# WILL

of

# YUSUF RAHMAN

SPECIMEN



## The specimen will, read in the margin



A will is a short document that decides a great deal. These four sheets walk through one, clause by clause, so that what the lawyer wrote and what the family needs to know sit side by side.

### 1 What you are looking at

A specimen will produced by Amana Wills for the Rahman family: the same fictional household that is on the dashboard beside you. The red line at the top of every page is the specimen mark. Nothing here is advice about your own family; a real will is drafted and checked by a solicitor, from your own facts.

### 2 An English will that follows the Islamic shares

This is an ordinary will under the law of England and Wales, signed and witnessed in the ordinary way. What makes it Islamic is clause 4: the estate is divided by the fixed shares, and the document says so in words a probate registry and an executor can follow.

# THIS IS THE LAST WILL AND TESTAMENT OF YUSUF RAHMAN

THIS LAST WILL AND TESTAMENT is made by me **Yusuf Rahman** of 12 Example Road, Leicester, LE0 0AA.

1

I HEREBY REVOKE all former Wills and codicils made by me and declare this to be my Last Will ("My Will") made in accordance with the Islamic Shariah, following the Shafi'i school of jurisprudence.

## 1. APPOINTMENT OF EXECUTORS / TRUSTEES

2

**1.1** I APPOINT my friend **OMAR SIDDIQUI** of 4 Imaginary Road, Leicester LE0 0AB and my solicitor **HANNAH PRICE** of 1 Model Street, Leicester LE0 0AC to be the Executors and Trustees of this my Will (hereinafter referred to as "My Trustees") to administer my estate as prescribed by the Sunnah of the Prophet (peace be upon him) and in strict accordance with the Quranic prescriptions of Faraid.

3

**1.2** IF any of the above-named shall predecease me or be unable or unwilling to act, I APPOINT my cousin **IDRIS MALIK** of 9 Hypothetical Gate, Leicester LE0 0AD to be an Executor and Trustee in their place.

## 2. FUNERAL ARRANGEMENTS

4

**2.1** I DIRECT that my funeral and burial be conducted in accordance with the Islamic rites, including the ritual washing (ghusl) and shrouding (kafan), and the funeral prayer (Salat-al-Janazah).

**2.2** I DIRECT that my body be buried in the earth in accordance with Islamic funeral rites, and not cremated.

5

## 3. PROPERTY

I DECLARE that my interest in the property situated at 12 Example Road, Leicester LE0 0AA is held as joint tenants and will pass by survivorship outside this Will, unless the joint tenancy is severed during my lifetime, in which case my severed share shall form part of my Residuary Estate.

## 4. RESIDUARY ESTATE

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**4.1** I GIVE the residue of my estate both real and personal of whatsoever nature and wheresoever situated to my Trustees to hold on trust either to sell, call in or if they think fit without being liable for any loss to retain all or any part of it and to pay my debts, testamentary expenses and inheritance tax payable on or by reason of my death in respect of my estate and invest or apply what is left for the benefit of my heirs in the following shares in accordance with the prescriptions of FARAID as per the Shafi'i school of jurisprudence:

7

**4.1.1** 1/8 (12.50% of my estate) to my wife **AMINA RAHMAN** absolutely.

8

**4.1.2** 2/3 of the residue, after the fixed shares above (58.33% of my estate) to my son **BILAL RAHMAN** absolutely.

**4.1.3** 1/3 of the residue, after the fixed shares above (29.17% of my estate) to my daughter **MARYAM RAHMAN** absolutely.

9

**4.2** IF any beneficiary named above shall die within 28 days of my death, or in circumstances rendering it uncertain who survived whom, that beneficiary shall be deemed to have predeceased me



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**1 Earlier wills revoked, and the madhab named**

Every new will cancels the ones before it. This one also records the testator's madhab, the tradition of Islamic law they follow; Yusuf has recorded the Shafi'i madhab. The shares in clause 4 are worked out under the madhab the will names.

**2 Two executors**

Yusuf names two people to act together: a friend and his solicitor. Executors gather the estate, apply for probate, pay what is owed and distribute by the shares. Two can share the work; one person can be ill, abroad or overwhelmed.

**3 A reserve**

If either executor cannot or will not act, a named cousin steps in. Tell the people you name. Many executors learn of the appointment at the funeral; the executor card on the table is for this.

**4 Islamic rites, and burial**

The will asks for ghusl, the kafan, the funeral prayer and burial in the earth, not cremation. The executors are guided by this, but a funeral happens within days, before most wills are read, so the family needs to know the wish as well as the document.

**5 The home is not in this will**

Yusuf and Amina own the house as joint tenants, so on the first death it passes to the survivor automatically, outside the will and outside the shares. The clause says so plainly, and provides for the other case: if the joint tenancy is severed, Yusuf's half comes back into the estate and is shared under clause 4. Neither way is wrong; one of them is what you meant.

GOV.UK, Joint property ownership: a joint tenant "cannot pass on your ownership of the property in your will".

**6 Debts and tax first, then the shares**

The trustees first pay debts, the funeral and any inheritance tax. Only what is left is divided. The percentages printed in the sub-clauses are shares of that remainder, not of everything Yusuf ever owned.

**7 The wife's eighth**

Amina takes one eighth because there are children. Without children it would be a quarter. The fraction is the fact; the percentage beside it is a convenience.

Qur'an 4:12.

**8 Son and daughter, two to one**

What remains after the fixed share goes two thirds to Bilal and one third to Maryam: a son's portion is twice a daughter's. Printed here as 58.33% and 29.17% of the estate. A daughter's share is hers absolutely; nobody holds it for her.

Qur'an 4:11.

**9 Twenty-eight days**

An heir who dies within 28 days of Yusuf, or in an accident where nobody can say who died first, is treated as not having survived him, and the estate is shared among the others as if so. Without it, a share could pass to an heir and then, within the month, through that heir's own estate as well.

and their share shall be redistributed amongst my surviving heirs in accordance with the prescriptions of Faraid as if that beneficiary had not survived me.

1

**4.3** MY TRUSTEES shall hold the share of any beneficiary who is under the age of eighteen (18) years UPON TRUST until that beneficiary attains the age of eighteen (18) years, applying the income and capital thereof in the meantime for his or her maintenance, education and benefit.

2

## 5. EXECUTORS / TRUSTEES POWERS

**5.1** THE STATUTORY power of appropriation conferred by section 41 of the Administration of Estates Act 1925 shall be exercisable by my Trustees and they may at any time at their discretion appropriate any part of my residuary estate towards satisfaction of any legacy or any share in my residuary estate without the necessity of obtaining the consent of any person.

**5.2** MY TRUSTEES shall have the power to insure against loss or damage by fire or from any other risk any property for the time being comprised in my residuary estate to any amount and even though a person is absolutely entitled to the property and to pay all premiums for any such insurance at their discretion out of the income or capital of my residuary estate or the property itself and so that any money received under any such insurance shall be applicable as if it were proceeds of sale of the property insured.

**5.3** THE APPORTIONMENT rules shall not apply to the income of the trust fund or any part of it, so that all income received by the Trustees shall be treated as accruing at the date of receipt.

3

**5.4** I DECLARE that any of my Trustees being a Solicitor or other person engaged in any profession or business shall be entitled to charge and be paid all usual professional or other charges for business done, services rendered, or time spent by him or his firm in the administration of my estate or the trusts hereof including acts which a trustee not engaged in any profession or business could have done personally.

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**5.5** NO TRUSTEE shall be liable for any loss to the trust fund unless such loss arises as a result of the Trustee's fraud or dishonesty and in the case of professional trustees as a result of their negligence.

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**1** **Under eighteen**

A young heir's share is held on trust until eighteen, and may be spent on their maintenance and education in the meantime. Bilal and Maryam are adults in this specimen, so the clause waits for grandchildren.

**2** **Ordinary trustee powers**

Appropriation (handing an heir a particular asset in satisfaction of a share), insurance and the treatment of income are the standard English machinery that lets executors do the work. None of it changes who gets what.

`Administration of Estates Act 1925, section 41, named in clause 5.1.`

**3** **A professional may charge**

The solicitor executor may charge her normal fees for the administration. The friend cannot be paid for his time unless the will says so; this one does not.

**4** **What is not in this will**

A pension, which is paid under the scheme's rules and the nomination form you signed, not under the will. Jointly held accounts and the home, which pass by survivorship. A life policy written in trust. And a bequest, the wasiyya: up to one third of the estate may go to someone who is not an heir, and this will makes none. Each of these is a conversation with the solicitor, and the first two are the ones families most often get wrong.

1 IN WITNESS whereof I have hereunto set my hand this _____ day of _____ 2026.

2 SIGNED by the said **Yusuf Rahman** as his last Will in the presence of us both present at the same time who at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses.

3 _____

*Testator: Yusuf Rahman*

| **First Witness** | **Second Witness** |
|---|---|
| 4 Signed: _____ | Signed: _____ |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| Occupation: _____ | Occupation: _____ |

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**1 The date**

Written in by hand on the day. A will speaks from the date it is signed, and later documents are read against it.

**2 Two witnesses, present at the same time**

The testator signs in the presence of two witnesses who are both there at that moment, and each witness then signs in the testator's presence. That is the rule in the Wills Act 1837 and it still stands: a will cannot be signed electronically, and the video witnessing allowed during the pandemic ended on 31 January 2024.

Wills Act 1837, section 9, legislation.gov.uk.

**3 The testator's signature**

Yusuf signs here, in ink, once both witnesses are watching. If he cannot sign, someone else may sign at his direction in his presence; the attestation clause above is then adjusted.

**4 Who may witness**

Any adult who understands what they are doing, but never a person who inherits under the will, nor that person's spouse or civil partner: a gift to a witness, or to a witness's spouse, is void. So not Amina, Bilal or Maryam, and not their husbands or wives. A neighbour, a colleague or the firm's staff are the usual choice. Name, address and occupation are recorded so the witnesses can be found years later.

Wills Act 1837, section 15, legislation.gov.uk.