

LAST WILL AND TESTAMENT

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

1. I revoke, cancel and annul all previous Wills, Codicils and other testamentary writings or statements made or executed by me at any time before.
2. I hereby nominate, constitute and appoint as the Executors of this my Will and Administrators of my Estate, the following persons:
 - (i)
 - (ii)
 - (iii)

In the event of any one or more of my said Executors or Administrators predeceasing me, or dying during his term of Office or declining to act, then the remaining or surviving Executors shall be authorised to act alone.
Furthermore in the event of all such Executors or Administrators predeceasing me or dying during his term of office or declining to act, then I declare that anyone of the judicial bodies mentioned in Clause 6 shall be authorized to appoint one or more Executors or Administrators.

3. I hereby grant to the Executors of my Estate all such powers as are allowed by Law, especially the power of assumption.
4. I hereby direct that it shall not be necessary for my said Executors and Administrators, or any one of them in the event of the predecease of the others, to lodge security with the Master of the Supreme Court for the due performance of their duties.
5. I hereby direct that the Executors and Administrators of my Estate proceed with the distribution of my Estate in the following order of priority as commanded by Islamic Law of the Sunni School of Thought.
 - (i) Payment of my funeral expenses.
 - (ii) Payment of all my debts.
 - (iii) Payment of the Wasiyyat (Bequest) which is set out in Schedule A annexed hereto.
 - (iv) Distribution of the residue of my Estate to my Islamic heirs in accordance with Islamic Law of the Sunni School of Thought.
6. I hereby direct that a Certificate issued by the Jamiatul Ulama of Natal or Jamiatul Ulama of Gauteng or the Jamiatul Ulama of the Eastern Cape or the Mujlisul Ulama of South Africa, these being competent Islamic Judicial bodies, or by any qualified Aalim in Islamic Law shall be binding and conclusive as to the aforesaid Islamic Law and the distribution of my Estate. A qualified Aalim in Islamic Law for this purpose will be any man recognized as a qualified Aalim by any one of the Judicial bodies aforementioned.
7. I direct that any share under this my Will hereto devolving upon a female be paid to and become her sole, absolute and exclusive property, and be excluded from the community of property that may now or hereafter exist between her and any husband she has married or may marry and shall be free from the jus mariti and right of administration ordinarily to him accruing whether by virtue of the law of community of property or otherwise. The receipt alone of any female inheritor in my Estate, without the assistance of her husband, shall be a good and sufficient discharge to my Executors and/or Administrators therefor.
8. I hereby direct that any inheritance accruing to a minor child in terms hereof shall not be paid into the Guardians Fund but shall be held in Trust by my said Administrators until the said minor attains the age of majority in which event my said Administrators shall pay over to the said minor his/her share of the inheritance. The 'age of majority' mentioned herein above shall be as determined by Islamic Law. My said Administrators shall be empowered to invest assets held in Trust in such investments as my Administrators may in their discretion determine provided that the investments are in accordance with Islamic Law. And my Administrators are authorized in their discretion to apply the income and in case of need a portion of the capital of the Trust assets for the maintenance, education and general welfare of the beneficiary of the Trust provided that any such application of income is in accordance with Islamic Law.
9. I direct that my Estate shall be wound up as expeditiously as possible until the final approval of the liquidation and distribution account.
10. I hereby direct that the Wasiyyat (Bequest) described in Schedule A, hereto, be examined by any one of the Islamic Judicial bodies mentioned in No. 6 above, or by any competent Aalim described in No. 6 above, and a certificate as to the validity of the Wasiyyat (Bequest) in Islamic Law be obtained from the Islamic Judicial body concerned. I direct that if the Wasiyyat (Bequest) stated in Schedule A hereto, be in conflict with Islamic Law, the Islamic Judicial Body concerned in examining this Wasiyyat will have the right to annul the Wasiyyat, the whole of it, if the whole be in conflict with Islamic Law or annul that portion of the Wasiyyat, which conflicts with Islamic Law.

SIGNED by me, the Testator/Testatrix, in the presence of the two undersigned Witnesses.

.....
TESTATO/ TESTATRIX

SIGNED by the Testator/Testatrix in the presence of us both, and in the presence of each other have affixed our signatures hereto as witnesses.

AS WITNESSES:

1. ISLAMIC DATE
2. ENGLISH DATE