

- 2- To dispose of bond, shares or shares of them, and also movables, which are not insignificant, or those that are not feared their damage unless their value is small.
- 3- To transfer the minor's debt or to accept a promissory note on him if he was indebted.
- 4- To invest the minor's monies for his account.
- 5- To borrow money for the minor's interest.
- 6- To lease the minor's real estate.
- 7- To accept donations that is bound to a condition or to reject them.
- 8- To disburse from the minor's money on the person whose provision is mandatory on him, except if this provision is ruled by an executory judgement.
- 9- To settle the existing obligations which are on the legacy or the minor.
- 10- To admit a right on the minor.
- 11- Reconciliation and arbitrary.
- 12- To file a suit in court if there is no harm to delay its filing on the minor or the waste of a right of his.
- 13- To assign the case and the non-utilization of contest methods that is legally decided.
- 14- To sell, or to lease the minor's monies to himself or to his wife or to one of their ascendants or descendant or to whom the curator is his deputy.
- 15- Monies disbursed in marrying of the minor of dowry and others according to the observed methods.
- 16- To educate the minor if he needs a provision.
- 17- The necessary disbursement so that the minor practices a certain profession.

Article -226-

The party assigned with the minors' affairs or any concerned responsible in it shall prevent any purchase or leasing of any thing for him or his wife or any of their ascendants or descendants of what the minor's possess. Also it shall be prohibited that he sells anything to him of what he owns or his wife or one of their ascendants or descendant.

Article -227-

The curatorship shall be without a fee except if the court shall consider, upon the request of the curator to assign him a fee or to grant him remuneration for a decided work, or the legator decided for him a customarily accepted fee.

## **Chapter 10**

### **Termination of Curatorship**

Article -228-

The assignment of the curator shall terminate in the following cases

- 1- His death, his incapacity or its diminishment.
- 2- The establishment of being missed or his absence.

- 3- The acceptance of his request to give up his assignment or his dismissal.
- 4- His incapability of undertaking the curatorship's assignments.
- 5- Directing the minor or his reaching adulthood.
- 6- Stripping the curatorship off the curator.
- 7- The recovering of the minor's father to his capacity.
- 8- The death of the minor or the person under curatorship.
- 9- The termination of the work for which the curator was positioned to undertake or the period for which he was appointed.

Article -229-

If the boy is insane or not trustworthy of his money, the curator shall have to notify the court to view the continuation of curatorship over him after reaching adulthood.

Article -230-

It shall be adjudged the dismissal of the curator:-

- 1- In case there arises in him a reason for unfitness for curatorship even if this reason existed at the time of his appointment.
- 2- In case of mismanaging or neglecting it or his stay becomes a danger to the minor's interest.

Article -231-

1- The curator, shall have, at the termination of his mission, to deliver the minor's monies and all that are related to them of accounts and documents, to the concerned person under the supervision of the court, within a maximum period of thirty days as from the termination of his assignment. He shall have to deposit in the clerical of the court of competent jurisdiction, at the stated date, a copy of the account and the minutes of delivering the monies. This is provided that the court shall take into consideration the penal responsibility's regulation when necessary.

2- It shall be void every undertaking or acquittal, which the curator shall obtain from the minor who reached adulthood within a year from the date of the court's authentication of the account.

Article -232-

In case the curator dies, or he is under guardianship, or is considered absent, his heirs or who deputizes him or who has his hands over the money, according to case, shall have to immediately notify the court with this to undertake the necessary procedures to protect the minor's rights. This is together with delivering the minor's monies and presenting the special account for them.

## **Part 3**

### **The Absent and The Missing**

Article -233-

- 1- The missing is the person whose domicile or his place of stay is unknown.

2- The missing is the absent whose life or death is unknown.

Article -234-

If the absent or the missing has no agent it shall be appointed for him a judicial agent to manage his monies.

Article -235-

It shall be computed the absent's or the missing's money on the appointment of a judicial agent, and it shall be managed according to the management of the minor's money-management.

Article -236-

The missing shall end if:-

- 1- If the missing's life or death is ascertained.
- 2- If it is judged to consider the missing being dead.

Article -237-

- 1- The judge, in all cases, shall have to search for the missing by all means to reach the knowledge of whether he is alive or dead prior to judging his death.
- 2- The judge shall rule the death of the missing if a proof of his death arises.
- 3- The judge shall have the right to rule the death of the missing in cases in which his perish prevails, if a year elapsed since the publication of his death upon the request of those concerned, or if four years elapsed in the ordinary cases.
- 4- The money of the missing whose death was ruled shall not be distributed except after the elapement of fifteen years as from the publication date of his loss.

Article -238-

The day on which it is judged the death of the missing shall be considered the date of his death.

Article -239-

If its judged to consider the missing is dead then he appears alive:

- 1- The wife returns to him in the following cases

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- a- If her second husband did not consummate with her the marriage a true consummation.
  - b- If her second husband knows that her first husband is alive.
  - c- If the second husband married her during the waiting period (Al Ida't).
- 2- He reverts on his heir for his legacy except what perished of it.

**Book 4**  
**The Will**  
**Part 1**  
**General Regulations**

Article -240-

The will is a disposition of the legacy whose execution is withheld till after the death of the legator.

Article -241-

The will shall be absolute, withheld, or suspended on a true or a limiting condition.

Article -242-

If the will is accompanied by a condition in contradiction to the legislative purposes, or the regulations herein, the condition shall be void and the will shall be valid.

Article -243-

The will shall be executed within the limit of the third of the legator's estate, after the settlement of the rights attached to it. The excess over the third shall be sound within the share of who permitted it of the adult heirs.

Article -244-

Every disposition that shall occur during death sickness for the purpose of donation or favoritism, shall be governed by the will's regulations whatever is the name given to it.

## **Part 2**

# **The Basis And Conditions Of The Will**

## **Chapter 1**

### **The Basis**

Article -245-

The basis of the will: the text, the testator (the legator), the legatee and the testamentary inheritance.

Article -246-

The will shall be made by a verbally or in writing, and If the legator is incapable of them it shall be effectuated by the understandable sign.

Article -247-

It shall not be heard on denial the will's case or retraction from it except through the legal decided proofs' methods.

Article -248-

1- The will shall be void for the person who has the capacity to donate even if it is issued during death sickness, together with taking into consideration the regulations of both article 174 and 176 herein.

2- The will of the restrained person for squandering, or inadvertence of kinship shall be valid with the authorization of the court.

3- The legator shall have the right to amend the will or retract it partially or totally.

4- It shall be considered the disregard of the legator of the decided money, which he bequeathed as a retraction on his part of the will.

Article -249-

The will shall be valid for who is suitable to be bequeathed even with the difference of religion.

Article -250-

There is no will for an inheritor unless the remaining adult inheritors approve it, then it shall be executed in the share of who approved it.

## **Chapter 2**

### **The Will's Validity Conditions**

Article -251-

- 1- The will shall be valid for a specific person whether alive or a stable pregnancy.
- 2- The will shall be valid for a limited or an unlimited category.
- 3- The will shall be valid for charity aspects, which are legally permissible.

Article -252-

- 1- It shall be a condition in the will of a specific person, that he accepts it after the death of the legator, or during his life and his continued acceptance after his death.
- 2- If the legatee is a minor or a fetus, or under curatorship, the person who has the guardianship of his money shall accept the will, and he can refuse it following the permission of the judge.
- 3- The will for an unspecified person does not require acceptance and shall not be rejected by the rejection of any person.
- 4- The acceptance on behalf of the authorities, institutions and establishments shall be from those legally representing them, and they shall have the right of rejection following the approval of the judge.

Article -253-

- 1- It shall not be a condition to accept the will immediately upon the death of the legator.
- 2- It shall be considered the silence of the legatee, following his knowledge of the will for a period of thirty days an acceptance to it. If the will is burdened with obligations, the period shall be extended to fifty days unless there is no considered objection for its rejection.

Article -254-

The legatee shall have the full capacity to reject the will totally or partially.

Article -255-

If the legatee dies after the death of the legator without issuing an acceptance or a rejection the will shall move to the legatee's heirs unless it is burdened with obligations.

Article -256-

- 1- The specified legatee shall be invested the ownership of the testamentary inheritance as from the date of the legator's death provided the acceptance.
- 2- The heir of who died of the legatees prior to division shall substitute him
- 3- The testamentary inheritance shall be divided equally if there is a multiplicity of legatees unless the legator conditioned the diversity.
- 4- The twin who is alive shall solely receive the bequeathed for pregnancy, if a woman gave birth to one of them dead.

Article -257-

- 1- The will shall include a category which is unlimited that are received, those who are present on the day of the legator's death and those who will be present.
- 2- The unspecified category's number shall be limited: with the death of the remaining of their fathers, or the desperation of those who remains alive from having children
- 3- If it is despaired the existence of any one of the legatees, the testamentary inheritance shall return as an inheritance.

Article -258-

The present persons of the unlimited category of the testamentary inheritance shall benefit, and the beneficiary shares shall change whenever there is a birth or a death.

The returns of the testamentary inheritance for the unspecified persons that cannot be limited shall be divided on those who are present of them.

Article -259-

The testamentary inheritance shall be sold to the unspecified persons if it is feared its loss or its devaluation, and it shall be bought with it what shall benefit the legatees.

Article -260-

- 1- The will for aspects of charity, which are legally permissible, shall be disbursed on its interests.
- 2- The returns of the testamentary inheritance for the expected institution shall be disbursed to the nearest similar to it till its existence.

Article -261-

It shall be a condition that the testamentary inheritance is the ownership of the legator and its aspect is legal.

Article -262-

- 1- The testamentary inheritance shall be in commonage or specified.
- 2- The testamentary inheritance shall include all the present and future legator's monies.

Article -263-

The will shall be executed with a commonage share if this is within the third of the legacy.

Article -264-

1- The specified testamentary inheritance shall be a real estate, or a movable, fungible or ad valorem, in kind or a benefit or a benefit from a real estate or a movable for a certain or an unspecified period.

2- The person who bequeathed a specified thing for a person then he bequeathed it to another - it shall be equally divided between them unless it is proven that he intend with this to retract from the first will for the first person.

### **Chapter 3**

## **The Will For Benefits and For Loaning**

Article -265-

1- If the value of the specified money, that is bequeathed its benefit or to benefit from it, is less than the third of the legacy, the unit shall be delivered to the legatee to benefit from it according to the will.

2- If the value of the specified money , that is bequeathed for its benefit or to benefit from it, and the benefit substitute for the specified period is more than the third of the legacy, the heirs shall have the option between the approval of the will and to give the legatee the equivalent of the third of the legacy.

3- If the will for benefit is for the life time of the legatee, the will shall be estimated with the unit's value.

4- The will for loaning the legatee a certain amount of money shall be valid, but shall not be executed in respect of what exceeds the third of the legacy of this amount except with the permission of the heirs.

Article -266-

The legatee of the specified money's benefit shall have the right to use it and to exploit it even contrarily to the state exhibited in the will provided that it shall not damage the unit.

### **Chapter 4**

## **The Will Represents A Heir's Share**

Article -267-

In case the will equals a specified heir's share of the legator's heirs, the legatee shall be entitled to an equal amount to this heir in excess to the ordained share.

Article -268-

In case the will is for an unspecified heir's share of the legator's heirs, or equivalent to his share, the legatee shall be entitled to the share of one of them exceeding the ordained share if all the heirs are equivalent in the inheritance, and the share of the lesser inheritance in excess to the ordained share if they are differentiating.

Article -269-

The legatee shall be entitled the equivalent share of the heir, whether male or female, within the limit of the third. What exceeds the third shall be executed in the share of who permitted it of the adult heirs.

## **Chapter 5**

### **Voidness Of The Will**

Article -270-

The will shall be void in the following cases

- 1- The expressly or implicitly retraction of the legator from his will.
- 2- The death of the legatee during the life of the legator.
- 3- The rejection of the legatee to the will during the life of the legator or after his death.
- 4- The murder of the legatee to the legator whether the legatee is the original perpetrator or an accomplice or caused it provided that he was when committing the crime sane, reaching the penal responsibility limit, and whether the murder was committed prior to the will or after it.
- 5- The perish of the testamentary inheritance or its entitlement by others.
- 6- The apostate of the legator or the legatee from the Muslim religion unless he re-enters in it.

Article -271-

The acquiring of the legatee the characteristics of the legator's heir shall make his entitlement pending on the permission of the remaining of the heirs.

## **Chapter 6**

### **The Mandatory Will**

Article -272-

1- Who dies, even implicitly, and has sons or daughters' children, and this son or this daughter died before or with him, it shall be mandatory that his grandchildren have in the third of his legacy a will with the following amount and conditions:

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a- The mandatory will for these grandchildren shall be equivalent to the amount of their shares which their father inherits from his deceased ascendant on the assumption that the death of their father follows the death of his said



ascendant provided that it shall not exceed the third of the legacy.

b- These grandchildren shall not be entitled a will if they are heir to their father ascendants whether a grandfather or a grandmother, or he bequeathed them or gave them during his life without an offset the amount of what they are entitled in this mandatory will. If he bequeathed them with lesser than this it shall have to be completed, and if he bequeathed more, the excess is an optional will. If he bequeathed some of them only, the will shall be mandatory for the other with the equivalent of his share.

c- This will shall be for the children of the son and the children of the daughter in line, whether they are one or more and the male shall have twice the share of the female. Every ascendant shall screen his descendant apart from the other's descendant. Every descendant shall take only the share of his ascendant.

2- The mandatory will shall precede the other optional wills in the fulfillment from the third of the estate.

3- The murderer and the apostate shall be deprived from the entitlement of the mandatory will according to the regulations of this law in respect of the will.

## **Chapter 7**

### **Overlapping Legacies**

Article -273-

If a third is insufficient to meet legacies equitable in rank and the adult heirs shall not be allowed the excess over exceeds the third; it shall be divided pro-rata between the heirs. If one of them is for something in particular a set off shall be undertaken for its value, and the heir who is due it shall take his/her share from what is specified and the others take their shares from the remainder of the third.

## **Book 5**

### **Legacies and Inheritances**

#### **Part 1**

#### **Legacies**

#### **Chapter 1**

### **General Regulations**

Article -274-

The legacy is what the deceased leaves of money and financial rights.

Article -275-

There are rights attached to the legacy, some of them are precedent to the others according to the following order:-

- 1- The expenses for the preparation of the deceased with compassion.
- 2- Settlement of the deceased debts whether they are God's or people's rights.
- 3- The execution of legacies
- 4- The distribution of the remaining part of the legacy on the heirs.

Article -276-

### **Ascertaining Death and Inheritance**

- 1- The person requesting the ascertainment of death and inheritance shall have to submit to the court of competent jurisdiction a request that includes a statement of the date of the deceased's death, the deceased last domicile, the heirs' names and their domiciles, the legatees' names and their domiciles, and all the legacy's movables and real estates.
- 2- The clerical department shall notify all the heirs and the legatees to attend before the court on the date specified for this. The judge shall verify with the testimony of a person he trusts, and he shall have the right to add to it the administrative investigations according to what he considers.
- 3- The ascertainment of death and inheritance shall be considered a title, unless an otherwise judgement is issued, or the court of competent jurisdiction shall decide to stop its determinative effect. The court shall issue a certification of succession defining the heirs and the share of each of them in his legal inheritance.

Article -277-

### **Legacy Liquidation Procedures**

- 1- If the testator does not appoint an executor for his estate, it shall be permissible for one of the concerned person to request from the judge to appoint an executor who is unanimously chosen by the heirs from among them or from others. In case the heirs do not unanimously agree on the selection of a person, the judge shall appoint an executor after hearing them.
- 2- It shall be observed the application of the special laws if there is among the heirs an established pregnancy, or an incompetent person or one of diminished capacity or a missing person.

Article -278-

If the testator appoints a testamentary guardian, the judge, upon the request of one of the concerned persons shall have to establish this appointment, to enforce such an appointment and the testamentary guardian shall have the right to relinquish this.

Article -279-

The judge upon the request of one of those concerned or the public prosecution, or without the request of dismissing the testamentary guardian shall appoint another when it is established its justification.

Article -280-

- 1- The court shall register in a separate record the orders for the legacy's executors' appointment or their establishment if the testator appoints them or dismiss them or their assignments.
- 2- This registration shall have its effect on others dealing with the heirs regarding the real estates of the legacy.

Article -281-

- 1- The executor shall receive the legacy's monies after his appointment and liquidates them under the control of the judge. He shall have to request a fee which, the judge shall estimate.
- 2- The legacy shall bear the liquidation cost and these expenses shall have the privilege of the judicial fees.

Article -282-

The judge shall, when necessary, take all what is appropriate to safeguard the legacy. He shall have to order the deposition of money, securities and things of values in the court's treasury in whose circuit is located the entire legacy or most of it till the liquidation is executed.

Article -283-

The executor of the legacy shall have to disburse from the legacy money:

- 1- The expenses for the preparation of the deceased.
- 2- A sufficient expense of acceptable quantity from this money to the needy heir till the liquidation is terminated. This shall be after obtaining an injunction from the court to disburse it provided that the expense received by every heir shall be deducted from his share in the legacy.
- 3- The judge shall settle all conflicts arising in this respect.

Article -284-

- 1- It shall not be permissible for the creditors as from the date of the appointment of an executor to the legacy to undertake any procedures against the legacy nor to continue in any procedures they undertook except against the legacy executor.
- 2- All procedures made against the testator shall be suspended until all the legacy's debts are settled whenever a request is made by one of those concerned in this.

Article -285-

It shall not be permissible for the heir prior to receiving an attestation stating his share in the net legacy to dispose of the legacy's money. It shall also not be permissible to him to receive what the legacy has of debts or to make a debt on him as requital for a debt on the legacy.

Article -286-

1- The executor shall have to undertake all procedures to safeguard the legacy's monies, to undertake what is necessary of management works, to deputize the legacy in the cases, and to settle all debts on it.

2- The executor shall be responsible a complete responsibility as a hired agent, even if he is not hired. The court shall have the right to request him to submit the account for his management on specific dates.

Article -287-

1- The executor shall invite both the legacy's creditors and debtors to submit a statement illustrating their rights and debts within two months as from the date of publishing this assignment.

2- The assignment shall have to be affixed on the board of the court in whose circuit was the last domicile of the testator, the court of in whose circuit is located all the legacy's property or most thereof and to publish it in one of the daily newspapers.

Article -288-

The executor of the legacy shall have to deposit at the court from which, was issued his appointment's order, within three months as from the date of appointment, an inventory list of its debts or rights, and to estimate the value of these monies. He shall have to notify those concerned by this deposition by letter with receipt.

It shall be permissible for the executor to request from the court to extend this date if it is found what justifies it.

Article -289-

The executor shall have to seek the assistance of an expert to assess the legacy's monies, and make the inventory. Also, to establish what the testator's documents reveal and what reaches his knowledge thereof. The heirs shall have to notify the executor of all what they know about the legacy's debts and rights.

Article -290-

He shall be penalized with the penalty stipulated upon in the penal code for breach of trust each person who shall deceitfully seize on some of the legacy's money even if he is a heir

Article -291-

All conflicts arising in respect of the soundness of the inventory shall be filed in the appropriate court within thirty days as from the date of depositing the inventory list.

## **Chapter 2**

### **Settlement Of The Legacy's Debts**

Article -292-

1- Following the elapsement of the date decided for the litigation in respect of the inventory list, the legacy executor, after obtaining the permission of the court, shall settle the debts, which are not litigated.

2- As regards the litigated debts they shall be settled after the adjudgement of their soundness with a decisive judgement.

Article -293-

In case of the legacy's bankruptcy or the possibility of its bankruptcy, the executor shall suspend the settlement of any debt, even if no litigation was raised in its respect, until it is decisively adjudged in all disputes related to the legacy's debts.

Article -294-

1- The executor shall settle all the legacy's debts from what he collects of its rights, what it includes of money, and from the price of what are in it of movables. If this is insufficient, it shall be from the legacy's real estates' price.

2- The legacy's movables and real estates shall be sold by auction and pursuant to the procedures and dates stipulated under compulsory sales of the civil procedures law; this is unless the heirs agree on another method. In case the legacy is bankrupt, all creditors shall have to approve on the method agreed upon by the heirs. In all cases the heirs shall have the right to enter the auction.

Article -295-

All debts that are not secured with a guarantee in kind shall be due on the death of the testator. The judge, upon a request by all heirs, shall have to judge the maturity of the secured debt with a guarantee in kind and decide the amount due to the creditor.

Article -296-

It shall be permissible to every heir, after the distribution of the deferred secured debt with an in kind guarantee to settle the amount apportioned to him prior to the due date.

Article -297-

It shall not be permissible to creditors who were not settled their rights for their non establishment in the inventory list, and they had no insurance's on the legacy's monies to revert on those who bona fida gained a right in rem on those monies. They shall have the right to revert on the heirs within the limit of what the legacy brought to them.

Article -298-

The executor shall, after the settlement of the debts, execute the testator's legacy and others of the costs.

### **Chapter 3**

## **Delivery Of The Legacy's Monies and Their Division**

Article -299-

Following the execution of the legacy's obligations, the remaining of its monies shall revert on the heirs each according to his legal share.

Article -300-

1- The executor shall deliver all remaining monies to the heirs.

2- It shall be permissible for all heirs, upon the elapsement of the date decided for litigation in respect of the legacy's inventory, to require the receipt of the items and monies whose liquidation are not necessary or part thereof, and this shall be temporarily against the provision of a warranty or without it.

Article -301-

Every heir shall have the right to require from the executor to deliver him his partage of the legacy except if this heir is obliged to stay in commonage according to an agreement or a provision in the law.

Article -302-

1- It shall be permissible to divide the legacy which, is not heavily in debt prior to the settlement of its debts attached to it. This is provided that part thereof shall be allocated against the settlement of the legacy's debts including in them the debts secured with an in kind guarantee.

2- In case the division request is accepted, the executor shall divide the legacy provided that this division shall not be final except after the agreement of all heirs.

3- In case they do not unanimously agree on the division, the executor shall request the court to undertake the division according to the regulations of the law provisions. The costs of the division case shall be deducted from the heirs' shares.

Article -303-

It shall govern the legacy's division the rules decided for division, and it shall also be governed by the regulations of the following articles.

Article -304-

In case there is among the legacy's monies what is exploited agriculturally, industrially or commercially which is considered an economic unit existing on itself, and the heirs have not reached an agreement to continue work in it, and there is no attachments for others, it shall be totally allocated for whom shall request it of the heirs if he is the most capable to undertake its burden. This is provided that its value shall be determined and deducted from his share in the legacy. If the capability of the heirs is equal to undertake its burden, it shall

be allocated to who shall offer the highest value among them, provided that it shall not be less than the equivalent's price.

Article -305-

In case a heir, when dividing the legacy, a debt on legacy division, appropriated a debt thereof, the other heirs shall not guarantee this debt if he becomes bankrupt unless otherwise is agreed upon.

Article -306-

The will shall be valid by distributing of the legacy units among the testator's heirs so that it shall be allocated for every heir or some of the heirs the amount of his share and it shall be equivalent to the will to a heir.

Article -307-

It shall be permissible to revert to the executory distribution and it becomes compulsory with the death of the legator.

Article -308-

If the division does not include all the testator's monies at the time of his death, the monies, which are not included in the division, shall revert in commonage to the heirs according to the inheritance's rules.

Article -309-

In case one or more of the expected heirs who entered in the division dies before the testator's death, the partaged share shall revert in commonage to the other heirs according to legacy rules without prejudice to the mandatory legacy's regulations.

Article -310-

It shall govern the executory division the division's regulations generally except the unjustly regulations.

Article -311-

If the division does not include the legacy's debts or includes such debts but the creditors disagree on this division, it shall be permissible to any heir when disagreeing with creditors to request the court to execute the division and settle debts provided that it shall take into consideration, as possible as can be, the division recommended by the testator and considerations on which it was built.

## **Chapter 4**

### **Regulations Regarding The Non-Liquidated Legacy**

Article -312-

In case the legacy is not liquidated according to the aforementioned regulations it shall be permissible to the creditors to execute with their rights or with what was bequeathed to them on the legacy's real estates which, are disposed of or on which have been arranged rights in rem for the others' benefit if they imposed on it an attachment against their debts before the registration of disposals.

**Part 2**  
**Inheritances**  
**Chapter 1**  
**General Regulations**

Article -313-

The inheritance is a mandatory transfer of the individual's monies and financial rights due to the owner's death to those who are entitled to them.

Article -314-

The basis of inheritance:

- 1- The testator.
- 2- The heir.
- 3- The Inheritance.

Article -315-

Reasons for inheritance:- marriage and kinship.

Article -316-

It shall be conditioned for the entitlement of the inheritance:- the testator's true or ruled death, the existence of his heir when he died whether truly or implicitly, and the knowledge of the place of the inheritance.

Article -317-

Of the prohibitive from inheritance is the deliberate murder of the testator whether the murderer is an original perpetrator or an accomplice or caused it. It shall be a condition that the murder is without due right, inexcusable, and the murderer is an adult and sane.

Article -318-

There shall be no inheritance with religion differences.

Article -319-

In case two or more die, and there was an inheritance between them, and it is not known who preceded the other in death, non-of them shall have an entitlement in the legacy of the other.

Article -320-

The inheritance shall be by ordinance, followed by agnation or by both of them and then uterine.

**Chapter 2**  
**The Ordained Shares and Their Owners**

Article -321-

- 1- The ordained share: it is an heir's determined share in the legacy.
- 2- The ordained shares: a half, a quarter, an eighth, two-thirds, a third, a sixth and a



third of the remaining part.

3- Owners of the ordained shares: parents, spouses, the agnate grandfather in line, the grandmother with a heir, the daughters, the son's daughters in line, all brothers and sisters and the maternal brother.

Article -322-

### **The owners of the half:**

- 1- The husband on the condition that there is no ascendant heir of the wife.
- 2- The daughter on the condition of being isolated from the child whether a male or a female.
- 3- The son's daughter in line, on the condition of being secluded from a brother, and from a brother's son who is on an equivalent level to her or above her in line.
- 4- The sister-german if she is lonely with no brother-german or sister german and no heir descendant of the deceased, no father or and no agnate grandfather.
- 5- The agnate sister solely with no agnate brother, no brother-german or sister-german, no descendant heir of the deceased, no father and no agnate grandfather.

Article -323-

### **The owners of the quarter:**

- 1- The husband with a descendant heir to his wife.
- 2- The wife evens if they are several if the husband has no inheriting descendant.

Article -324-

### **The owners of the eighth:**

The Wife evens if there are several when there is the inheriting descendant of the husband.

Article -325-

### **The owners of the two-thirds:**

- 1- Two daughters or more if the deceased has no son.
- 2- The son's two daughters or more even if their father descends in line and the deceased had no son of his, nor a son of the son on their degree, and nor a child's son ascending them.
- 3- The two sisters- german or more if there is no brother-german , or an inheriting ascendant of the deceased nor a father nor an agnate grandfather.
- 4- The two agnate sisters and more if there is no agnate brother, nor a brother-german or a sister-german or an inheriting descendant of the deceased nor a father or an agnate grandfather.

Article -326-

### **The owners of the third:**

- 1- The mother when there is neither descendant heir of the deceased, nor the existence of two or more brothers and sisters at all. This is unless her inheritance is with one of the spouses and the father. In this case, she shall be entitled a-third of the remaining.
- 2- Two or more cognates children when there is no inheriting descendant of the deceased, nor a father nor an agnate grandfather. In this case the third is divided equally, the male and female shall have an equivalent share.
- 3- The agnate grandfather if he has with him the brothers- german or agnates or both of them are more than two brothers, or their equivalent of sisters and there is no heir with an ordained share.

Article -327-

### **The owners of the sixth:**

- 1- The father with his inheriting descendant.
- 2- The agnate grandfather in the following cases:
  - V
  - a- If he has with him an inheriting descendant of the deceased.
  - b- If he has with him ordained heirs and his share decreases to less than the sixth or the third of the remaining part or nothing is preferred to them.
  - c- If he has with him an ordained owner, and more of the brothers or their equivalent of sisters, whether german or agnates, and the sixth is better for him than the third of the remaining.
- 3- The mother with the inheriting descendant or with two and more of the sisters and brothers.
- 4- The true grandmother evens if she ascends in line, whether one or more provided the non-existence of someone screening her.
- 5- The son's daughter one or more, even if the father descend in line, with the one agnate daughter or with one son's daughter who is a degree higher than her, if there is no son, nor a son's son who is higher in line from her nor on her degree.
- 6- The father's sister, one or more, with the one sister- german, if there is no inheriting descendant to the deceased, nor a father or an agnate grandfather, nor a brother-german nor a father's brother.
- 7- One of the maternal brothers or sisters when there is no inheriting descendant of the deceased, nor a father nor an agnate grandfather, together with taking into consideration the regulations of article 347 of this law.

Article -328-

### **The owners of the third of the remaining part:**

- 1- The mother with one of the spouses and the father if there is no inheriting descendant of the deceased nor two or more sisters and brothers.
- 3- The agnate grandfather with one of ordinance heirs or more than two brothers or their equivalent of german or agnate sisters, and the third of the remaining part is better for him than the sixth.

## **Chapter 3 Agnation (Asseb)**

Article -329-

- 1- The agnation inheritance is an inheritance that is not determined in the legacy.
- 2- The agnation inheritance is of three kinds

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- a- Personal (Self) agnation (Asseb Bel Nafs).  
(He does not need another)
- b- Agnation by joining another. (Asseb Bel Gheir)  
(A person who is not an Asseb becomes one when joining an Asseb)
- c- Agnation with other. (Asseb maa Al Gheir)  
(All female heirs who being with another acquires the quality of Asseb)

Article -330-

Personal agnation has four directions with some of them precedent to the others according to the following order:-

- 1- Sonship; it includes sons, grandsons (from son) even if they descend in line.
- 2- Paternity; it includes the father and the agnatic grandfather in line.
- 3- Brotherhood; it includes brothers- german, or agnatic brothers and their sons in line.
- 4- Unclehood; it includes all the deceased's parental or paternal uncles, his father's uncles, agnatic grandfather's uncles in line with first male cousins whether german or agnatic in line.

Article -331-

The heir who is entitled for personal agnation shall be entitled the legacy if there is no one of the ordained shares. He shall be entitled what remains of it if found, and nothing if the ordained shares absorb the legacy.

Article -332-

- 1- Precedence shall be given to the first agnation in direction according to the order stipulated in article 330 of this law, then the closest in degree to the deceased when direction is united, then the strongest in relation when equaling in degree.
- 2- The agnatic heirs when united in direction, and they are equal in respect of degree and strength, shall join in the entitlement of their shares in the inheritance.

Article -333-

In case the agnatic grandfather is joins brothers german or cognates, or males or females or a mix of them, and whether there are with them ordained heirs or not, the grandfather with agnation shall inherit being considered as another brother of the deceased. This is if the sixth or the third of the remaining is better for him together with taking consideration of the regulations of article 346 herein.

Article -334-

1- Agnation by other.

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a- The daughter and more with the son and more.

b- The son's daughter in line, one or more with the son's son and more, whether on her degree or descending from it, if she needs him. He shall screen her if he ascends her.

c- The sister- german and more, with the brother -german and more.

d- The agnate sister and more with the agnate brother and more.

2- In these cases the male shall inherit twice the share of the female.

Article -335-

### **Agnation with other**

The sister german or cognate, one or more with the daughter or the son's daughter, one or more. In this case she is likewise the brother in being entitled the remaining and screening the rest of the females.

## **Chapter 4**

### **Heirs by Ordinance and Agnation**

Article -336-

The heirs by ordinance and agnation:

1- The father or agnatic grandfather with the daughter or the son's daughter even if her father descends in line.

2- The husband, if the first cousin of the deceased takes his ordained share, and what he is entitled for agnation due to unclehood sonship.

3- The maternal brother, one or more, if the first cousin of the deceased takes his ordained share, and what he is entitled for agnation due to unclehood sonship.

## **Chapter 5**

### **Screening And Deprivation**

Article -337-

1- Screening: is to deprive a heir from all or part of the inheritance due to the existence of another heir who is more entitled to it than him.

2- Screening is of two kinds:

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- Screening that deprives,
- Screening that decreases.
- 3- The screened from inheritance can screen others.
- 4- The person forbidden from inheritance does not screen others.

### Article -338-

- 1- The true agnate grandfather shall screen every agnatic grandfather in line.
- 2- The near grandmother shall screen the distant grandmother, except if the kinship is patrilineal then the distant uterine grandmother shall not be screened. The mother shall screen the true grandmother, as the father shall screen the agnate grandmother, and the true grandfather shall screen the grand mother if she is his ascendant.

### Article -339-

All the mothers' children shall be screened by each of the father and true grandfather in line, and the son and the son's son in line.

### Article -340-

Each of the son and the son's son in line shall screen the son's daughter who could be lesser in degree than him. And two daughters shall also screen her or a son's daughter higher than she in degree shall unless she has with her an agnate.

### Article -341-

Each of the fathers, the son, the son's son in line, shall screen the agnate brothers and sisters.

### Article -342-

The father, the son, and the son's son in line shall screen the agnatic sister and she shall also be screened by the parental brother and sister of if she is in agnation with another according to the regulation of article 335 herein. Also the two sisters if there is no agnate brother, The agnate brothers shall screen each of the father, the son and the son's son in line, and the brother-german and sister german if she is in agnation with other.

## Chapter 6

### The Reversion and Reduction

#### Article -343-

The Reversion: is the increase in the shares of the ordained inheritance share proportionately to their ordained shares if the original issue is in excess over the total of its lawful shares.

#### Article -344-

If the ordained shares do not absorb the legacy, and there is no agnate share, the remainder shall be reverted to others than the spouses who have ordained shares proportionately with their ordained shares. The remainder of the legacy shall be reverted to one of the spouses if there is no agnate shares or a uterine next of kin.

Article -345-

- 1- Reduction:- it is the decrease in the ordained heirs' share proportionately to their shares if the shares exceed the original legacy.
- 2- It shall be considered what it becomes of the original legacy and shall be divided accordingly.

## **Chapter 7 Special Issues**

### **Topic 1**

#### **Al Akdaria**

**(The husband, the mother, the grandfather, a sister  
who is german or agnate)**

Article -346-

The grandfather shall agnate the sister-german or agantic sister, She shall not inherit with him in ordinance except as in Al Akdaria which is a husband, a mother, a grandfather, a sister-german or an agnatic sister.

The husband shall have half, the mother the third, the grandfather the sixth, and shall be ordained for the sister the half that shall be joined to the sixth of the grandfather and then the total shall be divided between them with the male receiving double the share of the female.

### **Topic 2**

#### **The Associated**

Article -347-

The brother shall inherit with agnation the brother-german, except in the association which is the husband, a mother or a grand mother, a number of utrine brothers, and a brother/sister or brothers/sisters -german.

The husband shall have half, the mother or the grand mother the sixth, and the third shall be divided by the utrine brothers and sisters or brothers and sisters -german , with the male receiving double the female's share.

### **Topic 3**

#### **Al Malkia Doctrine And The Likewise**

Article -348-

The grandfather shall not screen the brother-german or the agnate except in the Al Malkia issues and their likewise

**Al Malkia:** A husband, a mother and grandfather, the mother's brothers, an agnate brother , the husband shall have half, the mother the sixth and the grandfather the

remaining with agnation.

The likewise Malkia: A husband, a mother, a grandfather, and mother's sisters and brothers, a brother-german, the husband shall have half, the mother the sixth and the grandfather the remaining with agnation.

## **Chapter 8**

### **The Inheritance of The Maternal Heirs**

Article -349-

The uterine inheritors are of four kinds:

The first category:-

The daughters' children in line and the children of the son's daughters in line.

The second category:-

The uterine grandfathers in line and the uterine grandmothers in line.

The third category:-

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1- The cognate brother's children, and their children in line.

2- The children of the half sisters in line

3- The daughters of the half brothers and their children in line.

4- The daughters of the half brothers' sons in line and their children in line.

The fourth category:-

It shall include six kinds

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1- The deceased cognate paternal uncles of a mother, his half-paternal aunts, his half-maternal uncles and aunts.

2- The children of those stated in the previous item in line, the deceased parental or agnate paternal half cousins, their son's daughters, the daughters of their sons in line, and his children from the stated daughters in line.

3- The deceased cognate paternal uncles of a mother, his half-paternal aunts, and half-maternal uncles and aunts (fathers' relatives), and the deceased mother's half-paternal uncles, aunts, and maternal uncles and aunts (the mother's kinship).

4- The children of those stated in the previous item in line. The daughters of the deceased father's parental cousins or the cousins of either of the parents, the daughters of their sons in line, and the children of those mentioned in line.

5- The deceased 's father's cognate paternal uncles, the deceased father's mother's paternal uncles, his father's parental paternal aunts and half maternal aunts and uncles (father's kinship) the paternal uncles of the deceased's mother, her half parental aunts, and half maternal uncles and aunts (mother's kinship)

6- The children of those mentioned in the previous item in line, the deceased father's parental or half-paternal first cousins and their son's daughters in line and the children of those mentioned in line.

Article -350-

1- The first category of the uterine kinship that is entitled to inheritance shall be the nearest degree to the deceased. If they are equal in degree, the child of the heir with the ordained share shall have precedence over the uterine child. If they are all the children of the person with the ordained share or non-of them is the son of the person with the ordained inheritance they shall share the testaments.

2- The second category of the uterine kinship the priority of inheritance shall be for the nearest degree to the deceased. If they are equal in degree, precedence shall be for the ordained beneficiary. If they are equal in degree and there are no ordained beneficiary or they are all ordained beneficiaries, if they are all agnates or cognates they shall share the inheritance. If their directions differ the two thirds are for the agnates and the third is for the cognates,

3- The third category of the uterine kinship who are entitled the inheritance are those who are the nearest degree to the deceased. If they are equal in the degree, and some of them are the son of a heir, and some of them are the cognate son the first shall have precedence over the second, otherwise the one with the strongest kinship to the deceased shall take precedence. The person with parental ascendance shall have precedence over the person with maternal ascendance. If they unite in degree and kinship strength they shall share the inheritance.

Article -351-

1- If in the first group of the groups of the fourth category stated in article 349 herein, is only the paternal kinship, and they are the deceased cognate paternal uncles and his paternal aunts, or the cognates, and they are the deceased maternal uncles and aunts, the strongest kinship shall take precedence. But the parental shall be more entitled than one, whose ascendant is one of the parents, and the agnate shall have precedence over the cognate and if they equal in kinship strength they shall share the inheritance. When both teams meet the two third shall be for the agnate and the third for the cognate and the share of every team shall be divided as above-Mentioned.

The regulations of the previous paragraph shall apply on the third and fifth category.  
2- In the second category the nearest of them shall have precedence over the distant, even if the is from another direction of kinship. If they equal, and the kinship direction is united, the stronger shall take precedence even if they are all the children of an agnation or the maternal children. If they are different the agnation son shall have precedence over the maternal knship's son. If they differ in kinship the two thirds shall be for the agnate and the third for the cognate, and what every team obtains shall be divided between them according the aforementioned method.



The regulations of the above-mentioned paragraph shall apply on the fourth and sixth category.

3- It shall not be considered the multiplicity of relation direction in respect of a maternal heir except when the direction is different.

Article -352-

The male shall have double the female share in the maternal inheritance with the exception of the children of the maternal sons; the inheritance shall be equal between the male and female.

## **Chapter 9**

### **Inheritance By Estimation**

Article -353-

It shall be retained for the missing, from the legacy of his testator, his share in it on the estimation of being alive. If he appears alive he shall take it, and if it is ruled his death his share shall revert to who deserves it of his heirs at the time of the ruling.

Article -354-

It shall be retained for pregnancy from the testator's legacy the larger of the two shares for two males or two females on the estimation that the pregnancy is for twins. The remaining of the heirs shall be given the lesser of the two shares, and the distribution of the legacy shall be settled according to the legal shares after confinement.

Article -355-

If the retained for pregnancy is less than what it deserves it shall be reverted for the rest on whom entered the excess in his share of the heirs. If the retained for pregnancy exceeds what it is entitled the excess shall be returned to whom is entitled of the heirs.

## **Chapter 10**

### **Disassociation**

Article -356-

1- Disassociation is the agreement of the heirs that some of them leave his known share of the legacy to some others against something known.

2- If one of the heirs disassociates with another, he shall be entitled his share and shall substitute him in the legacy.

3- If one of the heirs disassociates with the rest, if the settled to him is from the legacy, the share of the disassociated shall be deducted from the original and the shares of the remaining heirs shall remain as they are. If the settled to him was from their money, and it was not stipulated in the disassociation contract the method of dividing the disassociated share, it shall be divided on them proportionately to what each of them paid. If it is known what each of them paid his share shall be equally divided on them.

## **Chapter 11**

### **Miscellaneous Issues**

Article -357-

1- If the deceased confessed during his life with the affiliation on himself, his statement shall not extend to the heirs unless the statement fulfills the conditions for its soundness.

2- If he confessed affiliation to another which, was not established according to article 93 of this law, and he did not retract his statement, the person confessed to shall be entitled the legacy of the confessor unless he has an heir.

3- If some of the heirs confessed to the other of his lineage to their testator, the person to whom this was confessed shall share the confessor in his entitlement of the inheritance without any other unless he is screened

Article -358-

The child from adultery shall inherit from his mother and her relatives, and his mother and her relatives shall inherit from him and also the son of the anathema.

Article -359-

The gynadrous shall have half the two shares of the estimation of manhood and femalehood.

Article -360-

The legacy of who has no heir shall be a charitable endowment in his name for the poor, the paupers, and the students at the General Authority for endowment Administration.

Article -361-

It shall be void every fraud in respect of the inheritance regulations by sale or donation or will or others of dispositions.

### **Final Regulations**

Article -362-

It shall be annulled every regulation that shall contradict or conflict with the regulations of this law.

Article -363-

This law shall be published in the official gazette and shall be enforced as from the date of its publication.

Khalifa Ben Zayed Al Nahian  
President of the United Arab Emirates State  
Issued by us

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