



# Jame Abu Bakr Siddique

## Scarborough Muslim Association

2665 Lawrence Avenue East, Toronto, ON, Canada – M1P 2S2  
Tel: 416-750-2253 Fax: 416-750-1616 www.smacanada.ca E-mail: info@smacanada.ca

### Guide for Completing Your Will

As Salaamu Alaykum,

This document will help you understand and complete our Islamic Will Kit. **These two pages are not part of your will and are meant to stand-alone.** You will need two witnesses in order to complete your will. You and your witnesses must initial the bottom of each page of the will. The witnesses cannot be people who will receive anything in your will or be married to someone who will receive anything in your will. We also recommend that you print and sign multiple original copies in case the first copy gets lost.

- 1) **Disclaimer – Page 2:** this section confirms that the Scarborough Muslim Association (“SMA”) will not be responsible for administering your will, nor do they carry any legal responsibility in relation to the use of the Islamic Will kit. You and your witnesses only need to initial the bottom of this page.
- 2) **Overview – Page 3 & 4:** this section summarizes the legal requirements for the will to be valid. You and your witnesses only need to initial the bottom of these pages.
- 3) **Preamble – Page 6:** this section confirms that you are a Muslim. You must write your full legal name in the blank space provided. You and your witnesses must then initial the bottom of this page.
- 4) **Funeral/Burial Arrangements – Pages 7 & 8:** in point ‘A’, you must select two people responsible for your burial arrangements. You and your witnesses must then initial the bottom of these pages.
- 5) **Article 1 – Pages 9 & 10:** you must write your full legal name and current address. You must then list the name(s) and address(es) of your immediate family in the chart provided, along with their relationship to you and their date of birth(s). You may include more family members on a separate page if required. You and your witnesses must then initial the bottom of these pages and each additional page if needed.
- 6) **Article 2 – Page 11:** you must write the name(s) of the person(s) who will handle your affairs after your death. This is a voluntary position and should be given to those who are reliable and trustworthy. These person(s) can be someone who will receive something under the will. You and your witnesses must then initial the bottom of the page.
- 7) **Article 3 – Page 12:** you must select the person(s) who will take care of your children (if any) after you pass away. We have given preference to your spouse – write their full name in the blank space. It is recommended that you select two other individuals in case your spouse is unable or unwilling to provide care. List the names of these individuals in the other blanks. You and your witnesses must then initial the bottom of this page.
- 8) **Article 4 – Page 13:** this section sets out the three categories through which your wealth must be distributed based on Shariah (Islamic law). These categories are listed in order of priority. Specifically, your debts and expenses take the highest priority after you pass away and must be paid off first. You and your witnesses must initial the bottom of this page.



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- 9) **Article 5 – Pages 14 & 15:** once your debts and expenses are paid, you may then choose how to distribute 33.33% (one third) of your remaining wealth. This is the only portion where you may choose what to do with your wealth as long as it is lawful. (E.g. gifts to friends/neighbours or donations to charity (i.e. *sadaqah jaariya*)).

We have divided *Article 5* into two categories: the first category is for missed Islamic obligations. You may edit this section by crossing out any/all sentences and initialling your name(s) if you wish.

The second category is for gifts. You may complete the chart on Page 14 and provide both the cash amount and percentage of the 33.33% you wish to give to the named person/organization.

**For example:**

Name of Person(s)/Organization(s)	Cash Amount or Item(s), its description, and value	Percentage of the Remaining 33.33%
<i>*The testator's heirs may NOT be included here.</i>	<i>(please complete both columns)</i>	<i>(please complete both columns)</i>
Scarborough Muslim Association	\$1000 cash	5%
Zaid Muhammad (neighbor)	\$500 cash	2.5%

Any of your heirs who will receive a share under Article 6 cannot receive anything from this section; they will receive only the share which Allah has ordained for them. For example, you cannot include your children in this section as they are guaranteed to receive a share under *Article 6*. You and your witnesses must then initial the bottom of these pages.

- 10) **Article 6 – Page 16:** the wealth that is leftover after paying your expenses/debts and after giving the gifts you mention under *Article 5* will then be given to your family members based on Shariah (Islamic law). Full details of how your wealth will be distributed can be found in *Appendix A*. While *Appendix A* may seem complicated, all you and your witnesses need to do at this stage is to initial the bottom of this page.
- 11) **Article 7 – Page 16:** this section ensures that the appendices and schedules are included as part of your will.
- 12) **Signatures – Page 17:** you must write your full legal name, then sign and date in the appropriate blank spaces. Both witnesses must also do the same. You all must then initial the bottom of this page.
- 13) **Appendix A – Pages 18 to 25:** these are the rules of estate distribution to your heirs based on Shariah (Islamic law). You and your witnesses only need to initial the bottom of these pages.
- 14) **Appendix B – Pages 26 & 27:** these allow you to keep track of your finances. It is optional and is meant to guide the person who will handle your affairs. You and your witnesses must initial the bottom of this page.
- 15) **Appendix C – Page 28 to 32:** this section provides standard legal definitions and details. You and your witnesses only need to initial the bottom of these pages.

Once each page has been completed, initialed, and page 16 has been signed by you and both witnesses, you have created a valid will. Notarization is not required for the original copy of your will to be valid.



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# ISLAMIC WILL KIT (ONTARIO)

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Per Abdullah ibn Umar (R.A.), the Messenger of Allah, peace be upon him, said: **“It is not befitting for a Muslim, who has something to make a Will of, to remain for two nights without having one’s last Will and testament written and kept ready with one.”**

(The book of Sahih Bukhari, Chapter 53, Hadith 1)



Reviewed by Mufti Abdullah Mangera and Aamir Talati, B.A. (Hons), J.D.  
in collaboration with the Scarborough Muslim Association on March 28, 2021.

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Testator:

Witness 1:

Witness 2:

## SMA DISCLAIMER

This template has been prepared at the request of the Scarborough Muslim Association (“SMA”) through consultation with lawyers, religious scholars, and the review of several similar documents from other law firms and major Islamic centers. This document is to be used as a reference and template only. An individual should obtain legal advice tailored to their specific estate planning goals, the tax and other attributes of their assets, and other laws relevant to their circumstances such as Ontario family law, corporate law or real estate law.

The authors and SMA do not assume any legal responsibility and do not carry any liability in relation to this document. Furthermore, being a religious organization with various stakeholders, the SMA cannot be named as the “executor”, “trustee”, “estate trustee”, “administrator”, “personal representative”, or “guardian” in any will and will not accept such delegation or any similar delegation. The SMA will not appoint an executor/trustee if the testator fails to do so.

All mature Muslims are obligated to prepare, update, and secure their wills. Consultation with qualified Islamic scholars and obtaining independent legal advice to review, customize, and administer this document is strongly recommended.

This document, both in paper and electronic formats, may be shared, copied, downloaded, and printed **only** to be used for its intended purpose. Commercial use, all or in part, is strictly prohibited.

*Testator:*

*Witness 1:*

*Witness 2:*

## OVERVIEW

1. Independent legal consultation and formalization is strongly recommended to ensure compliance with Ontario law, all other relevant laws, and informed estate planning such that the testator's intent is being realized in a lawful manner;
2. The "testator" is the person making the will, whose estate will be divided according to Islamic and Canadian law following his/her death;
3. The "executor" is the person who will have the power to administer the will and distribute the testator's money and property after the testator's death.
4. The "estate" is all the money and property the testator owns at the time of their passing.
5. The provisions of this document are of a **general nature only** and are not tailored to any one individual's specific circumstances. One should seek legal advice to ensure that this Will considers the testator's individual circumstances, including, but not limited to:
  - the testator's outstanding liabilities and contractual obligations upon death;
  - opportunities for the deferral, minimization or elimination of taxation, including income tax, land transfer tax and probate tax;
  - assets with special treatment upon death including Registered Retirement Savings Plans, Registered Retirement Income Funds, and Tax-Free Savings Accounts;
  - any relevant Ontario family law circumstances;
  - the use of trusts;

*Testator:*

*Witness 1:*

*Witness 2:*

- planning tools to accommodate beneficiaries with disabilities or other special needs; and
  - planning tools with respect to the effective management of any sole proprietorship, limited partnership or corporation upon death.
6. The testator and each of the two witnesses **must** physically sign the last page of this Will. In addition, each page of this Will, as well as any Appendices or Schedules to this Will, should be initialed by the testator and each of the two witnesses. The signatures, and all initials, must be made by the testator and the two witnesses in the presence of each other, at the same time and in the same place;
  7. The two witnesses to this will must not be any person, or spouse of a person, who is a beneficiary of this will;
  8. An Affidavit of Execution should be created from both witnesses at the time the will is signed, or soon after. This affidavit will protect the will in case the witnesses are deceased or cannot be found;
  9. The executors of the estate may be relatives who may inherit from the will (i.e. beneficiaries), or any other reliable and trustworthy Muslims;
  10. Under Ontario law, the testator cannot legally compel the executor to conduct their funeral/burial a certain way through a will. **The best way to ensure an Islamic burial is for the testator to make it known to every family member or friend who may be called upon to look after the funeral/burial arrangements;**

*Testator:*

*Witness 1:*

*Witness 2:*

11. The executors must make an inventory of all of the testator's movable and immovable assets, being property of the testator's estate, upon the testator's death. To assist the executors, the testator should list the details of any such assets they own in Appendix B;
12. If required, additional pages may be added to this document, labelled as 'Appendix \_\_\_\_'. These pages should be numbered and should be initialed by the testator and witnesses accordingly;
13. This document is only meant to be a reference and template. As outlined in the Disclaimer above, Islamic scholars or qualified Imams and independent legal counsel licensed to practice law in Ontario should be consulted to ensure this Will's compliance with Islamic and secular laws, respectively; and
14. If, at the time of death, the original Will cannot be found, the law may presume that the person destroyed their Will. To mitigate this risk, **the original will should be kept in a safe place**. One should also have notarial copies of the Will made after it is signed.

*Testator:*

*Witness 1:*

*Witness 2:*

## PREAMBLE

In the name of Allah, the Most Beneficent, the Most Merciful;

I, \_\_\_\_\_, as a Sunni Muslim, bear witness  
(*name of testator*)

that there is no deity but Allah, the One, the Merciful, the Almighty Creator of the heavens and the earth and all therein. He is One God and He has no partner. I further bear witness that the Prophet Muhammad is His servant, His Messenger and the last of the Prophets, mercy and peace upon him.

I ask all my relatives, friends, and all others, whether they share my beliefs or not, to honor my constitutional right to these beliefs.

I urge every member of my family to be righteous, obedient to Allah, his Messenger, and to live and die as Muslims.

My Executors and Trustees shall carry out the provisions of this document, implement its directives and preserve its content.

*Testator:*

*Witness 1:*

*Witness 2:*

## FUNERAL AND BURIAL RITES

*Commentary: By Ontario law, a person cannot legally compel the executor to conduct their funeral/burial in a particular manner through a will. The best way is to make your wishes known to every family member or friend who may be called on to look after the funeral/burial arrangements. The purpose of this section is to record your funeral preferences.*

I ordain that no autopsy or embalming be done on my body, and that my body be washed and enshrouded in the prescribed Islamic manner without unjustified delay. I ordain that *salatul-janazah* (funeral prayer) be conducted by the presiding Imam, or his designate. I ordain that my burial be conducted without delay. Furthermore:

A. I hereby nominate and appoint \_\_\_\_\_

residing at \_\_\_\_\_

to execute these and other necessary provisions for my Islamic funeral and burial. **This is NOT a nomination as the executor/trustee of this will.** If the above-named person shall be unwilling or unable to execute, then I

nominate and appoint \_\_\_\_\_

residing at \_\_\_\_\_. If

this person is unwilling or unable to execute, then I nominate and appoint the Scarborough Muslim Association to execute these provisions of funeral and burial. If this is not feasible or practical, then I nominate and appoint the nearest registered Sunni Muslim Organization to execute these provisions;

Testator:

Witness 1:

Witness 2:

- B. I ordain that my body be prepared for burial by Sunni Muslims according to the principles and practices of Sunni Islamic Law, in an expedited manner;
- C. I ordain that absolutely no non-Islamic religious service or observance shall be conducted upon my death, or to my body;
- D. I ordain that my body shall not be transported over any unreasonable distance from the locality of my death, unless long distance transportation is required to reach the nearest Muslim cemetery;
- E. I ordain that my grave be dug in accordance to the specifications of Islamic practice; that it faces northeast or as close to the direction of the Qiblah (the orientation of Muslims during their prayers), if possible;
- F. I ordain that my body be buried without casket or any other encasement that separates my enshrouded body from the surrounding soil. If local laws require casket encasement, then I ordain that such encasement be simple, with minimal cost; and
- G. I ordain that my grave be leveled with the ground or slightly mounded with no monuments of any kind. If necessary, a marker may be placed to indicate the presence of a grave. This marker should not have any Quranic verses or any names or words that may be dishonored such as names of the divine, prophets, etc. This is to prevent any potential desecration to the marker (e.g. people walking over grave markers).

*Testator:*

*Witness 1:*

*Witness 2:*

## MY LAST WILL & TESTAMENT

**Article 1: IDENTITY OF TESTATOR AND HEIRS**

I, \_\_\_\_\_, presently

residing at \_\_\_\_\_, being of

sound mind and memory, do hereby revoke any and all former wills, codicils and testamentary dispositions of every nature and kind by me at any time heretofore made by me, and do make, ordain, publish, and declare this my last Will and Testament.

At the time of the execution of this Will, my immediate family consists of:

Name & Address	Relationship	Date of Birth

*Testator:*

*Witness 1:*

*Witness 2:*


*Note: If required, you may replicate this page to add more immediate family members as a separate Appendix.*

Testator:

Witness 1:

Witness 2:

**Article 2: EXECUTOR**

I hereby nominate and appoint \_\_\_\_\_

residing at \_\_\_\_\_

to be the Executor of this, my Last Will and Testament and Trustee of my estate.

If this person is unwilling or unable to act as Executor and Trustee, then I

nominate and appoint \_\_\_\_\_

residing at \_\_\_\_\_

to be such Executor.

The expression "my executors" or "my Trustees" throughout this my Will shall mean my Executor(s) and Trustee(s), or any one of them. I give my executor(s), herein named, the power to settle any claim for or against my estate and power to sell any property, real, personal, or mixed, in which I have an interest, without court order and without bond. Furthermore, I give my executor(s) the authority to distribute the estate *in specie* (i.e. the ability to divide assets between the beneficiaries without first converting them to cash). Furthermore, I direct that no bond or surety for any bond be required for my executor(s) in the performance of his/her duties.

Testator:

Witness 1:

Witness 2:

**Article 3: CUSTODY OF MINOR CHILDREN AND GUARDIANSHIP**

If any of my children are minors at the time of my death, I nominate and appoint my husband/wife, \_\_\_\_\_ to obtain custody and be the guardian of property of my minor children, provided that they are a Muslim.

If he/she is unable or unwilling to serve as personal guardian, then I nominate and appoint \_\_\_\_\_ to obtain custody and be the guardian of property my minor children. If he/she is unable or unwilling to serve as a guardian, then I nominate and appoint \_\_\_\_\_, to obtain custody and be the be the guardian of property of my minor children.

In all cases, I wish that all my minor children be raised in accordance with Islamic teachings and values, as I deem these to be the most appropriate to guide them. I direct that no bond be required of any personal guardian.

Upon my minor children attaining the age of 18, the executor(s) shall transfer any property that is vested to them in this will to my children outright.

Testator:

Witness 1:

Witness 2:

***Article 4: ALLOCATION OF ESTATE (IN PRIORITY)***

1. I direct that my executor(s) first apply the assets of my estate to the payment of expenses associated with my burial, to my medical expenses, to the repayment of my debts, outstanding dowry, and to the legal and administrative expenses (including applicable taxes) which are associated with my estate;
  
2. I direct that my executor(s) then pay my outstanding Islamic obligations, as well as the contributions and gifts outlined in *Article 5*, from 33.33% (One Third) of the residue of my estate [*Wasiyyah* (bequest)]; and
  
3. I then direct that my executor(s) allocate and distribute the remainder of my estate to my legitimate Muslim heirs, as outlined in *Article 6*, [*Mawarith* (inheritance)].

*Testator:*

*Witness 1:*

*Witness 2:*

**Article 5: OUTSTANDING ISLAMIC OBLIGATIONS AND GIFTS**

After fulfilling my expenses and obligations mentioned in *Article 4, Point 1*, I direct that my executor(s) set aside a maximum of 33.33% (One Third) of the residue of my estate and distribute it as described below.

*Commentary: under Islamic law, this is the only section where you have discretion to distribute your estate. After discharging your expenses and debts, you may distribute 33.33% of your remaining wealth in any lawful way you wish. The only exception is gifting to your heirs who will also receive a share under Article 6 – your heirs cannot receive anything under this Article 5. So, while you may list family members in the chart below, only those who qualify will be eligible to receive their gifts. There is no requirement for you to distribute the full 33.33%. Anything not assigned within the 33.33% will be distributed to your family as per Article 6.*

1. **Outstanding Islamic Obligations:** I direct my executor(s) to first pay any outstanding Islamic obligations which are binding on me, such as:
  - a) unpaid religious financial obligations (*Zakaat*);
  - b) unperformed mandatory pilgrimage (*Hajj*);
  - c) missed obligatory fasts (*Fidyah*); or
  - d) missed obligatory prayers.

The amount and method of execution of these Islamic obligations should be determined in consultation with a local Islamic authority.

*Note:* if the 33.33% (One Third) allocated for this *Article 5* is not enough to cover the missed obligations listed above, I request that the outstanding amount be covered by my heirs, at their discretion.

Testator:

Witness 1:

Witness 2:

2. **Gifts:** After discharging my outstanding Islamic obligations (if applicable), I direct my executor(s) to pay, from what remains of the 33.33% allocated for this *Article 5*, the following gifts or transfers to the persons or organizations named below. These persons or organizations will receive the lowest of either:

1. The cash amount or item value specified below; or
2. The percentage specified below.

<b>Name of Person(s)/Organization(s)</b> <i>*The testator's heirs may NOT be included here.</i>	<b>Cash Amount or Item(s), its description, and value</b> <i>(please complete both columns)</i>	<b>Percentage of the Remaining 33.33%</b> <i>(please complete both columns)</i>

The contributions, gifts, and transfers listed above are only valid if the recipient person is alive or if the recipient organization is still operating. If the person is not alive, or the organization is no longer in operation, then the gift will stay in my estate.

The only exception is for charitable organizations. If the charity is no longer in existence at the time of distributing this will, the executor(s) must gift the amount to a charity that, in their absolute discretion, is most like the originally stated charity.

Any funds left over from the 33.33% allocated for this *Article 5* will be bequeathed to my heirs in accordance with *Article 6*.

Testator:

Witness 1:

Witness 2:

**Article 6: DISTRIBUTION OF RESIDUE OF ESTATE TO MUSLIM HEIRS**

I direct that all of the remainder of my estate – after making provision for payment of my expenses and obligations (*Article 4*); and gifts (*Article 5*) – be distributed according to *Appendix A* only to my Muslim heirs whose relation to me, whether ascending or descending, has occurred through a valid Islamic marriage.

The distribution of the remainder of my estate shall be made strictly in accordance with Islamic jurisprudence relating to inheritance, as outlined in detail in the various Schedules under *Appendix A*. I direct that all interpretations of *Appendix A* shall be decided by my executor(s) in their absolute discretion; although it is my wish and desire, without imposing any legal obligation on them to do so, that my executor(s) consult with an Islamic authority for all such interpretations.

I acknowledge that situations not contemplated by *Appendix A* may arise. Notwithstanding any other provision of this Will, should such situations occur, I direct my executor(s) to obtain a valid Islamic ruling, preferably from an Islamic authority, in writing and distribute my estate in accordance with that ruling.

**Article 7: INCORPORATION**

For greater certainty, the following appendices and schedules are incorporated into, and form part of, this Will:

- *Appendix A*: Distribution of the Estate in Accordance with the Islamic Laws of Inheritance (including Schedule 1, 2, 3, 4, 5);
- *Appendix B*: Testator's Financial Details; and
- *Appendix C*: Additional Clauses.

*Note: If you include other Appendices or Schedules, you must list them here.*

Testator:

Witness 1:

Witness 2:

## SIGNATURES & ATTESTATION

Signed, Published, and Declared by the Testator, as his/her last Will and Testament, in the presence of us, both present at the same time, who at his/her request, in his/her presence have subscribed our names below as witnesses:

**Name of Testator:** \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Name of 1<sup>st</sup> Witness:** \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

**Name of 2<sup>nd</sup> Witness:** \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

*Testator:*

*Witness 1:*

*Witness 2:*

## *Appendix A: Distribution of the Estate in Accordance with the Islamic Law*

### **Schedule 1: If the Testator has one or more surviving sons, with zero or more surviving daughters and:**

Surviving Heirs	Distribution of the Remainder of My Estate
<b>1a.</b> No other relatives survive	My children will receive the residue of my estate, such that the son(s), will receive twice the share of a daughter(s).  Each son will receive an equal amount relative to all other sons, while each daughter will receive an equal amount relative to all other daughters.
<b>1b.</b> Wife also survives	1/8 to wife; the remainder as in 1a.
<b>1c.</b> Husband also survives	1/4 to husband; the remainder as in 1a.
<b>1d.</b> Both Father and Mother also survive	1/6 to father; 1/6 to mother; the remainder as in 1a.
<b>1e.</b> Only Father or Mother also survive	1/6 to the surviving parent, the remainder as in 1a.
<b>1f.</b> Any Possible combination of 1b., 1c., 1d., and 1e.	Spouse and parents each receive the shares mentioned above, and the remainder is distributed as in 1a.
<b>1g.</b> Paternal grandfather also survives; no surviving parents, no other surviving grandparents	1/6 to paternal grandfather; the remainder as in 1a.
<b>1h.</b> Paternal grandfather also survives; paternal grandmother or maternal grandmother also survives; and no surviving parents.	1/6 to paternal grandfather; 1/6 to either paternal grandmother or maternal grandmother; the remainder as in 1a.
<b>1i.</b> 1g. or 1h., and a surviving wife	4/24 to paternal grandmother or maternal grandmother (if she exists); 4/24 to paternal grandfather; 3/24 to wife; the remainder as in 1a.
<b>1j.</b> 1g. or 1h. and a surviving husband	4/24 to paternal grandmother or maternal grandmother (if she exists); 4/24 to paternal grandfather; 6/24 to husband; the remainder as in 1a.
<b>1k.</b> Paternal grandfather also survives; mother also survives	1/6 to mother; 1/6 to paternal grandfather; the remainder as in 1a.
<b>1l.</b> 1k., and a surviving wife	4/24 to mother; 4/24 to paternal grandfather; 3/24 to wife; and the remainder as in 1a.
<b>1m.</b> 1k., and a surviving husband	4/24 to mother; 4/24 to paternal grandfather; 6/24 to husband; and the remainder as in 1a.
<b>1n.</b> Father and maternal grandmother also survive	1/6 to father; 1/6 to maternal grandmother; and the remainder as in 1a.
<b>1o.</b> 1n., and a surviving wife	4/24 to father; 4/24 to maternal grandmother; 3/24 to wife; and the remainder as in 1a.
<b>1p.</b> 1n., and a surviving husband	4/24 to father; 2/24 to mother of mother; 6/24 to husband; and the remainder as in 1a.
<b>1q.</b> Either grandmother also survives, no parents, and no paternal grandfather.	1/6 to the grandmother, respectively; and the remainder as in 1a.
<b>1r.</b> 1q., and a surviving wife	4/24 to the grandmother, respectively; 3/24 to wife; and the remainder as in 1a.

*Testator:*

*Witness 1:*

*Witness 2:*

<p><b>1s.</b> 1q., and a surviving husband</p>	<p>4/24 to the grandmother, respectively; 6/24 to husband; and the remainder as in 1a.</p>
<p><b>1t.</b> 1h., 1n., or 1q. but instead of one paternal or maternal grandmother, both grandmothers also survive.</p> <p><i>*If no grandmothers survive, but one or more great grandmothers survive, the executor is encouraged to obtain an opinion from an Islamic legal authority.</i></p>	<p>The grandmothers will equally share 1/6; the father or paternal grandfather will receive 1/6; and the remainder as in 1a.</p>
<p><b>1u.</b> 1t., and a surviving husband or wife</p>	<p>The grandmothers will equally share 4/24; father or grandfather will receive 4/24; husband 6/24, or if the wife survives 4/24; and the remainder as in 1a.</p>

NOTE: In each of 1a. through 1u., the executor must disregard all other relatives not mentioned in the relevant sub cases.

**Schedule 2: If the testator has one or more surviving daughters, but no surviving sons and:**

Surviving Heirs	Distribution of the Remainder of My Estate
<p><b>2a.</b> No other surviving relatives</p>	<p>If there is only one surviving daughter, then she receives the remainder.</p> <p>If there is more than one surviving daughter, then the daughters equally share the remainder.</p>
<p><b>2b.</b> Wife also survives</p>	<p>1/8 to wife; and the remainder as in 2a.</p>
<p><b>2c.</b> Husband also survives</p>	<p>1/4 to husband; and the remainder as in 2a.</p>
<p><b>2d.</b> Father also survives</p>	<p>1/2 to the one daughter; and 1/2 to father.</p> <p>If there is more than one daughter, then they each share 2/3 of the residue equally; 1/3 to father.</p>
<p><b>2e.</b> Mother also survives</p>	<p>1/4 to mother; and 3/4 to daughter.</p> <p>If more than one daughter, then they each share 4/5 of the residue equally; 1/5 to mother.</p>
<p><b>2f.</b> Both parents also survive</p>	<p>1/6 to mother; 2/6 to father; and 3/6 to daughter.</p> <p>If more than one daughter survives, then they each share 4/6 of the residue equally; 1/6 to mother; 1/6 to father.</p>
<p><b>2g.</b> Wife and father also survive</p>	<p>1/8 to wife; 4/8 to daughter; and 3/8 to father.</p> <p>If more than one daughter survives, then they each share 16/24 of the residue equally; 3/24 to wife; 5/24 to father.</p>
<p><b>2h.</b> Wife and mother also survive</p>	<p>4/32 to wife; 7/32 to mother; and 21/32 to daughter.</p> <p>If more than one daughter survives, then they each share 28/40 of the residue, divided amongst them equally; 5/40 to wife; and 7/40 to mother.</p>

Testator:

Witness 1:

Witness 2:

<p><b>2i.</b> Wife and both parents also survive</p>	<p>3/24 to wife; 4/24 to mother; 5/24 to father; and 12/24 to daughter.</p> <p>If more than one daughter survives, then they each share 16/27 of the residue, divided amongst them equally; 3/27 to wife; 4/27 to mother; and 4/27 to father.</p>
<p><b>2j.</b> Husband and father also survive</p>	<p>1/4 to husband; 1/4 to father; and 2/4 to daughter.</p> <p>If more than one daughter survives, then they each share 8/13 of the residue, divided amongst them equally; 3/13 to husband; and 2/13 to father.</p>
<p><b>2k.</b> Husband and mother also survive</p>	<p>4/16 to husband; 3/16 to mother; and 9/16 to daughter.</p> <p>If more than one daughter survives, then they each share 8/13 of the residue, divided amongst them equally; 3/13 to husband; and 2/13 to mother.</p>
<p><b>2l.</b> Husband and both parents also survive</p>	<p>3/13 to husband; 2/13 to father; 2/13 to mother; and 6/13 to daughter.</p> <p>If more than one daughter survives, then they each share 8/15 of the residue, divided amongst them equally; 3/15 to husband; 2/15 to father; and 2/15 to mother.</p>
<p><b>2m.</b> Paternal grandfather also survives</p>	<p>1/2 to paternal grandfather; 1/2 to daughter.</p> <p>If more than one daughter survives, then they each share and 1/3 to paternal grandfather; and 2/3 of the residue, divided amongst them equally;.</p>
<p><b>2n.</b> 2m., wife also survives</p>	<p>As in 2g., but paternal grandfather in place of father.</p>
<p><b>2o.</b> 2m., husband also survives</p>	<p>As in 2j., but paternal grandfather in place of father.</p>
<p><b>2p.</b> 2m., with or without mother, but either grandmother also survives</p>	<p>As in 2f., but paternal grandfather in place of father and; in the absence of the mother, the grandmother would take the place of mother.</p>
<p><b>2q.</b> 2p., wife also survives</p>	<p>As in 2i., but paternal grandfather in place of father and; in the absence of the mother, the grandmother would take the place of mother.</p>
<p><b>2r.</b> 2p., husband also survives</p>	<p>As in 2l. but paternal grandfather in place of father and; in the absence of the mother, the grandmother would take the place of mother.</p>
<p><b>2s.</b> 2p., 2q., and 2r., but both grandmothers take the place of the mother.</p> <p><i>*If no grandmothers survive, but one or more great grandmothers survive, the executor is encouraged to obtain an opinion from an Islamic legal authority.</i></p>	<p>The two grandmothers share equally what is assigned to the mother or one grandmother in cases 2p., 2q., and 2r.; the rest as in 2p., 2q., and 2r. respectively.</p>
<p><b>2t.</b> son of the son also survives</p>	<p>1/2 to daughter; 1/2 to son of son.</p> <p>If more than one son of son survives, then 2/3 will be distributed to</p>

Testator:

Witness 1:

Witness 2:

	daughters equally; and 1/3 to sons of the son equally.
<b>2u.</b> more than one son of son(s) survive and any number of daughters of son(s) also survive	As in 2t., but the share of son of son is divided among son of son(s) and daughters of son(s) according to rules stated in 1a.
<b>2v.</b> 2t. or 2u. and the wife or husband also survives	4/8 to daughter; 1/8 to wife; or 2/8 to husband; the remainder to their children of son(s) as in 2.t or 2u.  If more than one daughter survives, then they each share 16/24 of the residue, divided amongst them equally; 6/24 to husband or 3/24 to wife; the rest to children of the son(s) as in 2t. or 2u.
<b>2w.</b> 2v. and both parents also survive	If the wife survives with one surviving daughter: 12/24 to daughter, 3/24 to wife, 4/24 to mother, 4/24 to the father, and 1/24 to grandchildren as determined in 2t and 2u.  If the husband survives with one surviving daughter: 6/13 to daughter, 3/13 to husband, 2/13 to father, 2/13 to mother, and the grandchildren do not inherit under <i>Article 6</i> .  If the wife survives with multiple surviving daughters: 16/27 to daughters equally, 3/27 to wife, 4/27 to mother, 4/27 to father, and the grandchildren do not inherit under <i>Article 6</i> .  If the husband survives with multiple surviving daughters: 8/15 to daughters, 3/15 to husband and 2/15 to mother, 2/15 to father, and the grandchildren do not inherit under <i>Article 6</i> .
<b>2x.</b> 2v. and one surviving parent	If the wife survives with one surviving daughter: 12/24 to daughter, 3/24 to wife, 4/24 to parent, and 5/24 to children of son(s) as in 2t and 2u;  If the husband survives with one surviving daughter: 6/12 to daughter, 3/12 to husband, 2/12 to parent, and 4/12 to children of son(s) as in 2t and 2u.  If the wife survives with multiple surviving daughters: each daughter shares 16/24 of the residue, divided amongst them equally; 3/24 to wife, 1/6 to parent and 1/24 to children of son(s) as in 2t. and 2u.  If the husband survives with multiple surviving daughters: 8/13 to daughters equally; 2/13 to parent; and 3/13 to husband.
<b>2y.</b> 2v. and paternal grandfather and mother survive; or paternal grandfather and grandmother(s) on either side survive	As in (2w.) but replace paternal grandfather with the father and grandmother(s) with the mother, as required. The grandmother's share is divided equally between them.
<b>2z.</b> Daughters of son(s) also survive and no sons of sons	3/4 to daughter; 1/4 to daughter(s) of son(s), equally between them.  If more than one daughter survives, then the residue goes to the daughters; the daughter(s) of son(s) do not inherit under <i>Article 7</i> .

Testator:

Witness 1:

Witness 2:

<p><b>2aa.</b> only sister(s) of same parents also survive; or only brother(s) of the same two parents survive (no sisters)</p>	<p>1/2 to the daughter; 1/2 to sister or brother. If there are more than one sister or brother, the residue will be distributed equally among all sisters or brothers.</p> <p>If more than one daughter survives, then they each share 2/3 of the residue, divided amongst them equally; 1/3 to sister or brother, or equally among sisters or brothers.</p>
<p><b>2bb.</b> Sister(s) and brother(s) of the same two parents also survive</p>	<p>1/2 to daughter; 1/2 to sister(s) and brother(s), on the basis of one share to female and two shares to male.</p> <p>If more than one daughter survives, then they each share 2/3 of the residue, divided amongst them equally; 1/3 to sister(s) and brother(s), on the basis of one share to female and two shares to male.</p>
<p><b>2cc.</b> 2aa. or 2bb. and the wife or husband also survive</p>	<p>If the wife survives: 4/8 to daughter; 1/8 to wife; and 3/8 to sister(s) and/or brother(s) as in 2aa. and 2bb., respectively.</p> <p>If the wife survives with more than one daughter, then the daughters each share 16/24 of the residue, divided amongst them equally; 3/24 to wife; and 5/24 to the sister(s) and/or brother(s) as in 2aa. or 2bb., respectively.</p> <p>If the husband survives 2/4 to daughter; 1/4 to husband; 1/4 to sister(s) and/or brother(s) as in 2aa. or 2bb., respectively.</p> <p>If the husband survives with more than one daughter, then the daughters each share 8/12 of the residue, divided amongst them equally; 3/12 to husband; and 1/12 to the sister(s) and/or brother(s) as in 2aa. or 2bb., respectively.</p>
<p><b>2dd.</b> Uncle(s) from same parents as the father also survive</p>	<p>1/2 to the daughter and the remainder to the uncle, or uncles, equally between them.</p> <p>If more than one daughter survives, then they each share 2/3 of the residue, divided amongst them equally; and the rest to uncle, or uncles, equally between them.</p>
<p><b>2ee.</b> One grandmother (from either side) or both grandmothers also survive</p>	<p>3/4 to the daughter and 1/4 to grandmother or grandmothers, divided equally between them.</p> <p>If more than one daughter survives, then they each share 4/5 of the residue, divided amongst them equally; and 1/5 to grandmother(s), divided amongst them equally.</p>

Testator:

Witness 1:

Witness 2:

**Schedule 3: If the testator only has grandchildren**

If the testator has no surviving heirs except their grandchildren, and the testator has had one son or more, then only the children of the testator’s son(s) will be eligible to inherit pursuant to *Article 6*. The executor is to apply Schedule 1 and Schedule 2 wherein the children of the testator’s son(s) will take the place of the testator’s sons or daughters, respectively. None of the children of the testator’s daughter(s) will be eligible to inherit pursuant to *Article 6*.

**Schedule 4: If the parent(s) survive, the testator did not have children, and:**

Surviving Heirs	Distribution of the Remainder of My Estate
4a. Father survives; or father and brother(s) and/or sister(s) also survive	the residue to father; the brother(s) and sister(s) do not inherit under <i>Article 6</i> .
4b. Father and wife or husband also survive	1/4 to wife, or 1/2 to husband; and the remainder to father.
4c. Father and mother also survive	1/3 to mother; and the remainder to father.
4d. 4c. and husband or wife also survive	If the husband survives, 3/6 to husband; 1/6 to mother; the remainder to father.  If the wife survives, 3/12 to wife; 2/12 to mother; the remainder to father.
4e. Both parents, wife or husband, and brother(s) and/or sister(s) also survive	If the husband survives, 1/6 to the mother; 3/6 to the husband; the remainder to the father. Any brother(s)/sister(s) will not inherit under <i>Article 6</i> .  If the wife survives, 3/12 to wife; 2/12 to mother; the remainder to father. Any brother(s)/sister(s) will not inherit under <i>Article 6</i> .
4f. Only the Mother survives	The mother takes the residue.
4g. Mother and husband or wife also survive	1/4 to wife, or 1/2 to husband; and the remainder to mother.
4h. Mother and one brother or one sister of the same two parents also survive; or  Mother <b>and</b> one half-brother or one half-sister from the father's side also survive.	If the brother survives, 1/3 to mother; remainder to brother.  If the sister survives, 2/5 to mother; remainder to sister.
4i. 4h. and husband or wife also survive	If only brother and husband survive: 2/6 to mother; 3/6 to husband; the remainder to brother.  If only brother and wife survive: 4/12 to mother; 3/12 to wife; the remainder to brother.  If only sister and husband survive: 2/8 to mother; 3/8 to husband; and 3/8 to sister.  If only sister and wife survive: 4/13 to mother; 3/13 to wife; and 6/13 to sister.
4j. Mother also survives, along with at least two surviving brothers or a surviving brother(s) and	1/6 to mother; the remainder to the brothers, or brother(s) and sister(s), according to the rules in 1a.

*Testator:*

*Witness 1:*

*Witness 2:*

<p>sister(s).*</p> <p><i>*Half-siblings from the mother's side are not contemplated in this section.</i></p>	
<p><b>4k.</b> 4j. and surviving husband or wife</p>	<p>If the wife survives: 4/24 to mother; 6/24 to wife; and the remainder to brothers, or brother(s) and sister(s), as in rules 1a.</p> <p>If the husband survives: 1/6 to mother; 3/6 to husband; and the remainder to brothers, or brother(s) and sister(s), as in rules 1a.</p>
<p><b>4l.</b> Surviving mother with two or more surviving sisters of the same two parents or on father's side</p>	<p>1/5 to mother; and 4/5 to sisters, equally between them.</p>
<p><b>4m.</b> 4l. and a surviving husband or wife</p>	<p>If the wife survives: 3/13 to wife; 2/13 to mother; and 8/13 to sisters, equally between them.</p> <p>If the husband survives: 3/8 to husband; 1/8 to mother; and 4/8 to sisters, equally between them.</p>
<p><b>4n.</b> Mother also survives with one surviving half-brother on mother's side or one surviving half-sister on mother's side.</p>	<p>2/3 to mother; and 1/3 to half-brother or half-sister.</p>
<p><b>4o.</b> 4n. and surviving husband or wife</p>	<p>If the wife survives: 1/4 to wife; 2/4 to mother; and 1/4 to half-brother or half-sister.</p> <p>If the husband survives: 3/6 to husband; 2/6 to mother; and 1/6 to half-brother or half-sister.</p>
<p><b>4p.</b> Mother also survives with more than one surviving half-brother and/or half-sister on mother's side</p>	<p>1/3 to mother; and 2/3 to half-brother(s) and half-sister(s), equally between them.</p>
<p><b>4q.</b> 4p. and husband or wife</p>	<p>If the wife survives: 1/4 to mother; 1/4 to wife; 2/4 to half-brother(s) and half-sister(s), equally between them.</p> <p>If the husband survives: 3/6 to husband; 1/6 to mother; 2/6 to half-brother(s) and half-sister(s), equally between them.</p>
<p><b>4r.</b> Mother and paternal grandfather survive</p>	<p>1/3 to mother; and the remainder to paternal grandfather.</p>
<p><b>4s.</b> 4r. and surviving husband or wife</p>	<p>If the wife survives: 4/12 to mother; 3/12 to wife; and the remainder to the paternal grandfather.</p> <p>If the husband survives: 2/6 to mother; 3/6 to husband; and the remainder to the paternal grandfather.</p>
<p><b>4t.</b> Mother and son of brother also survive (the brother is of the same parents)</p>	<p>1/3 to mother; the remainder to son of brother.</p>
<p><b>4u.</b> Mother and children of brother(s) also survive (the brother is of the same parents)</p>	<p>1/3 to mother; the remainder to the children of brother in accordance with 1a.</p>
<p><b>4v.</b> 4t. or 4u. and surviving wife or husband</p>	<p>If the wife survives, 4/12 to mother; 3/12 to wife; and the remainder to son or children of brother(s) as in 4t. or 4u.</p>

Testator:

Witness 1:

Witness 2:

	If the husband survives, 2/6 to mother; 3/6 to husband; and the remainder to son or children of brother(s) as in 4t. or 4u.
<b>4w.</b> Mother and paternal uncle who shares the same two parents also survive	1/3 to mother; and the remainder to the paternal uncle.
<b>4x.</b> Mother and paternal uncle(s), and any number of paternal aunts also survive, all of whom share the same two parents also survive	1/3 to mother; the remainder to the paternal uncle(s), divided amongst themselves equally. The paternal aunts will not inherit under <i>Article 6</i> .
<b>4y.</b> 4w. and 4x. and surviving wife or husband	If the wife survives: 4/12 to mother; 3/12 to wife; and the remainder to the paternal uncle(s).  If the wife survives, 2/6 to mother; 3/6 to husband; and the remainder to the paternal uncle(s).
<b>4z.</b> Father and maternal grandmother and paternal grandmother also survive.	1/6 to the maternal grandmother; and the remainder to father. The paternal grandmother does not inherit under <i>Article 6</i> .
<b>4aa.</b> Mother, brother(s), sister(s) and paternal grandfather also survive	1/6 to mother; the remainder to the paternal grandfather. The brothers and sisters do not inherit under <i>Article 6</i> .

**Schedule 5: If the testator has a husband or wife, no offspring, no parents, no paternal grandfather and:**

<b>Surviving Heirs</b>	<b>Distribution of the Remainder of My Estate</b>
<b>5a.</b> Wife also survives	1/4 to wife; the remainder to be determined by your local Islamic authority.
<b>5b.</b> Husband also survives	1/2 to husband; the remainder to be determined by your local Islamic authority.
<b>5c.</b> Husband and wife both survive, with one surviving brother or more and any number of surviving sisters	2/4 to husband, or 1/4 to wife; the remainder to be divided between the brother(s) and sister(s) according to the rules in 1a.
<b>5d.</b> Husband or wife also survives, with surviving sister(s), and no brothers	If the husband survives, 1/2 to husband; the remainder to the sister or divided equally between the sisters.  If the wife survives, or 1/4 to wife; the remainder to the sister or divided equally between the sisters.
<b>5e.</b> Husband or wife also survives, with brothers' son(s) and any number of brothers' daughter(s)	As in 5c., but the niece(s) and nephew(s) replace the sister(s) and brother(s).
<b>5f.</b> Husband or wife also survive, paternal uncle(s) survive, along with any number of surviving paternal aunts	If the wife survives, or 1/4 to wife; and the remainder to the paternal uncle(s), equally between them. The paternal aunts do not inherit under <i>Article 6</i> .  If the husband survives, 2/4 to husband; and the remainder to the paternal uncle(s), equally between them. The paternal aunts do not inherit under <i>Article 6</i> .

Testator:

Witness 1:

Witness 2:

## Appendix B: Testator's Financial Details

*Commentary: This appendix is optional and is meant to assist the executor to locate your debts/assets. We recommend that you complete the fields below and update the information regularly. You may add more pages/charts to this appendix by including those pages to the end of your will. Ensure that these pages are initialed by all three parties.*

*If you hold joint bank accounts, you have one of two options:*

- 1) the owners of the account mutually agree that the contents of the bank account will be split 50/50; OR*
- 2) the owners of the bank accounts must keep track of money coming into this account (i.e. you are the owner of your contributions only).*

### Loans Received by the Testator that Need to be Paid

Loaner	Date Received	Amount Received	Amount Owing	Contact Information

### Testator's Unfulfilled Religious Obligations

Unfulfilled Religious Obligation	Amount Missed/Outstanding?
Zakaat (Compulsory Alms)	
Hajj (Compulsory Pilgrimage)	
Siyaam (Compulsory Fasting)	
Fardh Salah (Compulsory Prayers)	
Mahr (Marriage Gift)	

### Loans Given by the Testator the Need to be Collected

Loan Recipient	Date Given	Amount Given	Amount Owing	Contact Information

Testator:

Witness 1:

Witness 2:



## ***Appendix C: Additional Clauses***

### **Statutes**

In my Will, unless the subject matter or context otherwise requires, the following terms shall have the following meanings:

- “Family Law Act” means the Family Law Act, R.S.O. 1990, c. F.3., as amended;
- “Income Tax Act” means the Income Tax Act, R.S.C. 1985 (5th Supp.) c. 1, as amended;
- “Insurance Act” means the Insurance Act, R.S.O. 1990, c. I.8, as amended;
- “Statistics Act” means the Statistics Act, R.S.C. 1985, c. S.19, as amended;
- “Succession Law Reform Act” means the Succession Law Reform Act, R.S.O. 1990, c. S.26, as amended;
- “Trustee Act” means the Trustee Act, R.S.O. 1990, c. T.23, as amended.

### **Definitions**

In my Will, the following terms shall have the following meanings:

- Paternal grandfather refers to the father of the father;
- Maternal grandfather refers to the father of the mother;
- Paternal grandmother refers to the mother of the father; and
- Maternal grandmother refers to the mother of the mother.

### **Reference to Dates**

Any reference in this Will to a date shall mean 11:59 p.m. eastern standard time on that date.

### **Beneficiaries Conceived But Not Yet Born**

For the purposes of my Will, any beneficiary conceived but not yet born on the date of my death, shall be deemed to be alive on such date. In such cases, it is preferred that the executor wait until the child is born until distributing the estate. The child must be born alive in order to qualify as a beneficiary and must be related to me.

### **Singular and Masculine References**

Unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number, as the case may be, and vice versa.

### **Appointment, Removal and Replacement of Trustees**

Additional Trustees may be appointed from time to time as deemed necessary or advisable by my existing Trustee in their absolute discretion by an appointment in writing executed by my existing Trustee or Trustees or failing him, her or them, by a majority decision of the beneficiaries of the residue of my estate, who are legally competent. No appointment shall be valid or effective unless the proposed Trustee has, in writing, agreed to act and a copy of such appointment is sent by prepaid registered mail or delivered personally to each of my other Trustees, if applicable. It is hereby declared that it shall not be necessary to replace a corporate trustee with another corporate trustee.

The Trustee of my estate may resign only upon an Order of a Court of competent jurisdiction where my estate is located. The Trustee may retire on ninety (90) days’ written notice sent by either registered mail, postage prepaid or by telegraph, telex, fax or similar method of communication, charges prepaid, to the last known addresses of, or personally served upon, my alternative Trustee or Trustees and beneficiaries. If a Trustee desires to retire on less than ninety (90) days’ written notice, then my alternative or remaining Trustee or Trustees may unanimously agree to accept such shorter notice as they consider appropriate. A Trustee shall cease to be a Trustee and shall be deemed to have retired upon being declared incompetent by health officials or bankrupt by a court of competent jurisdiction.

*Testator:*

*Witness 1:*

*Witness 2:*

Whenever there are at least three (3) Trustees and in the unfettered opinion of my remaining Trustees other than the one to be removed, a Trustee has become unwilling or unable to act or to continue to act as a Trustee or the best interests of my estate require the removal of a Trustee, then in every such case such Trustee may be removed provided that notice in writing of such removal shall be given to such Trustee and to all of my other Trustees, which notice shall be sufficient given if personally served or if sent by prepaid registered mail to the last known address of each person entitled to receive such notice.

#### **Decisions of Trustees**

In the event that there are three (3) or more Trustees, I direct that should any difference of opinion at any time exist among my Trustees in relation to the commission or omission of any act or otherwise howsoever in the execution of the trusts of this my Will, or any Codicil hereto, the opinion of the majority of my Trustees shall prevail, notwithstanding that any one or more of my Trustees may be personally interested or concerned in the matter in dispute or question, unless a unanimous decision is specifically required by the terms of this my Will.

#### **Liability of Trustees**

No Trustee shall be liable for any loss or damage which may happen to my estate or any part thereof (including without limitation any company or other entity whose shares or ownership interests form part of my estate) or the income thereof, at any time, from any cause whatsoever, save for loss or damage caused by his or her own actual fraud, dishonesty, wilful neglect or wilful misconduct or gross negligence. A Trustee is liable, answerable and accountable only for money and securities for money actually received by him or her even though he or she has signed a receipt or other instrument for the sake of conformity and for any loss of money or security for money only if the same happens through his or her own dishonesty or gross negligence. A Trustee is not liable, answerable or accountable for the acts, receipts, neglects or defaults of any other Trustee or any other person, firm or corporation having custody of any part of my estate. Honesty and good faith shall be presumed in favour of each Trustee unless such presumption is rebutted.

Every Trustee shall be entitled, in the exercise of his or her duties and discretions hereunder (including without limitation the management or administration of any company or other entity whose shares or ownership interests form part of my estate), to be indemnified out of my estate and the income thereof against all expenses and liabilities including, but not limited to the expenses and liabilities incurred by a Trustee in any legal proceedings brought by any one or more of the beneficiaries notwithstanding that such exercise constituted a breach of such Trustee's duties or such proceedings shall be brought in respect of an alleged breach of duty by such Trustee unless it shall be established that such breach of duty was brought about by such Trustee's own actual fraud or gross negligence.

#### **Compensation of Trustees who are Engaged in Other Capacity**

I direct that any of my Trustees, being a chartered accountant or solicitor or engaged in any other profession or business, may make and be paid all usual professional and other charges for work done by him or her or his or her firm or any member thereof in relation to the administration of this my will or of any trust funds created thereunder in the same manner in all respects as if he or she were not one of my Trustees, and I direct him or her to be paid his or her reasonable charges in addition to disbursements for all work and business done and all time spent by him or her and his or her firm or any member thereof in connection with matters arising in the administration of this my will or of any trust funds created thereunder, including matters which might or should have been attended to in person by a Trustee not being a chartered accountant or a solicitor or other professional person but which such Trustee might reasonably require to be done by a chartered accountant or a solicitor or other professional person.

*Testator:*

*Witness 1:*

*Witness 2:*

**Employment of Agents**

My Trustees may at any time engage solicitors, accountants, investment counsel, stock brokers or other similar persons or agents as they in their discretion deem necessary or advisable to assist them in the administration of my estate or to do any act that they consider reasonable or necessary in respect of such administration. My Trustees may delegate to any such agent such authority as seems appropriate, on a fully discretionary basis, provided however that any discretionary right to distribute income or capital from my estate shall not be so delegated. All charges for such services shall be paid out of the income or capital of my estate as seems appropriate to my Trustees notwithstanding any association that may exist between my Trustees and any agent so employed. The fees and remuneration of any such agent or person shall be an expense of my estate and shall not be charged to the compensation payable to my Trustees. My Trustees shall not be liable for any loss that may happen to my estate as a result of any investment made by my Trustees or their agents in good faith.

**Investment Powers**

In making investments for my estate, my Trustees shall make such investments in accordance with the provisions of the *Trustee Act*, as amended and for greater certainty, my Trustees may invest the assets of my estate in any form of property in which a prudent investor might invest, including mutual funds and common trust funds. My Trustees shall be fully exonerated from any liability for any loss that may happen to my estate by reason of any investment made by them in good faith.

**Real and Leasehold Property**

So long as any real or leasehold property forming part of my estate shall remain unsold, my Trustees shall be at liberty to permit any beneficiary of this my Will to have the free use and occupation of such property or my Trustees may let or lease the same to a beneficiary or to any other person from month to month, year to year or for any term of years and subject to such terms, covenants and conditions as my Trustees shall think fit; my Trustees may accept surrenders of leases and tenancies, expend moneys from either the income or the capital of my residuary estate as they in their absolute discretion consider it necessary and appropriate to make repairs and improvements, and generally to manage, develop or improve the property; my Trustees may also in their absolute discretion determine not to make repairs or improvements to any property held by them in my estate without being liable for waste; my Trustees may with a view to the sale of any such property give any options they may consider advisable. My Trustees may renew and keep renewed any mortgage or mortgages upon any of my real estate or they may borrow money on any of my real estate upon any mortgage or mortgages and they may pay off and discharge or prepay any mortgage or mortgages which are at any time in existence.

**Settlement of Debts**

I will and direct that as regards any debts owing to or by me at the date of my death, my Trustees shall have absolute power to deal with the same as they see fit, including, without limitation, the power and authority to enforce immediate collection, to postpone or defer enforcement, or to compromise, settle, waive or pay the same for less than full value, and upon such terms and conditions, all as they, in the exercise of an absolute discretion, consider to be in the best interests of my estate and the beneficiaries of this my Will.

**Income/Capital Amounts to Beneficiaries under the age of 18 Years**

Except as hereinbefore otherwise provided, if any beneficiary entitled to receive any share or part of the income or capital of my estate under the provisions of my Will is under the age of eighteen (18) years then I direct my Trustees to accumulate such income and keep such share or part invested and reinvested until such beneficiary attains the age of eighteen (18) years and in the meantime to pay or apply any income from such share or part thereof as my Trustees shall think proper for the support,

Testator:

Witness 1:

Witness 2:

maintenance and education of such beneficiary with power to my Trustees in their discretion to encroach on the capital of such share or part for the support, maintenance and education of such beneficiary. Upon such beneficiary attaining the age of eighteen (18) years his or her share or part shall be paid over to him or her together with any accumulated income thereon.

**Payments for Beneficiaries who are under the age of 18 years or disabled**

I authorize my Trustees to make any payment or payments for any person or persons under the age of eighteen (18) years, or otherwise under disability, which they are entitled to make under the terms of this my Will to a parent, or to a person entitled to the custody of such person, or to the guardian of the property of such person or to any other person standing in *loco parentis* to such person, or to make any such payment directly to such beneficiary or to such other person or persons for such beneficiary, as my Trustees in their absolute discretion deem it advisable, and any evidence that my Trustees have made any such payment as an exercise of their absolute discretion shall be a sufficient discharge to my Trustees without the requirement of any further or other receipt.

**Transactions with Trustees, Beneficiaries**

I authorize any one or more of the beneficiaries of this my Will, (notwithstanding that such beneficiary or beneficiaries may be a Trustee or Trustees of this my Will), to purchase any part or parts of my estate, real or personal, either at public auction or by private contract, provided in the latter case that the sale shall be conducted by my Trustees (or by the disinterested Trustee or Trustees of this my Will, in the event that a beneficiary or beneficiaries so purchasing is also a Trustee or are also Trustees of this my Will), at such price or prices, subject to such terms and conditions and either for cash or credit or for part cash and part credit as the Trustee or Trustees of this my Will conducting the sale shall consider fair and reasonable and my Trustees shall not be required to obtain the approval of any Court to such sale or purchase.

**Special Arrangements**

In the general administration of my estate and particularly in investing and reinvesting the trust funds under this my Will and distributing income and capital as herein provided either by the exercise of a discretion or otherwise, my Trustees may have to consider the implications of taxation on my estate and on the beneficiaries receiving distribution of present or future benefits. The benefits actually enjoyed by beneficiaries may vary as a result of different tax implications on them and on my Trustees. There may be opportunities to affect the tax consequences if a beneficiary or beneficiaries and my Trustees jointly or severally cooperate in making elections or in effecting planning arrangements, and some beneficiaries may act in co-operation with my Trustees and others may be unwilling or unable to do so. Finally, payments received by my Trustees in the nature of income may for the purposes of my estate be better considered as capital or payments received as capital may be better considered as income. I therefore authorize my Trustees in the exercise of an absolute discretion to cooperate with or seek the cooperation of any one or more beneficiaries of this my Will or of any trust fund established hereunder or of any other person in any joint or several plan, program, election or undertaking with a view to bettering particular or general tax consequences and to accept as an expense of either the income or the capital of my estate or of any trust fund established hereunder any tax consequences which may result. In particular and without limitation, my Trustees may in their discretion credit or debit to either income or capital any taxation to which my estate or any trust fund established hereunder is subject, notwithstanding that such taxation would normally be charged to either the capital or income, if in their absolute discretion they consider that fairer benefits will result and my Trustees may in their discretion credit unusual income receipts to capital or unusual capital receipts to income if they consider that such receipts are more appropriately so dealt with.

If as a result of any plan, program or election made by my Trustees or by beneficiaries alone or in concert with my Trustees, a beneficiary accepts tax consequences which my Trustees consider are for

*Testator:*

*Witness 1:*

*Witness 2:*

the benefit of other beneficiaries of my estate or of any trust fund established hereunder, then I authorize my Trustees in the exercise of an absolute discretion to pay such amount out of either the income or the capital of my general estate or of any trust fund established hereunder and as my Trustees consider it appropriate to adjust and equalize the net benefit or benefits and to indemnify or reimburse the beneficiary or beneficiaries for any tax or other costs or expenses incurred. In the event that my Trustees in their absolute discretion consider that any action taken by them will result in uneven benefits and nonetheless my Trustees consider that such action is appropriate, then my Trustees may make such adjustment of benefits among beneficiaries or among funds under their control charged either to the income or capital of my general estate or of any trust fund established hereunder all as my Trustees in the exercise of an absolute discretion consider it appropriate so to do.

**Elections, etc.**

I give to my Trustees full, absolute and unfettered discretion from time to time and at any time or times, either alone or in conjunction with a beneficiary, to make or not to make any election or elections, designations, determinations, distributions and/or allocations for the purposes of the *Income Tax Act* (Canada) or any similar legislation of any province or other jurisdiction in force from time to time and, in particular without limiting the generality of the foregoing, an election pursuant to subsection 85(1) of the *Income Tax Act* or any successor section thereto together with any other steps which my Trustees determine in their absolute discretion to be necessary or advisable in the course of a post-mortem estate freeze or otherwise all as they in their absolute discretion deem to be in the best interests of my estate and/or the beneficiaries, notwithstanding that such election or elections, designations, determinations, distributions and/or allocations may or would have the effect of conferring an advantage on any one or more of the beneficiaries or could otherwise be considered but for the foregoing as not being an impartial exercise by my Trustees of their duties hereunder or as not being the maintaining of an even hand among the beneficiaries.

I specifically exonerate my Trustees from any responsibility with respect to any such election or elections, designations, determinations, distributions and/or allocations if they act bona fide in the exercise of such powers. The exercise of a discretion by my Trustees shall be conclusive and binding on all beneficiaries hereof and notwithstanding any of the foregoing provisions, the making and filing of an election or elections, designations, determinations, distributions and/or allocations for income tax purposes shall not in and of itself create a vested interest in any beneficiary to any portion of my estate or any trust fund established hereunder.

**Family Law Protection**

I direct that:

- a) any succession, legacy, gift or inheritance, whether as to income or capital, to which any person is or shall become entitled in accordance with the provisions of this my Will, or any Codicil hereto, or any property substituted therefor ("Substituted Property");
- b) any fruits, revenues or income at any time subsequently derived from such succession, legacy, gift, inheritance or Substituted Property;
- c) any accretion in value to such succession, legacy, gift, inheritance or Substituted Property; and
- d) any property into which property referred to in subparagraphs (a) through (c), above, can be traced;

shall be excluded from such person's net family property, as such term is defined in the *Family Law Act*, and shall not fall into any community of property or partnership of acquests which may exist between any such person and his or her consort under the provisions of the *Civil Code of Quebec*, or under the laws of any other jurisdiction, but shall remain the private property of such person, free from the control or interests of his or her consort. This is an express statement within the meaning of sub-section 4(2)2 of the *Family Law Act* and if applicable, of Article 450 of the *Civil Code of Quebec*.

*Testator:*

*Witness 1:*

*Witness 2:*