197852 - Her married brother died before her father died; who has the right of inheritance after the death of her father?

the question

My father died a month back.

He has a house in his name.

His son (my brother) died in an accident 8 years back leaving his wife.

I am the only daughter.

My mother (my fathers one and only wife) is alive.

My father has two brothers and 4 sisters.

How to divide the property?

Detailed answer

Praise be to Allah.

If the heirs are limited to those mentioned in the question, then the estate is to be divided among them as follows:

The daughter gets half, because Allah, may He be exalted, says (interpretation of the meaning):

“…if only one [daughter], her share is half…”

[an-Nisa’ 4:11].

The wife gets one eighth, because Allah, may He be exalted, says (interpretation of the meaning):

“…their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts…”

[an-Nisa’ 4:12].

The rest of the estate goes to the siblings, male and female, with each male getting the share of two females, because Allah, may He be exalted, says (interpretation of the meaning):

“if there are brothers and sisters, the male will have twice the share of the female”

[an-Nisa’ 4:176].

With regard to your brother who died before your father, he has no share of the estate, because one of the conditions of inheritance is that the heir should still be alive. Based on that, his wife has no share.

For more information, please see the answer to question no. 94838.

And Allah knows best.