

PLANNING FOR YOUR “BEST FRIEND”
(THE DOG GONE TRUST)

Many of those who have pets consider them as part of the family. Parents make arrangements to provide for their minor children in the event of their deaths. So why not make arrangements for your pet’s care? Effective July 1, 2005, the Indiana legislature has adopted a law that permits such planning.

A pet owner may now create a trust to provide for the pet’s care after the owner’s death. A trust is a written legal agreement created by an owner of property by which the owner transfers the ownership of some or all of his or her property to himself, herself, or another individual or corporation (otherwise known as a “Trustee”) who holds the title to and manages that property for the owner in accordance with the provisions of the agreement. An owner can set aside a lump sum in “trust” to care for a pet or pets upon the owner’s death. Upon the owner’s death, a person designated in the trust or a person appointed by the court can enforce the trust. Under this new law, the trust terminates upon the death of the pet. If the owner created the trust to care for more than one pet (who were living during the owner’s lifetime), the trust terminates upon the death of the last surviving pet.

Unless a court determines that the value of the trust fund exceeds the amount required for its intended purpose, the trust fund can only be used for its intended purpose: caring for a pet. Unless provided otherwise in the terms of the trust, property not required for the intended purpose must be distributed to the owner, if alive. If the owner

is deceased, it must be distributed to the beneficiaries named in the trust or to the owner's heirs, if successor beneficiaries are not named.