or wife.	1/4 to wife, or 1/2 to husband and 3/4 or 1/2 (the rest) to mother.
4.c.2) Mother with only one brother, or one sister, of same two parents, or of father side with none from the two parents.	1/3 to mother, 2/3 to brother. 2/5 to mother, 3/5 to sister.
4.c.3) (4.c.2) with husband, or wife.	1/3 to mother, 1/2 to husband, or 1/4 to wife, 1/6 or 5/12 (the rest) to brother. 4/13 to mother, 3/13 to wife, and 6/13 to sister. 2/8 to mother, 3/8 to husband, and 3/8 to sister.



<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
4.c.4) Mother with only one full or father-side brother with any number of siblings of mother side with or without wife or husband	<p>1/6 to mother, 1/4 to wife if any, 1/6 to the one sibling of mother side or 1/3 to siblings of mother side (equally between them regardless of gender) and the rest (5/12 or 2/3 or 1/2 or 1/4) to other full or half brother; or</p> <p>1/6 to mother, 1/2 to husband, 1/6 to the one sibling of mother side and the rest (1/6 or 2/3) to other full or half brother; if more than one sibling of mother side they take 1/3 (equally between them regardless of gender) and 1/2 to the full or half brother;</p> <p>if there is husband he takes 1/2, mother takes 1/6 and siblings of mother side along with the full or half brother share equally the remaining 1/3.</p>
4.c.5) Mother with only one full or father-side sister with any number of siblings of mother side with or without wife or husband	<p>If there are no spouses: 1/5 to mother, 1/5 to the one sibling of mother side and 3/5 to the full or half sister; or 1/6 to mother, 1/3 to siblings of mother side (equally between them regardless of gender) and 1/2 the full or half sister;</p> <p>If there is a wife: 2/13 to mother, 2/13 to the one mother-side sibling, 3/13 to wife and 6/13 to the full of half sister, Or 2/15 to mother, 4/15 to the mother-side siblings (equally between them regardless of gender), 3/15 to wife and 6/15 to the full of half sister,</p> <p>If there is a husband: 1/8 to mother, 1/8 to the one mother-side sibling, 3/8 to husband and 3/8 to the full of half sister, Or 1/9 to mother, 2/9 to the mother-side siblings (equally between them regardless of gender), 3/9 to husband and 3/9 to the full of half sister,</p>
4.c.6) Mother with at least one full brother and any number of full sisters, and any number of brothers and sisters of father side.	1/6 to mother, 5/6 (the rest) to the full brother or to full brother(s) and full sister(s) according to rules in (1.a); nothing to brothers and sisters of father side.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
4.c.7) (4.c.6) with husband, or wife.	1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to full brother or to full brother(s) and full sister(s) as in rules (1.a), nothing to brothers and sisters of father side.
4.c.8) Mother with at least one father-side brother and any number of father-side sisters, no full brother(s) and sister(s).	1/6 to mother, 5/6 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).
4.c.9) (4.c.8) with husband or wife.	1/6 to mother; 1/4 to wife; or 1/2 to husband; 7/12 or 1/3 (the rest) to brother or to brother(s) and sister(s) as in rules (1.a).
4.c.10) (4.c.8) or (4.c.9) with one sister or one brother of mother side. Or with more than one brother/sister of mother side.	1/6 to mother; 1/6 to sister or brother of mother side; 1/4 to wife or 1/2 to husband if any, and the rest (2/3, 5/12, or 1/6) to the brother or to brother(s) and sister(s) of father side according to rules in (1.a). Or 1/6 to mother; 1/3 to sister(s) and brother(s) of mother side equally between them regardless of gender; 1/4 to wife; and the rest (1/2 or 1/4) to brother(s) and sister(s) of father side according to rules in (1.a). Or, 1/6 to mother, 1/2 to husband and all brothers and sisters equally share 1/3 regardless of gender.
4.d) Mother with two or more full sisters (of same two parents) or with two or more sisters of father side, no full sisters.	1/5 to mother, 4/5 to sisters equally between them.
4.d.1) Mother with one full sister and one or more sister(s) of father side.	1/5 to mother, 3/5 to the one full sister; and 1/5 to sister(s) of father side, equally between them.
4.d.2) (4.d), or (4.d.1) with wife or husband.	2/13 to mother; 3/13 to wife; and 8/13 to sisters mentioned in (4.d), equally between them. Or, 2/13 to mother; 3/13 to wife; 6/13 to the one full sister; and 2/13 to sister(s) of father side, equally between them. Or, 1/8 to mother; 3/8 to husband; and 4/8 to sisters mentioned in (4.d), equally between them.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
	Or, 1/8 to mother; 3/8 to husband; 3/8 to the one full sister; and 1/8 to sister(s) of father side, equally between them.
4.e) Mother with one brother of mother's side or one sister of mother's side.	2/3 to mother, 1/3 to brother or sister.
4.e.1) (4.e) with husband or wife.	1/4 to wife, 1/2 to mother, 1/4 to brother or sister. 1/2 to husband, 1/3 to mother, 1/6 to brother or sister.
4.f) Mother with more than one brother and/or sister of mother's side.	1/3 to mother, 2/3 to brother(s) and sister(s), equally between them regardless of gender.
4.f.1) (4.f) with husband or wife.	1/4 to wife, 1/4 to mother, 1/2 to brother(s) and sister(s), equally between them all regardless of gender. 1/2 to husband, 1/6 to mother, 1/3 to brother(s) and sister(s), equally between them all regardless of gender.
4.g) Mother with father of father, no brother(s), no sister(s).	1/3 to mother, 2/3 (the rest) to grandfather.
4.g.1) (4.g) with husband or wife.	1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest) to grandfather.
4.h) Mother with son of brother, (the brother is of the same parents). Or with children of brother(s), [the brother(s) is (are) of the same parents].	1/3 to mother, 2/3 (the rest) to son of brother or to children of brother(s) according to rules in (1.a).
4.h.1) (4.h) with wife or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, and the rest (5/12 or 1/6) to son or children of brother(s) as in rule (1.a).
4.i) Mother with brother of father of same two grandparents.	1/3 to mother, 2/3 (the rest) to brother of father.

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
4.i.1) Mother with brother(s) of father and any number of sisters of father, all of same two grandparents.	1/3 to mother, 2/3 (the rest) to brother(s) and sister(s) of father according to rules in (1.a).
4.i.2) (4.dd) and (4.ee) but instead of full uncles brother(s) of father of the grandfather side with no brother(s) of father of both grandparents.	Same as in (4.i) and (4.i.1) but put brother of father of grandfather side in place of brother of father of both grandparents.
4.i.3) (4.i), (4.i.1) and (4.i.2) with wife, or husband.	1/3 to mother, 1/4 to wife, or 1/2 to husband, 5/12 or 1/6 (the rest to) brother of father or brother(s) and sister(s) of father as in rule (1.a).
4.j) Father with mother of mother, and no mother.	1/6 to mother of mother, 5/6 (the rest) to father.
4.j.1) (4.j) with full brother(s) or brother(s) of father side but no full brother(s).	1/6 to mother, 5/6 (the rest) to be divided between brother(s) and father of father equally, unless grandfather's share goes below 1/3 (if it does, he gets 1/3; and 1/2, i.e., the rest to brothers equally).
4.j.2) Father of father with mother and brother(s) and any number of sisters, all of same two parents or of father's side but with no full brothers.	As in (4.j.1) and apply rules of (1.a) for brother(s) and sister(s).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.A) THROUGH (1.U) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

**CASE NO. (5): HUSBAND OR WIFE, NO CHILDREN AND NO SON(S) OF SONS AND NO PARENTS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
5.a) Wife only or husband only, no other relatives.	1/4 to wife, or 1/2 to husband; the rest (3/4 or 1/2 to The Islamic Society of North American Inc. of Indiana to be used as a <i>Waqf</i> whose principal be invested and net return only be used for ISNA activities in North America.
5.b) wife or husband with children of daughter(s), or children of children of daughter(s) and/or children of daughter(s) of son(s) but no children of daughter(s)/son(s), no other relatives.	1/4 to wife or 1/2 to husband, rest (3/4 or 1/2) to children of daughter(s) or to great grand children, according to the rule (1.a).
5.c) Husband, or wife with one or more full brother and any number of full sisters; or with no full brothers or sisters but with one or more father-side brother and any number of father-side sisters .	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to the brother or to brother(s) and sister(s) according to rules in (1.a).
5.d) Husband, or wife, with only full sister(s), or father-side sisters no brothers .	1/2 to husband, or 1/4 to wife; the rest (1/2 or 3/4 ) to the sister, or equally between sisters.
5.e) Husband, or wife, with son(s) of brother(s); or son(s) of brother(s) and any number of daughters of brother(s). Fathers of nieces and nephews are of same parents as the deceased or of father side but no nephew and nieces whose fathers are of same parents as the deceased.	As in (5.c) but niece(s) and nephew(s) replace sister(s) and brother(s).
5.f) Husband, or wife, with one or more brother(s) and any number of sisters of father of same grandparents ; or of grandfather side but no brother of father from same grandparents .	1/2 to husband, or 1/4 to wife, and the rest (1/2 or 3/4) to uncle, or uncles and aunt(s), according to the rules in (1.a).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
5.h) Husband or wife with father of father, no other relatives	1/2 to husband, or 1/4 to wife, 1/2 or 3/4 (the rest) to father of father.
5.i) Husband or wife with father of father and mother (or no mother and instead mother of mother or mother of father or both); no other relatives	3/7 to husband, 2/7 to mother (or to either grand mother or shared equally between them), and 2/7 to father of father; Or 1/4 to wife, 1/3 to mother (or to either grand mother or shared equally between them), and 5/12 to father of father.
5.j) Husband or wife with father of father and brother(s) of both parents; or of father side and no brothers of same parents.	1/2 to husband; 1/3 to father of father; and 1/6 to the brother(s) equally between them; Or 1/4 to wife, 3/8 to each of father of father and the one brother; Or 1/4 to wife, 1/3 to father of father, and 5/12 to brothers equally.

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.A) THROUGH (1.U) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

**CASE NO. (6): SIBLINGS ONLY, NO SPOUSE, NO CHILDREN, NO CHILDREN OF SON(S) AND NO PARENTS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.a) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; no brothers/sisters of mother side.	All remainder shall be distributed to full brother(s) and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.
6.b) One or more full sister(s); no full or half brothers and no sisters either father side or mother side.	The one sister takes all the remainder; Two or more sisters share equally all the remainder.
6.c) (6.a) or (6.b) with father of father.	1/2 to full brother or to full sister and 1/2 to father of father; 2/5 to each of father of father and full brother and 1/5 to sister; 1/3 to father of father and 2/3 to full brothers or to sisters, according to the rule of (1.a); nothing to father side brothers and sisters.
6.d) One or more full sister(s); and one or more sister(s) of father side; no full of half brothers and no sisters of mother side.	3/4 to the full sister and 1/4 to the father-side sister; or 3/4 to the full sister and 1/4 to the father-side sisters to be divided equally between them. Or if full sisters are two or more, all remainder to full sisters to be divided equally between them; and nothing to father-side sister(s).
6.e) (6.d) with father of father.	1/2 to the full sister; 1/6 to the father-side sister(s) equally between them; and 1/3 to the father of father. Or if full sisters are two or more, 2/3 to full sisters to be divided equally between them; 1/3 to father of father; and nothing to father-side sister(s).

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.f) One or more full sister(s); and one or more brother(s) of father side and one or more sister(s) of father side; no full brothers and no brothers/sisters of mother side.	1/2 to the one full sister, or 2/3 to the two and more full sisters equally between them; 1/2 or 1/3 (the rest) to the sisters and brothers of the father side to be distributed according to rules (1.a).
6.g) (6.f) with father of father	1/2 to the full sister; 1/6 to the father-side brothers and sister(s) to be divided between them according to rule (1.a); and 1/3 to the father of father. Or if full sisters are two or more, 2/3 to full sisters to be divided equally between them; 1/3 to father of father; and nothing to father-side brothers and sister(s).
6.h) Any combination of father-side brothers and sisters; no full brothers, no full sisters and no sisters/brothers of mother side; with or without father of father.	Apply rules (6.a) and (6.c) after putting "father-side" in place of "full"
6.i) At least one full brother and any number of full sisters, with any number of father-side brothers and sisters; with one or more mother-side brother(s)/sister(s).	1/6 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; and the rest (5/6 or 2/3) to full brother or full brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a). Nothing to father-side brothers and sisters.
6.j) At least one father-side brother and any number of father-side sisters, with no full brothers and no full sisters; with one or more mother-side brother(s)/sister(s).	1/6 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; and the rest (5/6 or 2/3) to father-side brother or father-side brothers and sisters on the basis of one share to a sister and two shares to a brother as stated in rules (1.a).



<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
6.k) One or more full sister(s); no full or father-side brothers and one or more sister(s)/brother(s) of mother side.	1/4 to mother-side brother or sister or 2/5 if they are two or more, equally between them regardless of gender; 3/4 or 3/5 to the one sister; Or, 1/5 to mother-side brother or sister or 1/3 if they are two or more, equally between them regardless of gender; 4/5 or 2/3 to the two or more full sisters equally between them.
6.l) (6.i) or (6.j) or (6.k) with father of father.	Nothing to brothers and sisters from mother side, and distribution will be as in (6.c).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.A) THROUGH (1.U) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

**CASE NO. (7): CHILDREN OF DAUGHTER(S) ONLY OR GREAT GRAND CHILDREN FROM DAUGHTERS OR FROM SON(S)'S DAUGHTERS, NO SPOUSE, NO CHILDREN, NO CHILDREN OF SON(S) AND NO PARENTS**

<u>Surviving Heirs</u>	<u>Share of the Remainder</u>
7.a) One or more, male or female children of daughters, no other relatives	All the remainder must be distributed to the one, or between them according to the rule in (1.a).
7.b) One or more, male or female children of children of daughters or children of daughters of sons, no other relatives	All the remainder must be distributed to the one or between them according to the rule in (1.a).

NOTES: 1) I INSTRUCT THE EXECUTOR TO SEARCH IN SECTIONS (1.A) THROUGH (1.U) FOR THE SECTION THAT REFLECTS MY HEIRS AT THE TIME OF MY DEATH AND TO DISREGARD ALL RELATIVES NOT MENTIONED IN THESE SECTIONS.

2) IF THE TESTATOR'S CASE IS UNDER NO. (1), BUT NOT FOUND ABOVE, OR THE EXECUTOR IS CONFUSED ABOUT WHICH SECTION IS APPLICABLE SHE/HE MUST SEEK AND FOLLOW THE ADVICE OF THE ISLAMIC SOCIETY OF NORTH AMERICA (ISNA), INC. OF INDIANA. OPINION GIVEN IN WRITING BY ISNA MUST BE CONSIDERED FINAL AND BINDING TO ALL CONCERNED PERSONS.

**CASE NO. 8: ALL OTHER CASES**

Relatives not mentioned in cases (1) through (7) must be disregarded. However I direct and ordain that all cases not specifically mentioned in this schedule shall be referred to the Islamic Society of North America (ISNA), of Plainfield, Indiana for opinion on the distribution of estate and that the advice of ISNA must be followed to the letter. Opinion given in writing by ISNA must be considered final and binding to all concerned persons.

Further, for any interpretation of any of the cases an sub-cases in the Schedule of Mawarith or any of the Articles and provisions of this Last Will and Testament, I ordain that the Executor and/or any court of competent jurisdiction shall seek the advice of and refer the matter to The Islamic Society of North America (ISNA) and that both the Executor and courts must follow and implement the advice given by ISNA as being my final and binding will and desire.

By: Grantor-Husband\_\_\_\_\_

Grantor-Wife\_\_\_\_\_

By: Co-Trustee\_\_\_\_\_

Co-Trustee\_\_\_\_\_

Witnesses:

\_\_\_\_\_

(Name and signature)

\_\_\_\_\_

(Name and signature)

STATE OF\_\_\_\_\_

COUNTY OF\_\_\_\_\_

The foregoing instrument was acknowledged before me this day of \_\_\_\_\_, 20\_\_\_\_, by (name of wife) \_\_\_\_\_ and (name of husband) \_\_\_\_\_. They are personally known to me, produced current (state) \_\_\_\_\_ driver's licenses as identification, No. \_\_\_\_\_ and \_\_\_\_\_, produced (name documents and their numbers)\_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
(Print Name)  
Notary Public

Serial # \_\_\_\_\_

My Commission Expires:\_\_\_\_\_