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The Rules of Inheritance

Issue 954: The heirs whom inherit from the deceased due to relations are of three levels:

The first level: The father of the deceased and his mother and his children and the children of his children in the state of lacking the existence of (his own) children, although they descend (the family tree, of course the closest, then, the next closest to the deceased). As long as there is one from the first level, there is no inheritance from the second level.

The second level: The grandfather of the deceased and his grandmother, although they ascend (the family tree-be they from the side of the father or the side of the mother). Also, the brothers and sisters and their children with the lack of their existence (meaning, the existence of brothers and sisters) and the children of their children, although they descend (the family tree-the closest to the deceased, then, the next closest). There is not inheritance from the third level as long as there is one person from the second level.

The third level: The paternal uncle and the paternal aunt and the maternal uncle and the maternal aunt, although they ascend (the family tree) and their children, although they descend (the family tree-the closest inherits from the deceased, then, the next closest). As long as there is someone from the paternal uncles and aunts and the maternal uncles and aunts alive, their children do not inherit. As long as one of their children is alive, the children of their children do not inherit. There is one exception and it is when the deceased has a uncle from the side of the father and a cousin from the side of the father and mother. The father's uncle does not inherit. The property is for the cousin from the side of the mother and father.

Issue 955: When the paternal uncle of the deceased does not exist, nor his maternal aunt nor his maternal uncle nor maternal aunt, nor their children, the cycle will arrive at the paternal uncle of the father of the deceased and his paternal aunt and his maternal uncle and his maternal aunt. When also these do not exist, their children inherit. When their children also do not exist, the paternal uncle of (the deceased's) grandfather and his grandmother and the maternal uncles and aunts. When these do not exist, their children inherit.

Issue 956: The two spouses inherit from one another in the manner whose details and explanation will come in the adjoined issues.

Inheritance of the Wife and Husband

Issue 957: When a permanent wife dies and she does not leave any children, her husband inherits half of the property and the others inherit the remaining (half). When she has children from that husband or from another husband, the husband inherits a quarter of the property and the remainder is for the remaining heirs.

Issue 958: When the husband dies and he does not leave any children, his permanent wife will inherit a quarter of the property and the remainder is for the remaining heirs. When he has children from this wife or from another wife, his wife will inherit an eighth of the property and the remainder is for the remaining heirs.

Issue 959: The wife inherits from all of the transferable property of her husband, she does not inherit from land or its value, whether it be a house or a garden or agricultural land or whatever is similar to that. Likewise, she does not inherit from real estate itself, like a building or trees. It is obligatory to appraise the real estate or trees, then, give her from its value.

Issue 960: Decorative clothing, jewelry and whatever is similar to that from what (the deceased has) acquired. The man, it is for his wife and she for her husband. It is not considered as part of the estate, except when it is established that he had not intended for her to take possession of it, rather, she was wearing it in a manner like borrowing.

Miscellaneous Issues of Inheritance

Issue 961: When a man dies, his Qur'an, his ring, his sword and the clothing which he was wearing or he had prepared to wear, is for his eldest son. When there were more than one these four items for the deceased, for example, two Qur'ans or two rings, then, if he had used them in his life, they are all for his eldest son.

Issue 962: When there was a debt obligatory for the deceased, then, if the debt is in the amount of his estate or more, these four things are not given to the eldest son. Rather, it is obligatory to pay his debt with it them.

However, when his property was more than his debt such that there remains a considerable amount after payment of his debts, it is obligatory to give these four things to the eldest son.

Issue 963: The Muslim can inherit from the non-Muslim but the non-Muslim does not inherit from the Muslim, although he is the father of the deceased or his son.

Issue 964: When someone intentionally kills his relative wrongfully, he does not inherit from them. However, when his heir killed him mistakenly (like he throws a rock in the air and it strikes a relative by chance and kills him), he does not inherit, in this situation from the blood money (Diyah) of his killing (according to precaution).

Issue 965: When from the deceased there was a child in the stomach of his mother and there are others from his level, like children, the father, the mother, it is obligatory to divide the inheritance setting aside a share of two children for the infant who is in the stomach of his mother. Then, if (the infant) is born alive, he inherits. If it was a son or daughter, they are given their share and the remaining inheritance is divided among the heirs.

When there was no one other than (the child) in his level, then, if the child is born alive, all of the property is for him, otherwise, it is divided among the heirs.

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