

After the deceased passes, and the value of their estate is established, the sum is distributed in four stages.

Burial دفن

The first is the funeral costs. This will cover the cost of the Kafn, the bathing, the grave and the burial itself. Furthermore, it may cover costs such as transport and other medical bills that may accumulate in the process.

Debts دين

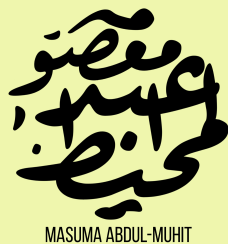
Second, any debts the deceased may have must be cleared. If the debts exceed the sum of the estate, and the debtors are insistent on payment, they will be given the whole sum. In the case of multiple debts, the debtors will be paid in proportion to what they are owed. For example: D1 is owed £100 & D2 is owed £200, they will be paid 1:2.

Bequests وصية

Bequests may be stipulated by the deceased in their will. They may be paid to any non-inheritor, or deprived inheritors. The total sum of allotted bequests may not exceed $\frac{1}{3}$ of the estate; if it does, the recipients will be paid proportionately from the $\frac{1}{3}$ allotment.

Inheritance وراثة

There are three categories of inheritors; fixed sharers, residuary inheritors and distant kin. Fixed sharers are inheritors whose specific portions are mentioned in the Qur' ān [4:11-12]. The main two bases of inheritance are blood and marriage.



وراثه Inheritors

ذو الفروض

Fixed Sharers

Also called 'Fara'di', these are inheritors whose shares have been specifically allocated in the Qur'an and Sunna.

8 fixed inheritors have clearly been mentioned in the Qur'an [4:11-12]

- | | |
|------------|--------------------|
| 1) Father | 5) Daughter |
| 2) Mother | 6) Full sister |
| 3) Husband | 7) Uterine brother |
| 4) Wife | 8) Uterine sister |

Conditional inheritors at times inherit, but can also be partially or fully excluded in the presence of others:

- | | |
|-----------------------|-------------------------|
| 1) Granddaughter | 3) Paternal grandfather |
| 2) Consanguine sister | 4) Maternal grandmother |

Son and Grandson are primary inheritors and will always inherit.

عصبة

Residuaries

3 types:

In their own right بنفسه

Males related through males.

- Full children
- Father & grandfather
- Siblings
- Consanguine children
- Sons of real brother
- Descendents of paternal grandfather (uncle)

Each person will inherit in the absence of all above them. The above is a concise list.

Another's right بغيره

Females, who in the presence of male heirs become Residuary inheritors.

- Daughter (w/ son)
- Granddaughter (w/grandson)
- Full sister (w/ full brother)
- Consanguine sister (w/ consanguine brother)

The above females are converted into residuary inheritors in the presence of their brothers.

Together with another مع غيره

Females, who in the presence of other females become Residuary inheritors.

Sharers can also be converted into Residuary inheritors:

- Father
- Paternal Grandfather
- Daughter
- Son's daughter
- Full sister
- Consanguine sister

ذو الأرحام Distant Kin

Every blood relative of the deceased who is neither a sharer not a Residuary inheritor. They may inherit in 2 cases:

- 1) In the absence of any sharer or residuary (they will inherit the whole estate)
- 2) When the only inheritor is the spouse; they will take the residuary.

Inheritance

Types of Inheritors

Fixed Sharer

Conditional

Residuary

Sharer

Exclusion

Son

1 son	Everything
2+ Sons	Equal Divide
Presence of daughter	2 : 1

The son disqualifies any descendants of parents or grandfather

Daughter

1 Daughter Absence of sons	1/2
2+ Absence of sons	2/3

In the **presence** of a son, the daughter is a Residuary. (2:1)

Mother

Absence of children or son's children	1/3
Presence of 1 brother / sister	1/3

Presence of children, or son's children

Or 2+ brothers/ sisters
(Inc consanguine)

Or 1 brother + 1 sister

Presence of spouse & father	1/3 of balance
After spouse is given fixed share	

Father

+ son or grandson	1/6
+daughter/ Son's daughter	1/6 + Residuary

In the **absence** of children + son's children, he is Residuary

Excludes all Residuary inheritors, except the son.

Husband

Presence of children, or son's children	1/4
Absence of children or son's children	1/2

Wife

Presence of children, or son's children	1/8
--	-----

1+ wife will share equally

Absence of children or son's children	1/4
--	-----

Consanguine Brother

Is Residuary in the **absence** of son, grandson, father & real brother.

Or in **presence** of real sister.

Co-exist with consanguine sister, split 2:1.
2+ consanguine brothers split equally.

Excluded in **presence** of son, father, grandfather, real brother.

Or 2+ real sisters. *Or* real sister as a Residuary.

Grandson

Excluded in **presence** of a son.

In absence of the son	Everything
2+ grandsons	Equal divide
Presence of granddaughters (his sisters)	2:1

Granddaughter

Absence of son / daughter / grandson	1/2
---	-----

2+ in absence of son / daughter / grandson	2/3
---	-----

Presence of 1 daughter	1/6
-------------------------------	-----

Becomes residuary in **presence** of grandson

Excluded in **presence** of son or 2+ daughters

Grandmother

Excluded in **presence** of mother.
Paternal excluded in **presence** of father

Inherits as mother in her **absence**, but never more than 1/6

2+ grandmothers	Equal divide of 1/6
-----------------	---------------------

Grandfather

Excluded in **presence** of a father.

In Presence of the son	1/6
-------------------------------	-----

In Presence of daughter or son's daughter	1/6 + Residuary
--	-----------------

In the **absence** of children + son's children, he is Residuary

In absence of excluders	Equal share with full siblings
--------------------------------	--------------------------------

Consanguine Sister

Absence of son /daughter / grandson / siblings	1/2
---	-----

2+ in absence of son / daughter / grandson / siblings	2/3
--	-----

Presence of 1 daughter	1/6
-------------------------------	-----

Becomes residuary in **presence** of consanguine brother (2:1)
Or in **presence** daughter/granddaughter.
Or (see residuary grandfather)

Excluded in **presence** of son, father, grandfather, real brother.
Or 2+ real sisters. *Or* real sister as a Residuary.

Real Sister

Alone in absence of children, grandson, brothers	1/2
Above, 2+ Real sisters	2/3

Presence of brother (2:1)
Or co-exist with daughter/son's daughter

Presence of son, grandson, father & grandfather

Real Brother

In the **absence** of son, grandson, father.
Co-exist with sister - share 2:1
2+ brothers = equal share

Presence of son, grandson, father & grandfather.

Uterine Siblings

If alone	1/6
2+ will equally split 1/3 - irrespective of gender.	1/3

Excluded in **presence** of children, son's children, father and grandfather.



MASUMA ABUL-MUHT