

## REQUIREMENT OF EXECUTING A WILL FOR NON-MUSLIM EXPATRIATE

### Background

This article is based on the premise that if a non-Muslim expatriate dies intestate (without a will), you have assets in the UAE, or has children residing here, then sharia law will apply automatically, regardless of your religion or nationality.

### Governing Laws

- The Federal Law no. 28 of 2005 would be applied by UAE courts.
- Art 17(3) the Federal Law no.5 of 1985 of the civil transaction law of UAE as amended by Federal Decree-Law No. 30 dated 2020/09/27.
- Article No. 11 of the UAE Federal Decree No. 41/2022 concerning the family law for non-muslims in the UAE

### Concerns about the absences of a Will

1. The distribution of assets may not be as per the will of the deceased.
2. Bank assets like individual accounts and joint accounts can be blocked.
3. Vehicles owned by the deceased cannot be transferred or sold.
4. To protect the guardianship of your minor children by appointing a permanent & temporary guardian
5. As a business owner, it's very important to consider business succession planning as part of the Wills process.

### Registration and notarization of Wills

Will registration can be registered in Abu Dhabi Judicial Department (ADJD), Dubai Courts, Dubai International Financial Center (DIFC), and Abu Dhabi Global Markets (ADGM) there is a variety of Will registration forums.

There is no denying the fact it is in the best interest of every ex-pat in the UAE to draft a Will in advance per their wish and personal laws (home country laws) they would prefer to apply to the Will. You can request a lawyer/Firm for a well-drafted Will and they can help you notarize the Will in UAE.

### Al Bahar Associates & Legal consultants ("the Firm") can help you draft and conclude private notary services for a Will registration based on providing the following documents:

<p><b>The following details and information is required to execute a Will :</b></p> <ul style="list-style-type: none"><li>• Valid Passport copy &amp; Emirates ID of the Testator</li><li>• Documentary proof for property ownership in UAE ( title deed)</li><li>• Details of Assets like vehicle number plates, bank account details, and insurance details within the UAE</li><li>• In case either of you would like his part of the assets to go to a certain person in the family, please provide the details of the person (Nationality, relationship, country of residence, Passport if possible).</li><li>• Executor of the Wills in case neither of the spouses was alive. This could be anyone you trust. If yes, please provide the details of the person (Nationality, relationship, country of residence, Passport "if possible").</li><li>• Details relating to donating any funds of the inheritance to a charity or certain association of the Testator's choice</li><li>• To book your appointment with a Will specialist please feel free to get in touch with our team to avail of our legal services at bahradvt@eim.ae or by phone at +97124410825 to discuss further.</li></ul>
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