

1. I, _____

ID No.: _____

Presently residing at _____

Unmarried Married to _____

in Community of Property, according to Islamic Law, Ante-Nuptial Contract

the undersigned hereby declare that this is my Last Will and Testament.

2. I revoke, cancel and annul all previous Wills, Codicils and other testamentary writings or statements made or executed by me at any time before.

3. I hereby nominate, constitute and appoint to be the Executors and Administrators of my Estate, property and effects, wheresoever situated and of whatsoever nature with the power of assumption and resignation, the following person(s):

Full Name

ID No.

I. _____

II. _____

III. _____

4. In the event of any one or more of my said Executors or Administrators predeceasing me, or dying during his term of office or declining to act, then the remaining or surviving Executors shall be authorised to act alone.

5. Furthermore in the event of all such Executors or Administrators predeceasing me or dying during his term of office or declining to act, then I declare that Al Hidayah Centre (Eastern Cape) is authorised to appoint one or more Executors or Administrators.

6. I hereby direct that:

6.1 it shall not be necessary for any of my Executors and Administrators to lodge security with the Master of the High Court for the due performance of their duties;

6.2 my Executors shall have custody of all securities and other documents relating to the liquidation and administration of my Estate;

6.3 my Executors shall be entitled to any fees prescribed by government regulation.

AS WITNESSES:

1. _____

2. _____

TESTATOR / TESTATRIX

7. I hereby direct that the Executors and Administrators of my Estate proceed with the distribution of my Estate in the following order of priority as commanded by Islamic Law of the Sunni School of Thought:

- 7.1 payment of my funeral expenses;
- 7.2 payment of all my debts including expenses of administering my Estate;
- 7.3 payment of the Wasiyyah (Islamic Bequest), which is set out in Clause 8 and 9; and
- 7.4 distribution of the residue of my Estate to my Islamic beneficiaries in accordance with the Islamic Law of succession.

8. My said Executors and Administrators 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; and accordingly I hereby direct and make Wasiyyah (Islamic Bequest) that such amounts shall be paid to such persons or institutions as my Executors and Administrators in their absolute discretion, shall determine to be entitled thereto according to the laws of Islam. The total amount payable under this clause shall not, however, exceed one third of the net value of my Estate after the payment of all debts contracted by me during my life time, including funeral expenses.

9. In the event of any balance remaining out of the one third of the net value of my Estate as mentioned in Clause 8 hereof, then I hereby make Wasiyyah (Islamic Bequest) according to the laws of Islam and give and bequeath as free and absolute legacies, to the following charitable institutions or persons (who are non-heirs) out of such balance, the amount as are set opposite their respective names, as follows:

Name of Legatee(s):	Amount or Description of Legacy:
_____	_____
_____	_____
_____	_____

10. I direct that in the event of any Wasiyyah (Islamic Bequest) referred to in clause 9 exceeding one-third of my estate, after payments of debts, then such Wasiyyah (Islamic Bequest) shall abate proportionately.

AS WITNESSES:

1. _____

2. _____

TESTATOR / TESTATRIX

11. I hereby direct that a certificate issued by Al Hidayah Centre (Eastern Cape), or by any qualified Islamic scholar unanimously appointed by my Executors, shall be binding and conclusive as to the aforesaid Islamic Law and the distribution of my Estate.
12. The rights to any amounts paid or incurring to any beneficiary, under this will, shall not fall into nor form part of the joint estate of that beneficiary and his or her spouse, nor shall the husband of any female beneficiary, whether his marriage to her be in or out of community of property, have any control or power of an administration of any rights or amounts paid or incurring to her. These rights and amounts shall be excluded from any accrual in terms of the Matrimonial Property Act, number 88 of 1984.
13. I further direct that the said legacies or inheritances or benefits shall not be capable of attachment for the debts or obligations of any spouse of such beneficiary, and shall neither form part of any insolvent estate of such spouse, nor vest in the Trustees of such insolvent Estate.
14. I hereby direct that any inheritance accruing to a minor child in terms hereof shall not be paid into the Guardians Fund but shall be held by my said Administrators on behalf of such minor until the said minor attains the age of majority in which event my said Administrators shall pay over to the said minor his/her share of inheritance. My said Administrators shall be empowered to invest assets held in trust in such investments that are in accordance with Islamic Law. My Administrators are authorized in their discretion to apply the income, and in case of need a portion of the Capital of the assets so held for the maintenance, education and general welfare of the beneficiary of the Trust provided that any such application of income is in accordance with the Islamic Law.
15. I hereby direct that my Estate shall be wound up as expeditiously as possible until the final approval of the liquidation and distribution account.
16. In the event of there being any dispute relating to the interpretation of this Will, or the Administration, Liquidation or distribution of my Estate or any other matter connected therewith or arising there from the matter shall be referred to arbitration, with the Arbitrator being the Al Hidayah Centre (Eastern Cape), whose award shall be binding, final and conclusive.

AS WITNESSES:

1. _____

2. _____

TESTATOR / TESTATRIX

THUS DONE AND EXECUTED AT _____ THIS _____ DAY
OF _____ 20 _____ IN THE PRESENCE OF THE SUBSCRIBING WITNESSES,
WHO SIGNED IN EACH OTHER'S PRESENCE, ALL BEING PRESENT AT THE SAME TIME.

AS WITNESSES:

1. _____

Name _____

ID No.: _____

2. _____

Name _____

ID No.: _____

TESTATOR / TESTATRIX

Signature of Testator / Testatrix

Legal name of Testator / Testatrix