150098 - Can he donate his share of the inheritance before it is divided for memorisation of the Qur’aan?

the question

Can I donate my share of inheritance before the estate is divided, for example for memorisation of the Qur’aan?.

Detailed answer

Praise be to Allah.

The estate should be divided quickly, after paying off any debts the deceased had, if applicable, and his bequests should be carried out, so that each heir will be given his due and will be able to make use of it in whatever way he wants.

If there is any reason to delay sharing out the estate, and the estate has been evaluated and your share of the estate is known, such as if each heir will get a house, for example, and you want to donate your house to a charity that teaches memorisation of the Qur’aan, there is nothing wrong with that.

It says in Fataawa al-Lajnah ad-Daa’imah (16/440): A man died eight years ago and left behind an estate that included houses, residential land, shops, cars and other things, and it has not been divided until now. One of the heirs invested it by doing business in the shops and he spent from that on himself and his family; he even paid the dowry for his marriage from it. The question is about the following rulings:

1.Is any zakaah due on the estate for this period? If the answer is yes, should zakaah be paid for all the past years or for one year? Is there any zakaah on the houses and residential land?

2.What is the ruling on the money that was spent on the dowry, maintenance and so on?

3.What are the consequences of the delay in dividing the estate and the impact of that on the

shares of others?

Please advise us, may Allah reward you.

Answer:

Firstly: zakaah must be paid on the estate by the heirs, each according to his share of it, because the estate moved from the possession of the deceased to that of the heirs when he died, if the estate is in the form of wealth. If it is real estate which was intended to be sold, then zakaah must be paid one year after the date of death. If the real estate was intended to be rented out, then zakaah must be paid on the rent received, if it reached the nisaab (minimum threshold) by itself or when added to other wealth that is subject to zakaah, and one year has passed since the date of the rental contract.

Secondly: whatever each of the heirs has spent of the estate before it was divided is part of his share of the estate.

Thirdly: the division of the estate should not be delayed, because of what results from that of delay in giving people what they are entitled to and hence a delay in paying zakaah, because each heir may argue that he did not know what his share was or that he had not received it. End quote.

And Allah knows best.