

Fatwa ID#: DI01413

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Category: Inheritance

Date: 3/5/24 – 8/24/45

Question:

Assalamu alaikum,

My father passed away in 2022. His only asset was his and my mom's home. My mom and he both worked so all the equity in the home is equally theirs (if that matters). My mom sold the home this year (2024). Do we now use the proceeds to divide inheritance on behalf of my dad or does my mom just keep it all as her assets? She lives with me and I do have a brother. Her plan is to split it with both her children but I am not sure if we need to first split the portion each of us would receive as inheritance from my father. My dad does have many living siblings as well.

Please advise.

JazakAllahu khairan,

Answer:

Wa 'alaykum al-Salām wa Raḥmat Allah wa Barakātuh.

In the name of Allah, The Most Gracious, The Most Merciful.

Your mother will retain ownership of the share she owned during your father's life. After your father's passing, his share will be distributed as follows:

His wife (your mother): 12.5%
His son (your brother): 58.333%
His daughter (yourself): 29.166%

For example, if the house was shared equally between your parents and it sold for \$200,000:

- 1) Your mother will receive \$112,500 in total (\$100,000 for her owned share and \$12,500 from your father's share)
- 2) Your brother will receive \$58,333
- 3) And you will receive \$29,166

Each owner may choose to keep or give their share as they please. No other relative, based upon the information provided, is entitled to a share.

And Allah knows best.

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Hisham Dawood

Darul Ifta, Darul Qasim

