

Writing wills - Legal Guide

Writing a will is one of the most vital steps to safeguarding -your loved ones' future. It guarantees your assets are distributed as per your wishes and minimizes the chance of legal issues with regard to the same.

But a will isn't just about dividing assets—it's a thoughtful and responsible act that provides your family with clarity about your intentions, helping to avoid conflicts. By appointing an executor to oversee the distribution of your assets and carry out your final wishes, you ensure a smoother process during a time of loss and transition.

1. How to Write and Register a will:

- **Determine Your Assets**

Begin by listing all your assets, including property, bank accounts, investments, and personal belongings. Identify who you wish to leave these assets to (your beneficiaries). Maintain a list of assets (inventory) and share this information with family members both locally and in your home country.

- **Beneficiaries:** Typically, spouses and children are named as beneficiaries, ensuring a clear plan for asset inheritance. In the context of Sharia law, a Muslim individual can allocate up to one-third (1/3) of their estate for **gifts and donations** through a will.

- **Appointing an Executor and Guardians is crucial for managing the estate and children's welfare.** The executor oversees financial matters, settles debts, and ensures the net assets are transferred to beneficiaries. They also handle required documentation and may open trust accounts for the children. The guardians take care of the children's personal and day-to-day needs. Both roles ensure the children's financial and personal well-being after the parent's passing.

- **Register the Will**

Once drafted and signed, the will must be registered with an appropriate authority in the UAE.

- **Courts:**

- **DIFC:** Offers a will registration service for non-Muslims, ensuring the distribution of assets according to the testator's wishes. Approximate cost per will is 10,000/ AED
- **Abu Dhabi Judicial Department (ADJD):** Muslims and Non-Muslim expats can register their will here for assets in Abu Dhabi. Approximate cost per will is 1,500/ AED
- **Dubai Courts:** Offers a will registration service for non-Muslims. Approximate cost per will is 3,000/ AED

2. Inheritance Without a Will:

In the absence of a will, UAE courts will apply **Sharia law** to both Muslim and non-Muslim residents. For non-Muslims, this can result in the automatic application of Sharia's inheritance shares, leading to outcomes that may not align with the deceased's intentions.

Note:

For expatriates in the GCC (excluding the UAE), obtaining the Ministry of Foreign Affairs (MOFA) and Ministry of Justice (MOJ) stamps on documents ensures they are recognized and accepted in other GCC countries.

MOFA Stamp: Validates the document's authenticity for international use.

MOJ Stamp: Confirms the document complies with UAE laws, making it legally binding.

Once stamped, these documents can be used for various purposes, such as estate planning and legal agreements, across other GCC nations like Saudi Arabia, Kuwait, Qatar, Bahrain, and Oman. This process simplifies legal transactions for expats, providing peace of mind in managing their affairs.

For any further clarifications regarding the legal process of writing wills, please feel free to contact us at elgergaw@unhcr.org