

## UNIQUE ESTATE PLANNING NEEDS OF MUSLIM AMERICANS





# "Every Muslim should have a will."

**For Muslims residing in the United States**, the combination of a last will and testament with trust documents is the most effective way to ensure that the wishes of the deceased person will be carried out according to *sharia* (Islamic law).

Sharia specifies that proper estate planning is part of one's religious duty. It is therefore incumbent upon a practicing Muslim to have a written last will and testament (wasiyyah) to ensure that his or her estate is distributed in accordance with Islamic laws of inheritance (schedule of mawarith).

This is especially important in the U.S., where each state maintains its own statutes and laws applicable to dying without a will (intestate) and the probate process (validation and administration of a will). Careful estate planning in consultation with legal and financial professionals using *sharia* is permitted under state laws.

A properly drafted last will and testament and the use of trust documents have the following specific advantages for Muslims:

- Ensure division of the estate according to the schedule of *mawarith* (the Islamic laws of inheritance for proportional distribution of one's estate)
- A trust will avoid loss of privacy, added expense, and lengthy process associated with state and local probate laws
- Assign or transfer portions of the estate for charitable purposes
- Provide clear and explicit instructions for the preparation and handling
  of the deceased and the associated funeral as dictated in the Holy Quran
  (if allowed by state law)
- Name the proper Muslim guardians for minor children and incapacitated persons
- Satisfy all final debts and expenses of the estate
- Distribute the residue or remainder of the estate to family members and individuals under Islamic laws of inheritance per the schedule of *mawarith*

Should there be a varying interpretation of *sharia*, Saturna Trust will work with your *sharia* adviser to help form an estate plan that is right for you.

Just like individuals, every estate is unique. Saturna Trust Company specializes in administering custom trust solutions that meet your needs.

#### **Avoiding Probate**

Probate and intestate laws in the U.S. leave or give spouses a share different from that which is provided under Islamic law. Properly drafted and executed estate planning documents can help Muslims successfully implement their desires (*sharia*) as permitted under state law so that their estates may be divided according to Islamic principles.

Examples of estate planning tools that can be used to achieve *sharia* compliance are:

- A written last will and testament
- The use of waivers and disclaimers whereby the surviving spouse gives up the legal right to property as prescribed by state statutes
- · Powers of attorney for financial matters and health care
- One or more trusts

#### **Estate Tax Planning**

Estate planning can also offer significant tax advantages. While taxes cannot be completely eliminated, they may be lowered or mitigated. Tax planning incorporated into trust documents helps to avoid paying unnecessary or excessive taxes by taking advantage of all available deductions and credits.

Trusts are not for everyone. The additional management fees and expenses of a trust increase the cost of administering an estate plan. In many cases, however, these additional costs can be more than offset by the tax savings enjoyed and, more importantly, the peace of mind gained from meeting the obligations of one's religious beliefs.



### **Getting Started**

The first step of any estate plan is to obtain professional legal advice. Saturna Trust Company will be happy to recommend to you several unaffiliated Muslim estate planning attorneys who are competent and well-versed in incorporating *sharia* compliance into your estate planning.

Often a financial adviser provides valuable insight and expertise to the estate planning process.

You may also want to consult a *sharia* adviser or seeking advice from your local Imam.

As trustee, Saturna Trust acts as the liaison and coordinator, managing the interactions between your legal representation, financial adviser, and *sharia* adviser to help ensure they serve you and your estate properly and in accordance with your wishes and *sharia*.

#### **About Saturna Trust Company**

Established in 2009, Saturna Trust Company is a wholly-owned subsidiary of Saturna Capital Corporation, a registered investment company in Bellingham, WA. Saturna Capital is internationally recognized for its long-term success in *sharia* compliant asset management and best known as adviser to the *sharia* compliant Amana Mutual Funds Trust, including the Amana Income Fund, the Amana Growth Fund, and the Amana Developing World Fund.

Saturna Trust Company offers an impressive variety of flexible, low-cost administration and trust services, specializing in meeting the unique needs of the American Muslim community.

With headquarters in Henderson, Nevada, Saturna Trust is advantageously positioned to benefit from the asset-friendly nature of Nevada's trust laws. However, you do not have to be a resident of the state of Nevada to benefit from an account with Saturna Trust Company. Our priority is building long-lasting relationships with our clients, and assisting them in providing for their heirs in accordance with their wishes.

With the attainment of citizenship and strategic estate planning, Muslims residing in the US. should be able to enjoy the same, or similar, transfer of wealth as they would have had in the Muslim world and pass their property in accordance with Islamic laws of inheritance. Saturna Trust's combination of financial and customer service expertise is backed by Saturna Capital's two decades of *sharia* compliant asset management expertise. Contact us to find out how to make Saturna Trust your invaluable partner in planning for your future.

This brochure is intended for informational purposes only and should not be considered or used as a substitute for legal or tax advice. Saturna Trust Company would be glad to work with you and your attorney or other advisor to help you create a will or trust tailored to your needs. Each person's situation is different and requires an extensive review by competent professionals of his or her choice. Please call us at any time with questions.



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