

Index

***awqaf*, see also charitable giving**

defined, 211
development, 61, 65
generally, 4, 5, 35
trusts, and, 65-67

charitable giving

awqaf, development, 61, 65
common law
 compared, 63
 trust infrastructure, 65-66
educational endowments, 62
historical comparison, 64-65
Shari'a basis for endowments, 61
subject and object of endowments, 62
waqf
 case study, 66-67
 defined, 211
 development, 61

cleansing of portfolio income, sample clause, 60

common law principles of estate distribution

charitable trusts, 44-48
family trusts, 48
generally, 41-44

conflict of laws and *Shari'a* administration of estate

common law principles
 charitable trusts, 44-48
 family trusts, 48
 generally, 41-44
determination of death, 49-52
Dubai, Pakistan, assets in, 48-49

determination of death

Criteria for the Determination of Death, Law Reform Commission of Canada
 report, 49
Declaration of Death Act, 50
generally, 49-52

executorship and guardianship, 5, 18-19

family law legislation, see also freely disposable 1/3 and family law legislation

generally, 11, 22

family trusts, *Shari'a*-guided

generally, 58-59
sample clauses, 59-60

freely disposable 1/3 and family law legislation

generally, 11, 35-37
will distribution scenarios, 38-40

funeral and burial rites, 16-18

glossary, 211-212

hajj badal

defined, 211
generally, 19-21

historical development, 1-3

kaffarah

defined, 211
generally, 19-21

lifetime giving

generally, 57-58
sample clauses, 59-60

mawarith

defined, 211
development of algebra, and, 1
example cases, 23-33
generally, 4
relevance, modern, 3-4
sample schedule of distribution of residue of estate, 23-33, 76, 84, 92, 99, 106, 114-115, 157-163, 166-193

***Reliance of the Traveller*, 35-37**

sample documents/clauses

cleansing of portfolio income clause, 60
college endowment gift agreement, 207-210
compliance with sacred law clause, 60
Islamic charitable *waqf* deed, 197-206
lifetime declaration of trust, 195-196
mediation brief at estates list, 119-126
mutual wills agreement, 117
payment of *zakat* clause, 60
revocable living trust deed, 127-193
schedule of distribution of residue of estate, 23-33, 76, 84, 92, 99, 106, 114-115, 157-163, 166-193
will, Islamic with Henson Trust, 107-115

Index

sample documents/clauses — Continued

- wills, Shi'a
 - last will and testament, female, 100-106
 - last will and testament, male, 93-99
- wills, Sunni
 - dual wills, male businessman
 - primary will and testament, 69-76
 - secondary will and testament, 77-84
 - last will and testament, female, 85-92

***Shari'a* administration of estate and conflict of laws**

- common law principles
 - charitable trusts, 44-48
 - family trusts, 48
 - generally, 41-44
- determination of death, 49-52
- discrimination
 - charitable trusts, and, 44-48
 - family trusts, and, 48
- Dubai, Pakistan, assets in, 48-49

***Shari'a*-compliant will drafting**

- debts and expenses, 19-21
- distribution of residue, 21-22
- executorship and guardianship, 18-19
- generally, 13
- haji badal*, 19-21
- kaffarah*, 19-21
- preamble
 - funeral and burial rites, 16-18
 - generally, 13-16
- religious content, 11
- structure, 9-11

***Shari'a*-guided family trusts**

- generally, 58-59
- sample clauses, 59-60

Succession Law Reform Act

- generally, 49, 55
- intestate distribution, 5

taxation of Islamic estate

- Islamic estate planning, 55-56
- tax planning
 - benefits, 6
 - generally, 53-54
- what is included in estate, 54-55

***waqf*, defined, 211, see also charitable giving**

wasiyyah, defined, 211, *see also* **freely disposable 1/3 and family law legislation**

wills, *see also* ***Shari'a*-compliant will drafting**

basic requirements, 6-7

generally, 4-5

structure of *Shari'a*-compliant will, 9-11

timing, 4

types, 5-6

zakat

defined, 212

payment of, sample clause, 60