



WINN FELINE FOUNDATION

For the Health and Well-being of All Cats

637 Wyckoff Ave., Suite 336, Wyckoff, NJ 07481 • www.winnfelinefoundation.org
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FEBRUARY 2018 PET TRUST LOVING LEGACY TIP

Have you made provision for care of your pet(s) in the event of your death? All 50 U.S. States now allow “pet trusts” to care for pets. Your lawyer can advise of you about the laws and limitations in your state. There are, however, general considerations you should discuss with your lawyer.

Pet trusts provide for animals who are alive at the time of your passing and end when the last pet dies. Unless an animal has special needs or is treated differently than your other pets it may be best to describe your pets generically. The pets you own today may not be the same pets you have when you expire.

Your pets will need a caretaker. This person will have physical custody of your pets and will be responsible for their day-to-day care. It is important that the person named be willing to accept the responsibility. Ask first before naming someone. You should also name alternates to succeed the caretaker if they become unable or unwilling to serve.

You need a Trustee or other person to monitor your money and assure your wishes are being met by the caretaker. Having two different people, one as caretaker and one distribute Trust money, provides checks and balances. Again, it is best to prepare for successors should the need arise.

Funding the pet trust can be an issue. You should set aside enough money to properly care for your pets during their lifetimes. This amount will depend on the number, age, and health of your pets. You should put aside enough money to handle unexpected illness or other expenses. But if you set aside too much it could invite a legal challenge from your heirs. One way to deter challenges is to name a charity as the remainder beneficiary for any unused funds from the pet trust.

Finally, remember that a Will goes into effect when you die. You may become incapacitated and need help with your pets prior to your passing. A “Living Trust” (inter vivos trust) can be effective prior to your death. A pet provision in your Living Trust provides for your pets if you become incapacitated. A durable power of attorney may also be used to appoint a caretaker to deal with your pets in the event of incapacity. Please consult with your attorney for details.

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The Winn Feline Foundation is a non-profit organization [501(c)(3)] established by The Cat Fancier's Association.
Member Combined Federal Campaign #10321