
Your
Islamic Inheritance
Appointment

What it is. What to expect.



Basic Principles of Islamic Inheritance

Congratulations on taking the first step towards protecting your family by creating a “rulebook” based on the Islamic Rules of Inheritance. I have prepared this primer for the new clients of our firm, to help you get well acquainted with our journey ahead. **This document will be unlike anything you have ever seen, or likely will see, from an Attorney.** **We have a unique “boutique” law practice focusing on inheritance and charitable solutions for the Muslim community.** I am honored to have many great Muslim families as clients. However I cannot and will not work with all Muslim families.

It's important to understand that I can only work with Muslims who agree with these principles:

1. Allah is the true owner of your property.

Though you are the legal owner, your property is in a “trust.” It's because of this principle you pay zakat every year. The Quran tells you how inheritance is done, specifically in Surat-ul-Nisa, from verses 11-14.

The Islamic Inheritance system is **The Law** in most Muslim countries, but not in The United States. This means that **following the Quran is your responsibility.**

2. You cannot harm your children or parents.

Muslims cannot do anything to their property with the *intent* of injuring their family. Muslims cannot deny their children or parents inheritance as long as the children are Muslim.

Occasionally I have Muslims tell me their son is mean to them, that they don't really practice Islam, etc. **So long as they are Muslims, the Islamic system of inheritance protects their rights.**

Of course Muslims are not allowed to be mean to their parents, but that has nothing to do with your obligation to them.

I have to turn Muslims away when they want to cut out their children or parents. **It is haram to help someone do haram.** Anyone can refuse inheritance, since it's the right of the person receiving it, however a Muslim cannot deny the rights of others that were specifically established in the Quran.

Since you might be wondering, a Non-Muslim can leave everything to a pet iguana. I would never try to talk them out of it. They can cut out their children to their hearts content. Being Muslim gives you obligations to your family others do not have.

3. You cannot leave everything to your husband/wife.

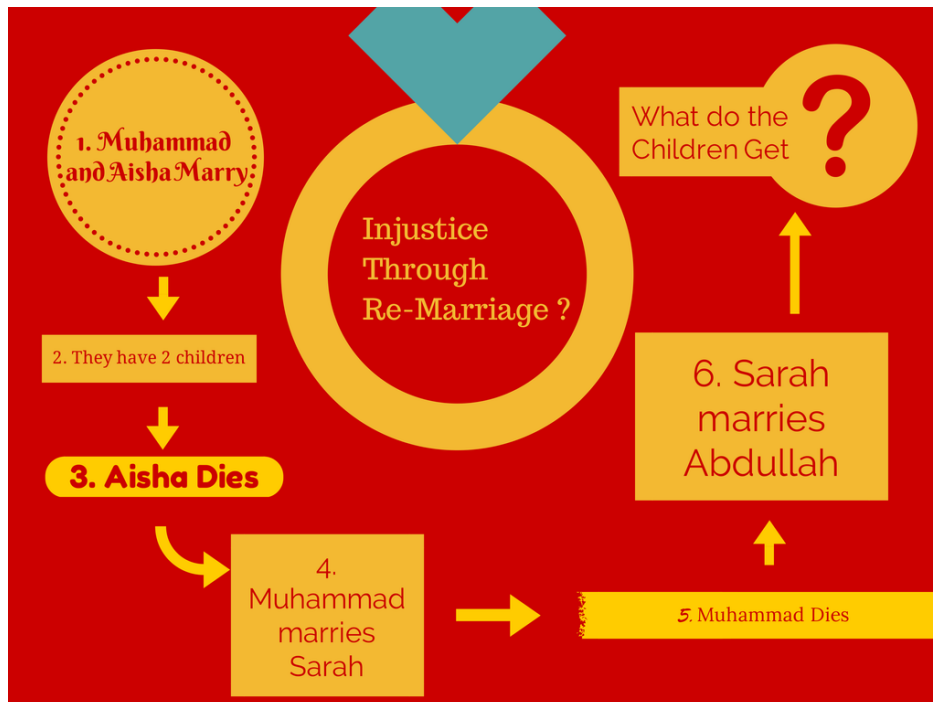
The vast majority of the time a husband leaves everything to his wife. The purpose behind Islamic inheritance is that a family's rights are respected. Islamic inheritors are always parents and children, though others may inherit.

Inheritance is not just giving out cash. Inheritance is about rights.

Planning does not have to hurt your husband or wife. You can certainly plan to take care of all your loved ones while at the same time follow the Quran. This demonstration will show you how giving to your wife/husband is unjust.

Figure 1: Muhammad and Aisha

If



Muhammad and Aisha owned everything jointly or even had a typical will or revocable living trust, **in all likelihood Isa and Maryam would never get any inheritance at all!**

After you die, life goes on here on earth. People get remarried. It's nice to pretend it would never happen (few people think their spouse would ever marry again) but you *know* it happens.

Sarah and Abdullah have no responsibility to look after the inheritance of *other people's children*. Muhammad and Aisha managed to leave *their property to total strangers* and failed their children completely. Your responsibility is to protect your family. It is not the responsibility of the government or strangers.

But your spouse really is different...

But what if you are right and your wife/husband does not get remarried? Believe it or not, there are lawyers out there who work on things other than creating high-quality Islamic Inheritance and Charitable plans! Those lawyers frequently file lawsuits capable of wiping out your children's inheritance. At least they are good at wiping out other people's children's inheritance.

When we are talking about an *amana* or *trust*, we have to make sure there is:

- Protection when sued.
- Protection when bankrupt.
- Protection if the survivor gets remarried.

Every rule we make up is a function of contract law, so we can do all kinds of stuff. You have more power than you think.

4. This is about justice, not about death.

“A man and a woman might live their lives in obedience to Allah for 60 years. Then when death approaches them, they give unjust bequest, and as a consequence are consigned to the fire.”

-Hadith of Muhammad (PBUH)

The main reason for Islamic inheritance planning is that you need to do justice to the people that you love.

Injustice is not just things other people do. If you fail to plan or plan incorrectly, you are committing an injustice, not to just anyone, but your own flesh and blood!

This is NOT a “simple” Living Trust

You honestly should go elsewhere if what you want is a “simple” living trust. We don’t do that. **Our practice is concerned with Islamic Inheritance, Islamic Rights and empowering Muslims to “opt-out” of a non-Islamic system by creating an innovative system of our own.**

If you don’t particularly care about the things in this primer and just want to give everything to your husband/wife, then you could go to many other lawyers that use cheap forms and material freely available from the internet, simply call our office at (866) 403-5294 and cancel the appointment. No hard feelings. My practice is not for people who think their families are worth little or for Muslims who want to stick with a non-Islamic system.

If you already have a trust, we replace it

Think of it as tearing down the house you have, and replacing it with a better one, in the same place. If you already own your home and other accounts in the name of a “living trust,” you don’t have to change that.

Major Differences between Islam and Inheritance typically done in the United States.

- **Parents get inheritance.**

A lot of people believe their parents don't need inheritance. Of course it's possible for a parent to actually say that and not get any, but that's not your choice. The Quran makes this abundantly clear:

As for your parents and your children - you know not which of them is more deserving of benefit from you: [therefore this] ordinance from God. Verily, God is all-knowing, wise.

-Quran 4:11

- **Boys get more than girls.**

It's likely you already knew this. I don't need to go into a lengthy discussion about "gender equity" in Islam. For that, there are many resources. It's enough to say that in Islam, married men who receive inheritance have obligations to use that inheritance to support their family.

Women have no support obligations to their family from inheritance they get. You have to look at not just who gets the property, but how Muslims are supposed to spend it.

What many Muslims do not know is that the idea that children are treated equally in the United States is a myth. This frequently does not happen at all, either through the law or by the parents own design. Islam provides a uniform system based on an overall system of property that is fundamentally fair.

1. Several American laws contradict Islam

This should not be “headline news” to you. You already knew you live in a majority non-Muslim country. Think of your Islamic inheritance plan as a **rulebook** you create that allows you to “opt out” from those laws that contradict Islam. If you are an immigrant from a Muslim country your ancestors never had to worry about Islamic Inheritance, because it was done for them.

In India, Muslims made a “bargain” for “Islamic Personal Laws” that provide Islamic Inheritance for all Muslims. **Not so in the United States.** **But you can still strike a “bargain” for your own family.** That’s where we come in!

You may be wondering, “how about something **specific**”? Why is the law so bad for Muslims?

- The way property is owned.

Since property is usually owned jointly, there is frequently no chance for the Islamic rules of inheritance to work. Most wills and living trusts essentially give everything to the wife as well. This is prohibited in Islam.

- Presumed Dead

Sometimes, the law presumes **people are dead when they are actually alive.** Seriously. **That’s not allowed in Islam, but it’s true throughout the United States.**

- Financial Powers

A range of administrative provisions allow for *prohibited* financial transactions. Not only are we concerned about shares and rights, but we are also concerned about the lawful and prohibited in our transactions as well.

It makes very little sense for Muslims who carefully live their lives only to write down, as their dying wish, that their property be managed through financial transactions the Quran says are unacceptable.

That's just for starters, without even going into how the **inheritance system itself has absolutely nothing to do with Islam**. People inherit when they should not, and do not inherit when they should. Think you should "opt-out" and put things in your hands? **That's why we are meeting.**

2. Planning based on the Islamic Rules of Inheritance will likely save your family money.

Of course since we have not met yet to go over your situation I can only speak generally. My clients typically save many thousands of dollars as a result of planning.

How badly a system will affect you because of "probate" (the court process that administers property after death) really does depend on the state itself. In all cases though, it's an unnecessary process that opens up your estate to anyone who wants a piece of it.

3. The Federal Government will be the single largest heir for many

There is nothing in the Quran that says the Federal Government can take more than half your money when you die. **Just sitting by and letting this happen, simply by living your life then proceeding to die, is unjust.**

Tax planning is not a Muslim thing; any person would be a little cracked in the head if they relished the idea of their business, home or other things being sold quickly to pay a massive tax bill.

It happens all the time, not because so many people are cracked in the head, but because they wait to plan and never do. By waiting, they hurt their families. Of course you are different because insha Allah you are planning.

There is no reason on earth why anyone should have to pay "estate taxes." With planning, they become optional for anyone. You can literally ***choose between paying taxes and not paying taxes. Which one is better?***

Amazingly, the government gets billions from this tax every year, even though everyone has this choice! If you don't plan, the government plans for you. Do you think the government's plan can look after your family better than you can?

Paying the tax is also a huge injustice to family members and if this affects you, I am sure you will want to fix it.

4. In the United States, an “Islamic Will” can be ignored.

It is unbecoming of a Muslim who has something worth passing on, to spend two nights without having a will in one's possession.

-Hadith reported in Bukhari

Let's talk in terms of an inheritance plan, rather than, a “will,” which by itself may not mean much.

An example: I have a client who's late husband wrote up an “Islamic Will” before going to Hajj, then came back and died a couple of years later. Over a decade later the “Islamic Will” is sitting there in a family album. In their case, a will was useless. **A will is usually useless.** Simply writing something down by itself does nothing. **You have to create an Islamic Inheritance Plan governed by contract laws,** which will look after everyone's rights

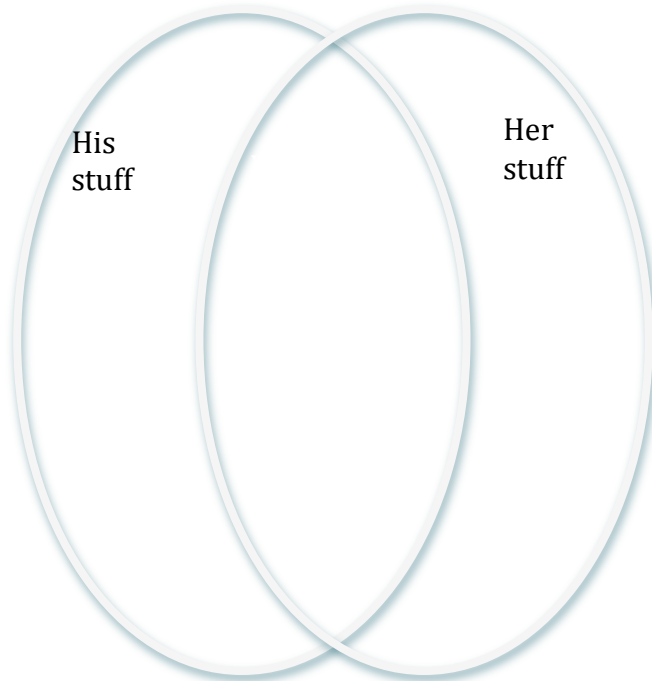
There are two ways a will can be ignored. The first is that property is owned wrong and/or they picked the wrong beneficiaries. The second is that the probate code (the book of laws that govern such things in most states) may actually require a judge to ignore it no matter what you say. All this uncertainty costs several times what a properly drafted plan does. And of course there is injustice done, which often cannot be undone.

When we plan, we want to make sure property is owned correctly and that the right beneficiaries are chosen. No document in the world is going to help you unless these things are done.

Islamic Distribution

For married couples, we always make sure there is a “separation” of property so that the rights of all the heirs are respected.

Figure 2: Spheres of ownership

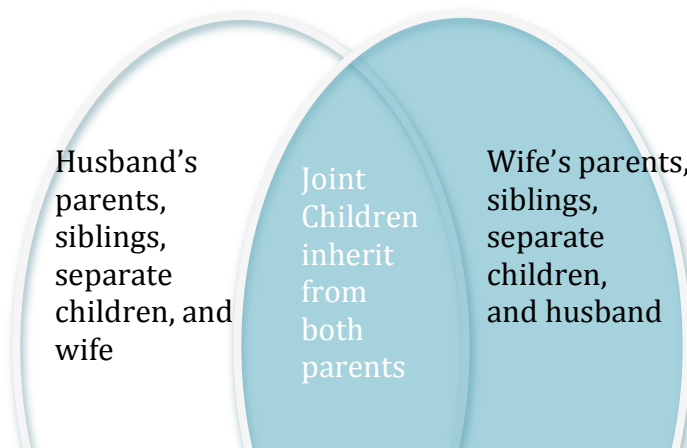


While some couples own their property separately, many more own everything “jointly.” **Without a better “line drawing”, you will violate somebody’s rights.**

During our meeting we will be discussing **community property** as a possible way to draw lines. However, having separate property works as well for Islamic purposes. Joint property does not work.

For example, a father-in-law does not inherit from anyone in Islam because he is a father-in-law. A father does inherit. A husband and wife each have different “sphere of rights.” While joint children will inherit from both a mother and father **everything else is different!**

Figure 3: Spheres of Rights



A simple concept: a husband and wife both have their own property and heirs. You have to deal with both.

Life usually goes on. If a survivor from a marriage may have a different sphere of heirs over time. A new spouse would inherit, as would any new children, different people inherit depending on how life changes.

That gets us to how we divide up the property:

In Table 1, write down the names of those who inherit from each of you.

The word “Heirs” means parents, separate children and sometimes brothers and sisters:

If you are single just fill in the “his heirs” or “her heirs” section, depending on if you are male or female. Do not worry about the other two boxes. If you are married, then fill out all three boxes. If you have any questions, call our office.

Table 1: Inheritance-by-right

Joint Children	His Heirs	Her Heirs

One-Third of your wealth can be a bequest. But what’s a bequest?

There are many people you may want to give your wealth to, but they do not inherit by right in Islam. They would be able to get a bequest. One rule though is you cannot make a bequest to those who inherit by right. That’s not allowed. **Those that do not inherit by right** include for example:

- Grandchildren
- “Adopted” children

- Uncles, aunts, cousins
- A Charity such as a Masjid or Islamic School
- A poor family you may have known that you would like to give to
- A family foundation you may have set up or would like to set up.

In this next table, tell us who you want to benefit from up to 1/3 of your estate. It's perfectly ok to not fill this section out if you can't think of anyone.

Table 2: Bequests

Person/ Organization	

Remember you cannot give more than 1/3 of your combined assets as a bequest, though you can give less.

Disability Planning: Protecting you!

There are risks to your family even if you are not disabled. For example, if a husband is "incapacitated," meaning he cannot make decisions for himself anymore, a family will want to avoid going to court to take over his affairs.

This is called a "conservatorship," an expensive, public and embarrassing process. Simply put, your freedom is left to a judge.

We recommend resolve this process through "Shura," or a consultative body, made up of people you love and respect. Shura is the preferred way to resolve affairs in the Quran.

You do not want to give this power to one person. We recommend a group of people. It would be the same group for both husband and wife or different groups for each. If you have the same group, just write the names once in table 3. **I recommend no less than five people.** These are not people who would manage your money, raise your children or anything other than make that decision. We will go over this during our meeting.

Table 3: Disability Shura

His Shura	Her Shura

Getting a list of Helpers

We will talk about who you trust to fill various roles when you cannot do things yourself. These are people that would **raise your children**, manage your affairs (during disability and after death) according to your customized family “rulebook.”

They could be family members, your CPA, an Imam, your close friends, whoever else you can think of. Don’t worry about the order, what the specific role is or anything else at this point.

You don’t have to worry about who fills what role exactly.

Sometimes a couple may disagree on names. Don’t worry, list the names anyway. The more names the better. We can discuss these names and the roles they will fill when we meet.

In this next table, just list the names of the people you would like to rely on.

Table 4: You’re Helpers

The dollar by itself means nothing!

One thing you will find is that there is nothing magical about the dollar. **There is usually no need to sell a house just because a husband died.**

There are other options. We will discuss this at our meeting since the solution has to fit your particular situation.

Many of our clients never give inheritance in the form of cash to children, no matter how old they are. This is actually a benefit to them. They don't lose out on their inheritance; they actually benefit from it even more!

This means your family can benefit from property, without technically owning it.

It's a massive benefit you can give you your family, and something you should certainly consider as part of good Islamic inheritance planning.

Sadqa Jaaria: Let's take a look

As you can see from our letterhead, we are about "Inheritance and Charitable Planning." We encourage charity around here, because as a Muslim that wants to plan, you should expect no less.

When a man dies, his acts come to an end, but three, recurring charity, or knowledge (by which people) benefit, or a pious son, who prays for him (for the deceased).

-Hadith Reported in Muslim

the lookout for ways that would benefit your family and charity. The choice is always yours. We have not met yet so we can't suggest anything now, but just so you know, we are always on the lookout! Once you become a client, our commitment to Muslim families and to charity will continue.

We hope insha Allah your family and our community will benefit from this. We also expect that you will encourage your friends and family to plan based on Islam as well!

It gets done!

While your Islamic Inheritance plan will be customized to the goals you have for your family, we provide an organized process for getting it done. We know this is the most important legal work you can do for your family; my staff and I take it with the seriousness you need. Two complaints people usually have about lawyers is that they don't know how much it will cost and how long it will take. **Our plan documents are completed in two to four weeks, and you will**

always know the cost of your Islamic inheritance and charitable plan in advance.

And it costs...

As you can tell, it's a process of providing unique solutions to your family. The cost is based on the benefit to your family and the complexity of the plan. It's not "cheap," nor do we want clients in our office who expect it to be "cheap." **This type of planning is inappropriate for people who want to skimp on their family.** **However we have made planning affordable for nearly everyone.** Our "foundational" plans, which are appropriate for the vast majority of families and address Islamic Inheritance range in cost from \$2,000 to \$6,500, though many families may choose plans that cost significantly more because of benefits that include protecting their own assets, charitable tax planning and estate tax planning. For single people they start at \$1,800 and for married couples they start at \$2,300, but could cost several thousand more depending on the design our clients choose. The most common designs range from \$3,500 to \$6,500, but designs above and below are common.

Now that you have read this...

Insha Allah you are ready for the next step. You are serious about your family, about making sure that Islam is incorporated into your family mission, in writing, in a **rulebook that makes your legacy consistent with the legacy of the Quran while having a system that works where you live!**

I am eager to speak to you!

Ahmed Shaikh
Tustin, CA

P.S. Bring this letter with you, and fill out the portions that ask for your helpers.

P.P.S. Make sure you have provided all information requested by our office over the phone. We have made this process as convenient as possible by not asking you to fill out any paperwork.

This Primer is for informational purposes and is not meant to be tax or legal advice for any individual situation. We will provide you with legal or tax advice after a signed agreement.

Appendix

Questions on the Appointment

1. I make all the decisions in my house; do I have to include my wife?

We require both spouses to come to attend the appointment. If only a husband comes without a reason cleared by our office (and alternative arrangements made) in advance, we will not be able to go forward with the appointment.

2. Do I need to bring a checkbook?

Yes. Though we do accept major credit cards. If the appointment is over the phone or internet, credit card payment is perfectly fine.

3. Can I bring my young children to your office?

We love children, but the answer is **no**. We do not have babysitters on staff. If you take care of your own children you will likely be distracted and would not be able to follow along, and your planning will be less effective. We suggest you arrange for babysitting.

This is true even if the appointment is by phone or video conference; you want to keep distractions at a minimum given the seriousness of the subject at hand.

4. How long does an interview take?

Block out at least three hours for an interview, that's probably about average. **The shortest interview may be 90 minutes and the longest over five hours.**

5. What do I need to bring?

Our office will obtain personal information from you over the phone in advance of the appointment. If you already have a trust, please bring a copy with you or send it by email if this is a remote appointment. You may also bring, but are not required to bring, tax returns, bank statements, the deed to your home, agreements concerning any business entities you may have or any other documents you feel need to look at. We may ask you for these documents at the appointment once we have established a relationship. As noted above, you will need to bring your checkbook or a credit card with you.

6. Is the process any different for families outside California?

States differ in how property is held and in the way property is distributed. In all states however, it is possible for families to plan consistent with the Islamic Rules of Inheritance. In order to provide the best possible service, we may collaborate with Attorneys for the purpose of obtaining local assistance with counseling, drafting and filing documents. While our office is in Orange County, California, we have long worked to establish a process that does not rely on our clients actually visiting our office.