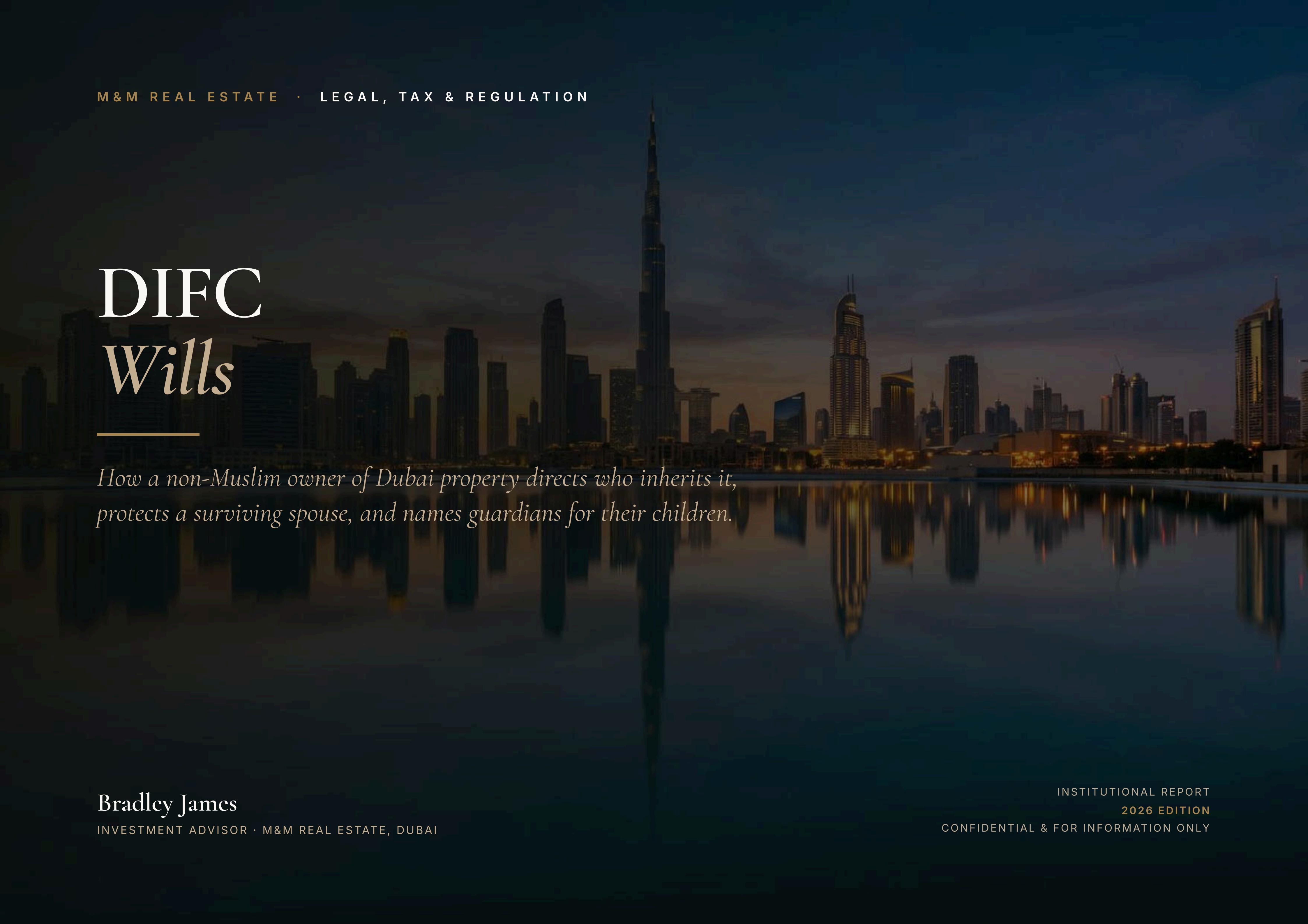

M&M REAL ESTATE · LEGAL, TAX & REGULATION

DIFC *Wills*

How a non-Muslim owner of Dubai property directs who inherits it, protects a surviving spouse, and names guardians for their children.

Bradley James
INVESTMENT ADVISOR · M&M REAL ESTATE, DUBAI

INSTITUTIONAL REPORT
2026 EDITION
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CONTENTS

What This Guide Covers

01 **The Problem Nobody Plans For**
What happens to a non-Muslim's Dubai assets with no registered will.

02 **The DIFC Courts Wills Service**
A common-law will-registration service built for non-Muslims...

03 **The Six Will Types**
You do not have to register a full estate plan. The Service offers targeted wills...

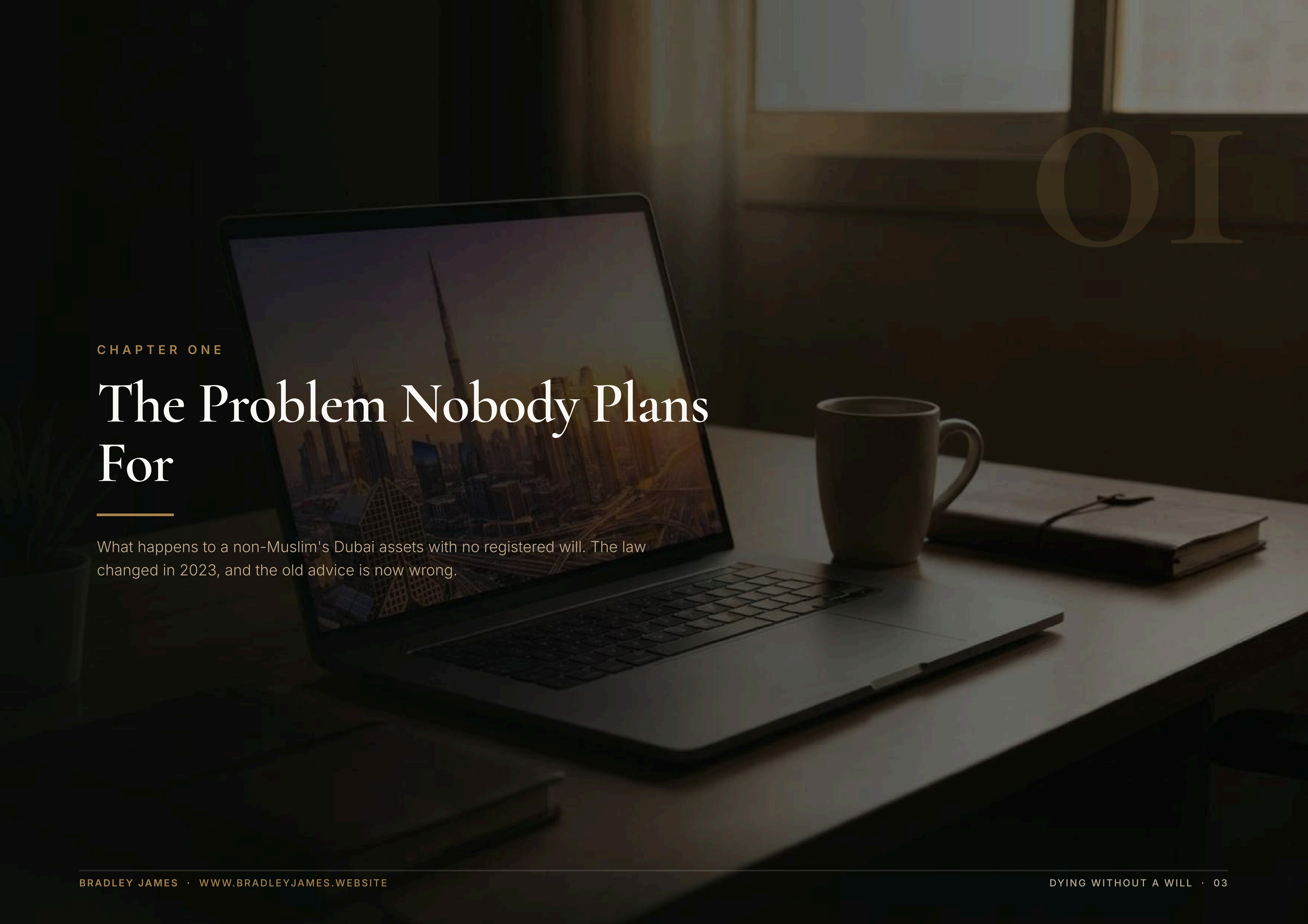
04 **The Process and the Cost**
Registering a will is a short, structured process.

05 **Guardianship for Your Children**
For a family, this is the part that matters most. A will names who raises your children...

06 **DIFC, ADJD or Dubai Courts**
There is more than one way to register a non-Muslim will.

07 **Why an Owner Needs One**
If you hold Dubai property as a long-term, wealth-protection asset...

08 **Misconceptions and Questions**
The myths that leave owners exposed, cleared up, and the questions non-Muslim owners...



01

CHAPTER ONE

The Problem Nobody Plans For

What happens to a non-Muslim's Dubai assets with no registered will. The law changed in 2023, and the old advice is now wrong.

CHAPTER 01 · INTESTACY IN THE UAE

What Really Happens Without a Will

For years the warning to every non-Muslim buying in Dubai was the same: die without a will and Sharia inheritance rules apply to your estate by default. That warning is now out of date, and repeating it does you a disservice. The law changed, but the reason to act did not.

Since **Federal Decree-Law No. 41 of 2022 on Civil Personal Status** came into force on **1 February 2023**, Sharia inheritance principles are **no longer the automatic default** for non-Muslims who die in the UAE. Two things can govern a non-Muslim estate instead. First, the law of your country of nationality, which the Decree-Law lets a non-Muslim elect for inheritance and wills. Second, and cleanest, a registered will that directs your assets exactly as you choose.

Where there is neither a will nor a clear home-law election, the Decree-Law now applies a **civil, gender-equal intestacy default** rather than Sharia shares: broadly, half the estate to the surviving spouse and the other half divided equally among the children, with no distinction between sons and daughters. If there are no children, the estate passes to the parents. Men and women inherit equally, a deliberate departure from the old default.

1 Feb 2023

DECREE-LAW 41/2022 IN FORCE; SHARIA NO LONGER THE AUTO DEFAULT

UAE Legislation

50 / 50

CIVIL INTESTACY DEFAULT: HALF SPOUSE, HALF CHILDREN EQUALLY

Decree-Law 41/2022

Equal

SONS AND DAUGHTERS INHERIT THE SAME SHARE

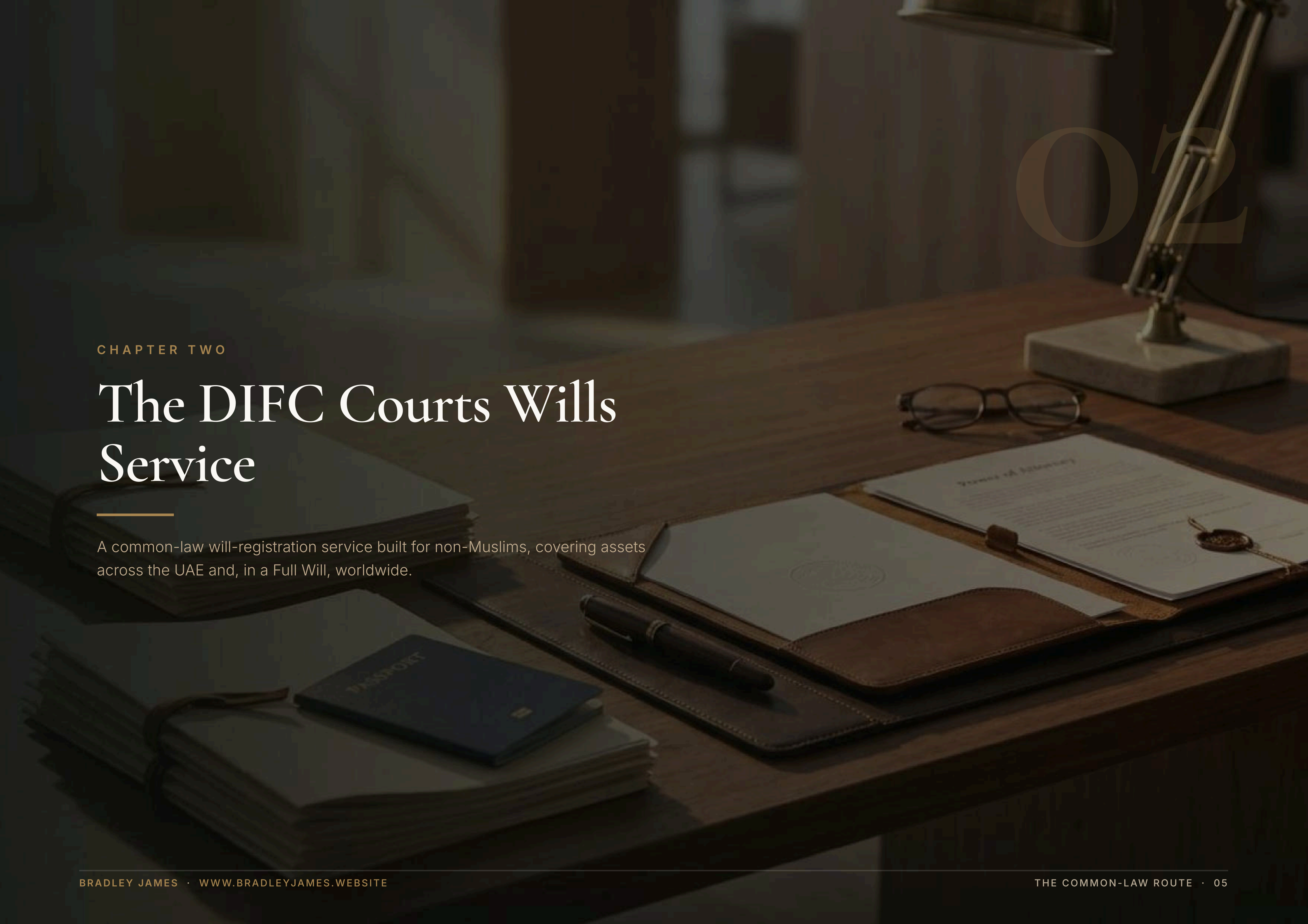
Library of Congress

◆ WHY IT'S STILL A PROBLEM

- The governing law, foreign or civil-default, must be proven and applied by a UAE court.
- That means translation, legalisation and often expert evidence of the foreign law.
- Bank accounts can be frozen while the succession is resolved, locking out a spouse.
- A foreign will is not self-executing here; it is recognised, not simply obeyed.
- Joint ownership does not give automatic survivorship. Nothing passes without direction.

◆ THE POINT

"The default improved. The delay, the freeze and the uncertainty did not. A registered will is the mechanism that skips all three."



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CHAPTER TWO

The DIFC Courts Wills Service

A common-law will-registration service built for non-Muslims, covering assets across the UAE and, in a Full Will, worldwide.

CHAPTER 02 · THE SERVICE

A Common-Law Will, Registered in Dubai

The **DIFC Courts Wills Service** is a joint initiative of the Government of Dubai and the DIFC Courts, formerly known as the Wills and Probate Registry. It lets a **non-Muslim** register a will under **English-style common law**, in English, so their assets pass and their children's guardians are appointed by their own instructions rather than any default formula. The Service issues a registration certificate that UAE courts recognise for enforcement.

It is open to non-Muslims whether or not they live in the UAE. The testator must be at least **21 years old**, and the will can be registered **in person or remotely** through the DIFC Virtual Registry. Importantly, its reach is not confined to the DIFC free zone. Established in 2015 and extended UAE-wide in 2019, a DIFC-registered will can cover assets **across the UAE**, and a Full Will can cover **worldwide** moveable and immoveable assets.

The framework was reinforced by **Dubai Law No. 2 of 2025**, which is reported to confirm the DIFC Courts' exclusive probate jurisdiction over registered non-Muslim wills for Dubai assets. In plain terms, a DIFC will is widely regarded as the strongest position for enforcing succession over a Dubai-based estate.

21+

MINIMUM AGE; OPEN TO NON-MUSLIMS, RESIDENT OR NOT

DIFC Courts

UAE-wide

REACH SINCE 2019; FULL WILL COVERS WORLDWIDE ASSETS

DIFC Courts

922

WILLS REPORTED REGISTERED IN H1 2025, UP 14% YEAR ON YEAR

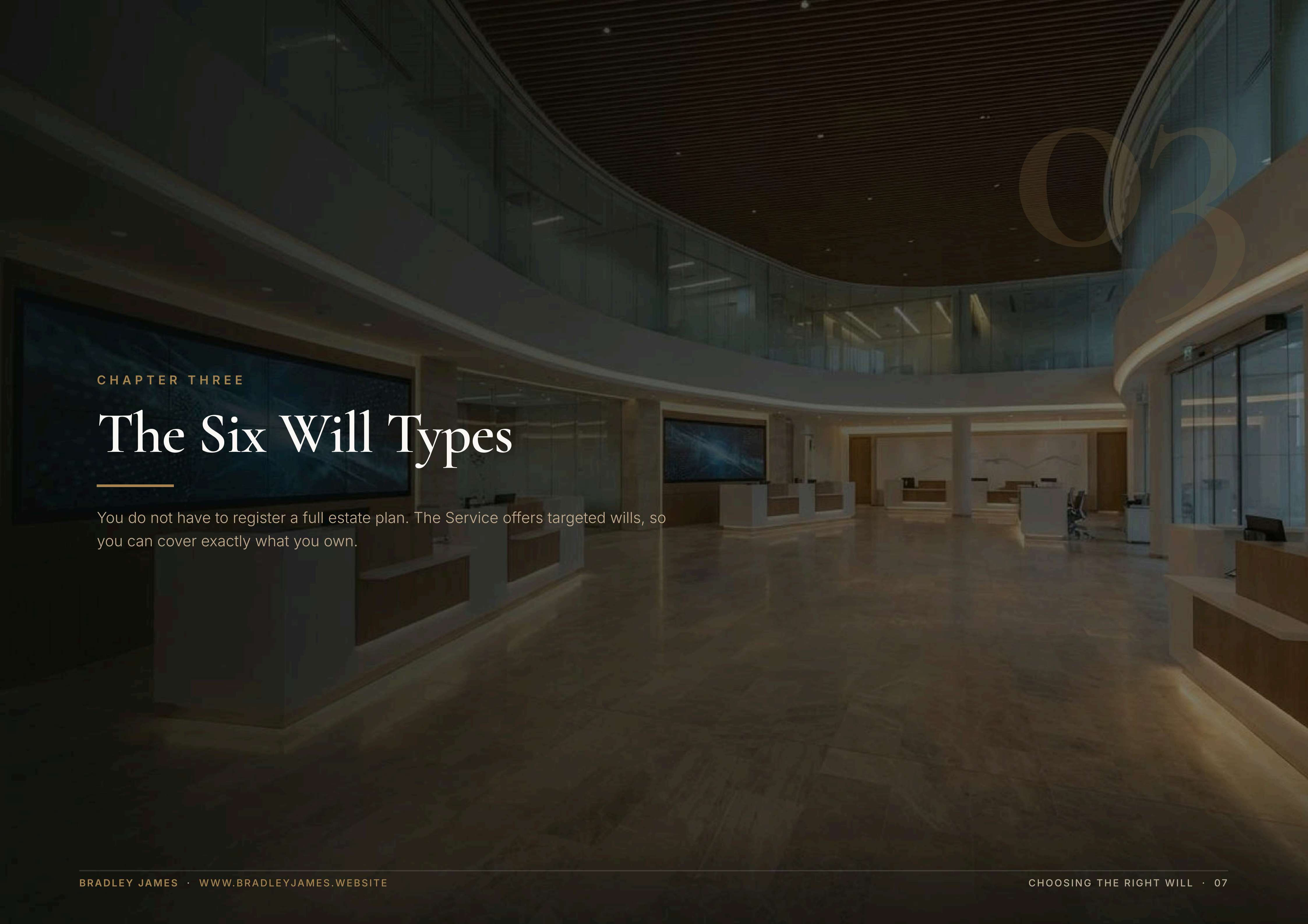
Industry reporting, indicative

◆ NOT JUST THE FREE ZONE

The most common misunderstanding is that a DIFC will only covers assets inside the DIFC. It hasn't since 2019. It reaches your property, accounts and companies across the UAE, and a Full Will reaches your assets worldwide. The label is narrow; the coverage is not.

◆ ON THE NUMBERS

"The adoption figures and the 2025 law are drawn from reporting, not a primary release. The direction is clear: registration is rising, not falling."



03

CHAPTER THREE

The Six Will Types

You do not have to register a full estate plan. The Service offers targeted wills, so you can cover exactly what you own.

One Full Will, or Five Targeted Ones

A helpful feature of the Service is that you can register a **targeted will** rather than a full estate plan. If your only UAE exposure is a couple of apartments, a Property Will does the job. If you want everything, everywhere, covered in one instrument, the Full Will is the comprehensive option. Here are the six registered types and what each one covers.

WILL TYPE	WHAT IT COVERS
Full Will	All your moveable and immoveable assets owned at death, worldwide, whether or not each one is individually listed. The comprehensive option, and the one that reaches beyond the UAE.
Property Will	UAE real estate, covering up to 5 properties, or shares in up to 5 UAE properties. The natural choice for a focused Dubai property investor.
Financial Assets Will	UAE bank and brokerage accounts, covering up to 10 accounts. Directs your cash and investments held with UAE institutions.
Business Owners' Will	Shareholdings in UAE-registered companies, covering up to 5 shareholdings. Keeps a business interest passing cleanly rather than freezing.
Guardianship Will	The appointment of guardians for minor children, both interim and permanent. Covered in full in Chapter Five.
Digital Assets Will	Cryptocurrency and digital assets, secured through a non-custodial wallet. The newest product in the range.

The existence and names of the six will types are confirmed on the DIFC Courts services page. The numeric caps of 5 properties, 10 accounts and 5 shareholdings are indicative and can change; confirm current limits on difccourts.ae.

◆ MATCH THE WILL TO THE ASSET

A single Dubai apartment does not need a worldwide Full Will. A Property Will covering up to 5 units is often enough, and lighter. If your affairs span several countries or you have children, the Full Will earns its place. Register what you own, not more.

◆ ON THE CAPS

"The 5, 10 and 5 limits are current-but-verify. Product limits move, so confirm the live figure on difccourts.ae before you rely on it."

04

CHAPTER FOUR

The Process and the Cost

Registering a will is a short, structured process. Here is how it runs, who can witness it, and what it costs.

From Draft to Registration Certificate

Registration is straightforward. You can attend the DIFC Courts building in Dubai **in person**, or register remotely via the **DIFC Virtual Registry** over a video appointment, which is what makes the Service usable by overseas owners who never set foot in the UAE. The will is signed before, and witnessed by, the Registry, then lodged, and a registration certificate is issued.

Two structural points matter. First, your **witnesses must be independent**: they cannot be beneficiaries, guardians, or the spouses of any beneficiary or guardian named in the will. Second, you **name an executor** to administer the estate, and, if you have minor children, you can **appoint guardians** within the same will. Get those roles right and the document does its work without argument later.

WILL TYPE	SINGLE WILL	MIRROR WILLS (A COUPLE)
Full Will	AED 10,000	AED 15,000
Property Will	AED 7,500	AED 10,000
Guardianship Will	AED 5,000	AED 7,500
Business Owners' Will	AED 5,000	AED 7,500
Financial Assets Will	AED 5,000	AED 7,500
Digital Assets Will	AED 5,000	AED 7,500

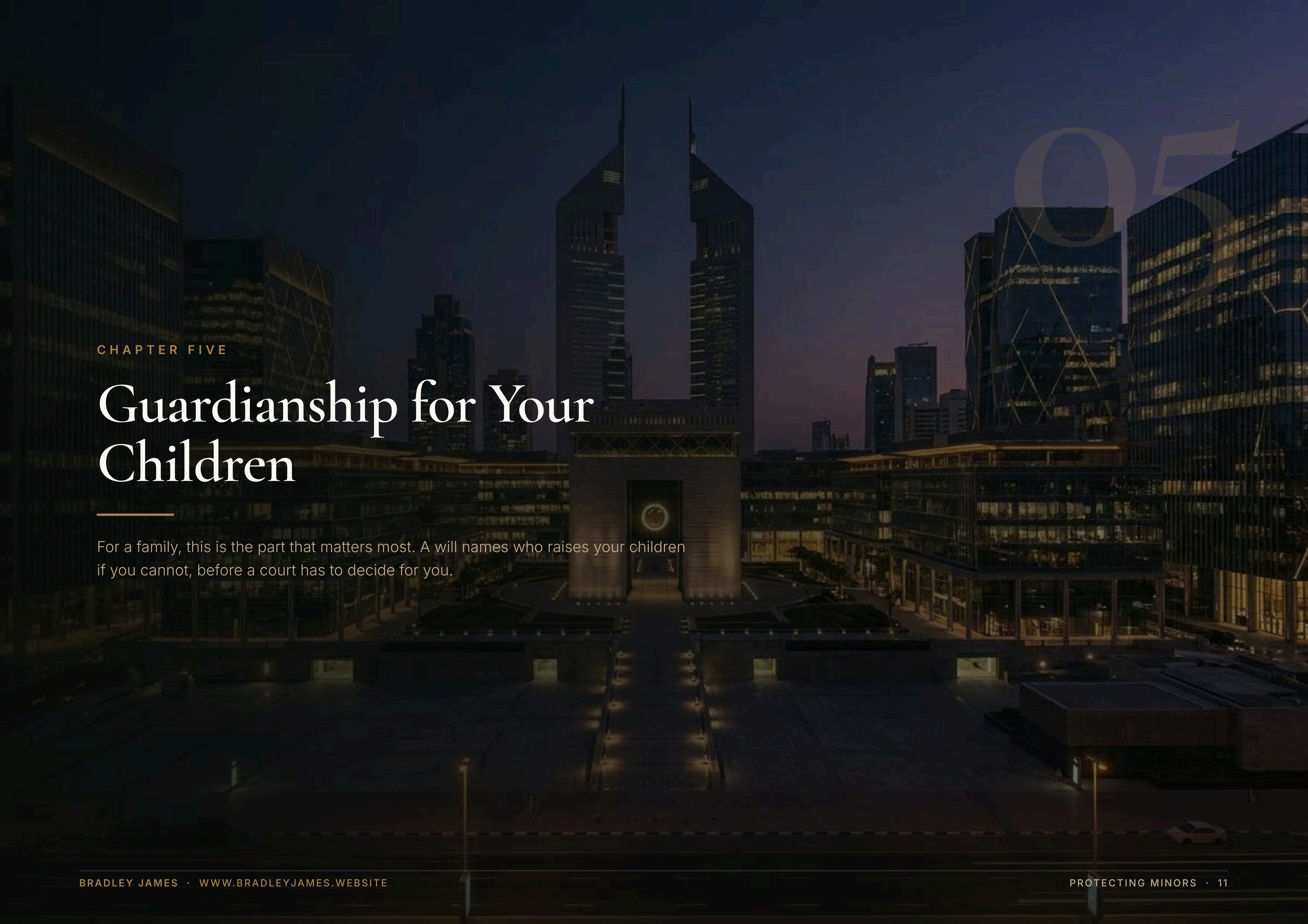
Indicative registration fees, widely reported by UAE legal-service providers in 2025 to 2026, not read from a primary DIFC schedule. Confirm current fees on difccourts.ae before you rely on them. Optional lawyer drafting is separate. Mirror wills are two near-identical wills registered together for a couple.

◆ WHAT THE FEE IS NOT

These figures are indicative, not an official price list. DIFC fee schedules are revised from time to time, and optional lawyer drafting sits on top. Treat the table as a planning guide, then confirm the live number on difccourts.ae before you budget precisely.

◆ MIRROR WILLS

"A couple usually registers two mirror wills together, each leaving assets to the other and then to the same children, at a reduced combined rate."



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CHAPTER FIVE

Guardianship for Your Children

For a family, this is the part that matters most. A will names who raises your children if you cannot, before a court has to decide for you.

CHAPTER 05 · MINOR CHILDREN

Who Raises Your Children If You Can't

For most expat parents, the money is not the frightening part of dying abroad. The frightening part is the question of who looks after the children, and how quickly. A will answers it in advance, before a court has to.

A DIFC will, whether a dedicated **Guardianship Will** or the guardianship section of a Full Will, lets parents nominate who raises their minor children if both parents die. It provides for two kinds of guardian: an **interim, or temporary, guardian** who can act immediately and locally in the first hours and days, and a **permanent guardian** for the long term. That distinction is deliberate, because the urgent need and the lasting need are rarely met by the same person in the same moment.

Without a valid appointment, a UAE court decides guardianship. In the meantime children could be placed under the care of local authorities, and a chosen relative may face travel or custody complications, potentially unable to leave the country with the children while the matter is resolved. A registered appointment gives the court a clear, pre-authorised instruction to follow rather than a vacuum to fill.

◆ INTERIM AND PERMANENT

Name both. The interim guardian acts in the first hours, often a trusted person already in the UAE, so the children are never in limbo. The permanent guardian takes the long view. Splitting the roles is not overkill; it is the point.

◆ THE REAL STAKES

"Guardianship provisions are available under both the DIFC and the ADJD systems. For a young expat family, this is the clause that matters most."

06

CHAPTER SIX

DIFC, ADJD or Dubai Courts

There is more than one way to register a non-Muslim will. They differ on law, language, cost and reach. Here is how to choose.

Three Ways to Register, Compared

The DIFC Courts Wills Service is the best known route, but it is not the only one. A non-Muslim can also register through the **Abu Dhabi Judicial Department (ADJD)**, whose non-Muslim wills service is bilingual, fully online and notably cheaper, or through a **Dubai Courts notarised will**. Each opts out of any default formula. They differ on legal basis, language, reach, cost and enforcement strength.

FEATURE	DIFC COURTS	ADJD (ABU DHABI)	DUBAI COURTS NOTARY
Legal basis	Common law, English-style, DIFC Wills rules	Civil law, under Decree-Law 41/2022	UAE civil law, Dubai Courts notary
Language	English	Bilingual English and Arabic	Arabic, translation usually needed
Reach	UAE-wide; Full Will worldwide	All seven emirates; can include assets abroad	Primarily UAE assets
Registration	In person or Virtual Registry (video)	Fully virtual option; online portal	In person before a notary
Cost	Higher, indicative AED 5,000 to 15,000+	Lower, reported around AED 950 single	Typically low notary fees
Best-known strength	Strongest Dubai probate; common-law drafting	Cost-effective, bilingual, quick online	An option, least used by expats

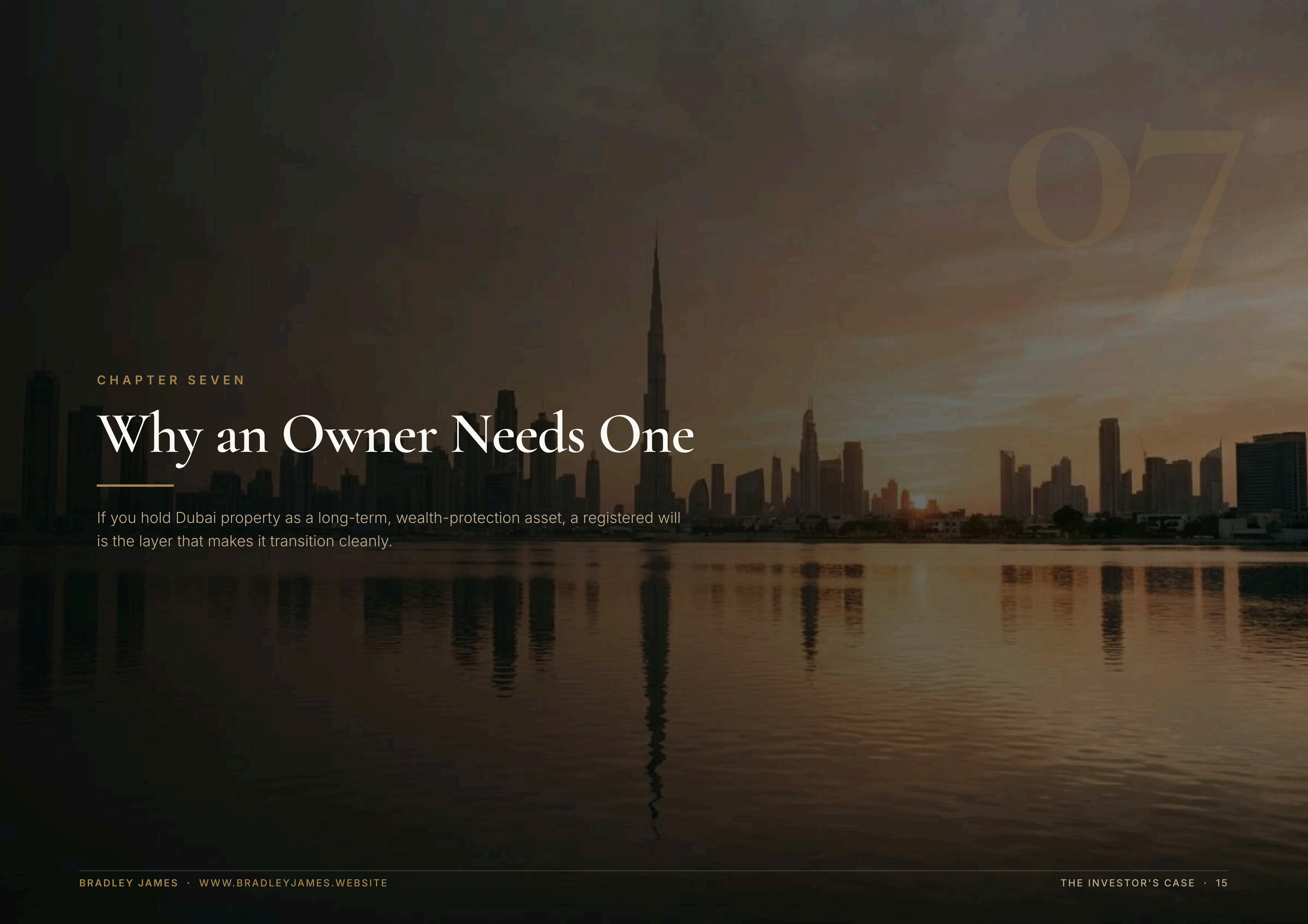
Fee figures are indicative and practitioner-reported, not primary schedules. Confirm DIFC fees on difccourts.ae and ADJD fees on adjd.gov.ae. The ADJD certificate is issued bilingually in English and Arabic.

◆ HOW TO CHOOSE

For a higher-value or cross-border Dubai estate, DIFC's common-law certainty and its strong Dubai probate position usually justify the higher cost. For a lean, bilingual, fully online will covering UAE-wide assets, ADJD is hard to beat on price. The Dubai Courts notary is a third option, but the least used by non-Muslim expats.

◆ THE HONEST FRAMING

"Both DIFC and ADJD take you out of any default formula and cover UAE-wide assets. The choice is about cost, language and enforcement strategy, not safety."



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CHAPTER SEVEN

Why an Owner Needs One

If you hold Dubai property as a long-term, wealth-protection asset, a registered will is the layer that makes it transition cleanly.

CHAPTER 07 · THE INVESTOR'S CASE

The Estate-Planning Layer on Your Asset

If you have bought in Dubai as a capital-preservation play, a home for generational wealth rather than a quick trade, then a registered will is not an afterthought. It is the estate-planning layer that makes the whole thesis hold together, because an asset that cannot pass cleanly to the next generation is not really preserving anything.

The case is concrete. A registered will **names the beneficiary of each freehold unit directly**, rather than leaving a court to apply a statutory default or to prove and interpret a foreign law first. It **avoids the intestacy delay and the asset freeze**, so a surviving spouse is not locked out of accounts and cannot be blocked from selling, transferring or mortgaging the property while the estate is resolved. And because many Dubai buyers are **non-resident overseas investors**, the Virtual Registry lets a foreign owner secure a UAE-recognised will without ever living here.

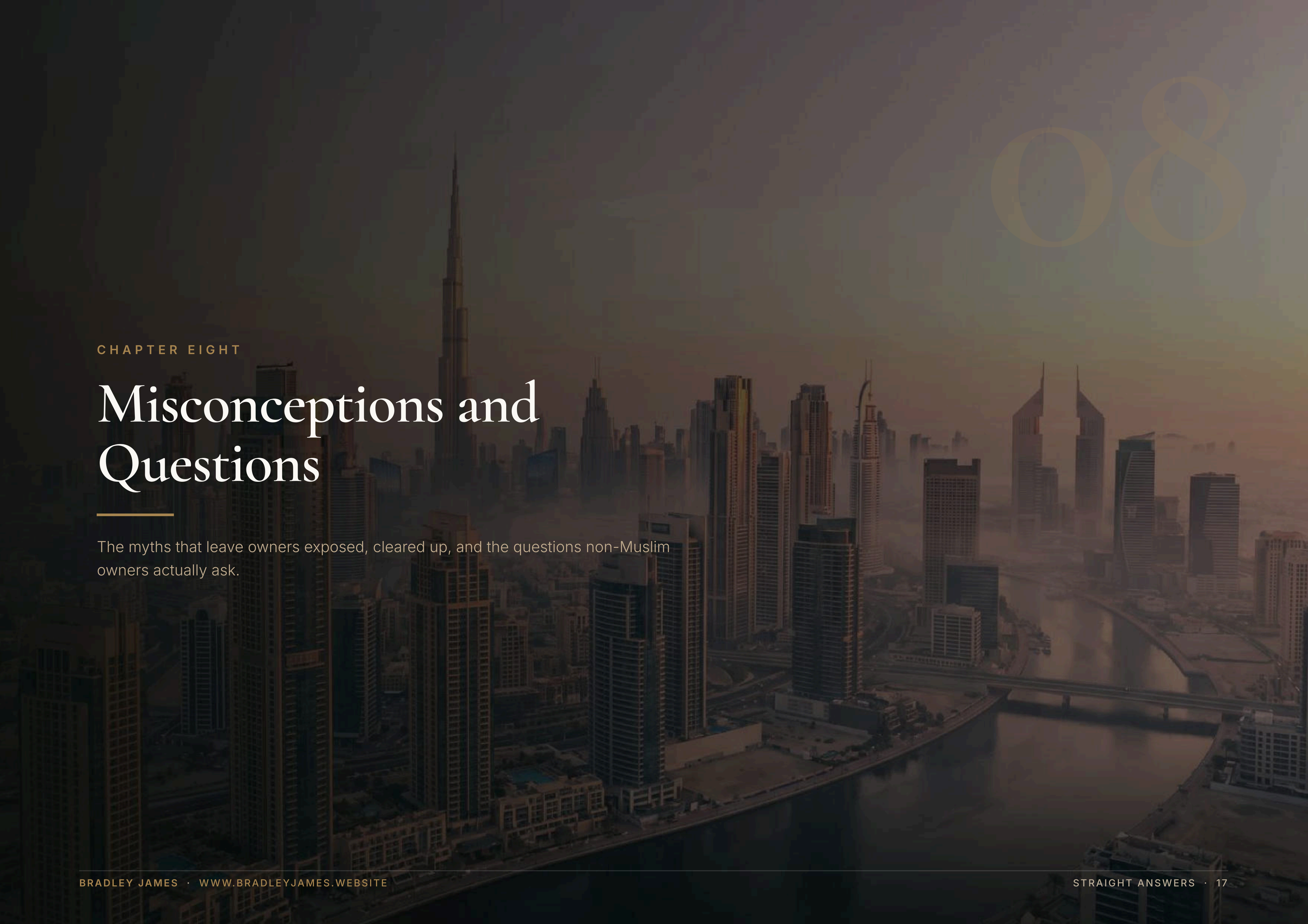
It also removes ambiguity between co-owners and heirs. Joint ownership does not guarantee automatic survivorship, so a will makes succession explicit rather than contested. For a wealth-protection mandate, that is the whole point: the asset transitions predictably, on your terms, not through a slow and uncertain court-led process.

◆ THE PRESERVATION LENS

- Directs each Dubai unit to a named beneficiary, not a default.
- Prevents the account freeze that strands a surviving spouse.
- Registrable remotely, so overseas owners are covered too.
- Makes joint-ownership succession explicit, not assumed.
- Turns a good asset into a cleanly inheritable one.

◆ THE DISCIPLINE

"You underwrote the purchase carefully. Underwrite the exit the same way. The will is how the asset survives you intact."



08

CHAPTER EIGHT

Misconceptions and Questions

The myths that leave owners exposed, cleared up, and the questions non-Muslim owners actually ask.

What Owners Get Wrong

Most of the risk here comes from confident but outdated beliefs. Five come up again and again, and each one leaves an owner exposed. Here they are, corrected.

THE MYTH	THE CORRECTION
"My home-country will already covers my Dubai property."	Not automatically. A foreign will is recognised by a UAE court, not simply obeyed. It needs translation, legalisation and proof of the foreign law, which is slow and uncertain. A UAE-registered will is the enforceable instrument here.
"A DIFC will only covers assets inside the DIFC free zone."	No. Since 2019 a DIFC will covers assets across the UAE, and a Full Will covers worldwide assets. It is not limited to DIFC-zone property.
"Sharia applies to everything I own, no matter what."	Outdated. Since Decree-Law 41/2022 came into force in February 2023, non-Muslims can have home-country law or a registered will govern their estate, and a gender-equal civil default applies where there is no will.
"Registering a will is only for the wealthy or the elderly."	No. Any non-Muslim owning a Dubai property, or with minor children, benefits. The guardianship and asset-direction protections matter most for young expat families.
"DIFC and ADJD are the same, and ADJD can't cover a Dubai asset."	No. They are different systems: common law versus civil law, English versus bilingual, different fees. Both can cover UAE-wide assets. The choice is about cost, language and enforcement, not reach.

Positions drawn from UAE Legislation, u.ae, the DIFC Courts Wills Service and the Library of Congress. This guide is educational, not legal advice.

◆ THE ONE TO REMEMBER

The single most dangerous myth is the first one. An overseas will feels like protection, but on UAE assets it is a claim a court must recognise, not an instruction it must follow. A registered UAE will closes that gap.

CHAPTER 08 · STRAIGHT ANSWERS

The Questions Owners Actually Ask

Q. Do I still need a will now that Sharia isn't the default?

Yes. The default improved, but dying intestate still means a UAE court must prove and apply the governing law, accounts can freeze, and a surviving spouse can be locked out for months. A registered will names your beneficiaries directly and avoids all of that.

Q. Can I register a will if I don't live in the UAE?

Yes. The DIFC Virtual Registry lets non-residents register over a video appointment, and ADJD offers a fully online route. You can secure a UAE-recognised will over your Dubai property without ever coming to the country.

Q. What does it cost?

Fees vary by will type and route. DIFC registration is indicatively higher, reported in the region of AED 5,000 to 15,000 depending on the will, while ADJD is reported to be considerably lower. These figures are indicative, so confirm current fees on difccourts.ae and adjd.gov.ae before you budget.

Q. Can one will cover my property, my accounts and my children?

Yes. A Full Will covers all your assets worldwide and can include guardianship of minor children in the same document. If your affairs are narrower, a targeted will such as a Property Will or a Guardianship Will may be enough.

Q. Who can witness my will?

Independent people only. A witness cannot be a beneficiary, a guardian, or the spouse of any beneficiary or guardian named in the will. Getting this wrong can undermine the document, so the Registry oversees it at signing.

Q. Is this legal advice?

No. This guide is educational and general. Your own position depends on your nationality, your assets and your family, so take specific legal advice before you register, and confirm all fees and product limits on the official court portals.

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◆ ABOUT BRADLEY

Not a broker, an advisor. I built a business in the UK and spent more than a decade advising people from all walks of life, before moving to Dubai and joining M&M Real Estate to work at a higher strategic level than the typical transactional broker. I specialise exclusively in off-plan investment for overseas and high-net-worth clients, I put my own capital into the projects I recommend, and my business is more than 80% referral-driven, because every client came through someone who trusted me first.

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