

PARTNERS

Amjad Ali Khan
Charles S. Laubach
Bashir Ahmed
Masood K. Afridi
Haider K. Afridi
Shahram Safai
Gregory J. Mayew
Stuart J. Walker
Ziyad Hadi
James Bowden

SENIOR CONSULTANTS

M.A.K. Afridi
C. Chakradaran

AFRIDI & ANGELL

Jumeirah Emirates Towers
Office Tower, Level 35
Sheikh Zayed Road
P.O. Box 9371, Dubai
United Arab Emirates

T: +971 4 330 3900
F: +971 4 330 3800
dubai@afриди-angell.com
www.afриди-angell.com

Inheritance, Wills and How to Own Your Assets

by:

**Amjad Ali Khan
Afridi & Angell
Dubai, UAE**

November 6, 2015

ABU DHABI
The Towers at the Trade Center
West Tower, Level 12
P.O. Box 3961
Abu Dhabi, U.A.E.
T: +971 2 627 5134 | F: +971 2 627 2905
abudhabi@afриди-angell.com

DIFC
Emirates Financial Towers
North Tower, Office 316
P.O. Box 9371
Dubai, U.A.E.
T: +971 4 355 1414 | F: +971 4 330 3800
dubai@afриди-angell.com

SHARJAH
Al Safa Building, Level 3
Al Boorj Avenue
P.O. Box 5925
Sharjah, U.A.E.
T: +971 6 568 1062 | F: +971 4 330 3800
sharjah@afриди-angell.com

A LexMundi Member

A. Inheritance

Maliki School

Two Principal categories of heirs

Quranic Heirs: Spouses, Parents,

Daughters

Residuary: Sons, Fathers, Brothers

Rules:

- i. Closer relatives exclude those further away.**

- ii. Predeceased child's heirs do not inherit.**

- iii. Non-muslims do not inherit from Muslims.**

- iv. Adopted children and relatives do not inherit.**

- v. No distinction between movable and immovable property or self acquired and inherited.**

- vi. A person who causes the death of another, will not inherit from the deceased.**

Example No. 1:

~~Husband~~

Wife - **1/8** (**12.5%**)

Son - **14/24** (**58.6%**)

Daughter - **7/24** (**29.3%**)

Example No. 2:

~~Husband~~

Wife - **1/8** (12.5%)

Father - **1/6** (16.7%)

Mother - **1/6** (16.7%)

Daughter - **13/72** (18%)

Son - **26/72** (36%)

Example No. 3:

~~Husband~~

Wife - **1/8** (**12.5%**)

Daughter - **1/3** (**33.3%**)

Daughter - **1/3** (**33.3%**)

Father - **10/72** (**14%**)

Mother - **5/72** (**7%**)

Example No. 4:

~~Husband~~

Wife - $\frac{1}{8}$ (12.5%)

Mother - $\frac{1}{6}$ (16.7%)

Daughter - $\frac{1}{3}$ (33.3%)

Daughter - $\frac{1}{3}$ (33.3%)

Example No. 5:

~~Husband~~

Wife - $\frac{1}{8}$ (12.5%)

Father - $\frac{3}{8}$ (37.5%)

Daughter - $\frac{1}{2}$ (50%)

Example No. 6:

~~Wife~~

Husband - 1/4 (25%)

Son - 1/2 (50%)

Daughter - 1/4 (25%)

Example No. 7:

~~Wife~~

Husband	-	1/4	(25%)
Father	-	1/6	(16.7%)
Mother	-	1/6	(16.7%)
Son	-	10/36	(28%)
Daughter	-	5/36	(14%)

Example No. 8:

~~Wife~~

Husband	-	1/4	(25%)
Daughter	-	1/3	(33.3%)
Daughter	-	1/3	(33.3%)
Father	-	2/36	(6%)
Mother	-	1/36	(3%)

Example No. 9:

~~Wife~~

Husband - 1/4 (25%)

Daughter - 1/2 (50%)

Father - 1/6 (16.6%)

Mother - 1/12 (8.33%)

Example No. 10:

~~Wife~~

Husband - 1/4 (25%)

Daughter - 1/2 (50%)

Mother - 1/6 (16.7%)

Example No. 11:

~~Wife~~

Husband - 1/4 (25%)

Mother - 1/6 (16.7%)

Daughter - 1/3 (33.3%)

Daughter - 1/3 (33.3%)

Example No. 12:

~~Wife~~

Husband - 1/2 (50%)

Sister - 1/3 (33.3%)

Sister - 1/3 (33.3%)

B. WILLS

Maliki School

- **No wills in favour of heirs**
- **Wills for up to 1/3 of net assets
after expenses / debts**
- **DIFC Wills Registry**

C. Gifts / Hiba

- Requirement of delivery /

Possession /

Registration /

Alienation

D. Ownership of Assets

Individual

Joint

Corporate

Civil and Common Law Jurisdictions

E. Ownership of Corporations

Single Shareholder

Multiple Shareholders

Joint ownership with right of survival

F. Recommendations

i. Corporate Ownership

ii. Joint Ownership

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