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*Estate, Trust, Tax and  
Long Term Care Planning*



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**"Accumulating wealth is one thing. Preserving it is another.  
Let our family help yours."**

## *Special Report*

### Pet Trusts

We receive numerous requests regarding the continued care of animals after a client's death. For many, their animals are their family, and they wish to provide for them as they would other intended beneficiaries of their estate.

The Colorado legislature came to the rescue over a decade ago to provide a solution to the problem. Colorado law currently allows for the creation of a pet trust. At C.R.S. 15-11-901 et.seq., the procedures to create a "Pet Trust" are set forth. As part of your estate plan, you can create a trust which will care for the special animal in your life, after your death.

One of our clients established a trust for Romeo, a horse, that was highly skilled in equestrian activities. As part of this client's estate plan (which used a revocable trust as the primary estate planning document), a trust was established, to hold a sum of money to care for Romeo should Romeo survive the client. The money to be held in the trust would be used for training and the boarding of Romeo, as well as for veterinarian expenses and other ordinary expenses of the animal. After a set number of years (during which the horse would continue to be trained), Romeo was to be sold to a loving family who would care for Romeo for the balance of his lifetime. The client's goal was (1) to ensure Romeo would continue his training after the client's death, should the client die prior to the time when Romeo was sufficiently trained to meet Romeo's maximum potential, and (2) to ensure Romeo would be cared for by a loving family.

Whether the animal is a highly trained (and expensive) animal such as Romeo, a house pet or group of pets, the owner of those animals may wish to formalize the arrangement within their estate plan for the animal's care after the death of the pet's owner. Often clients assure us the administrator of their estate will handle the disposition of their animal just fine having been assured the animal would be cared for by family or friends. Most often this works. To ensure it

works and the pet is to be cared for, a more formal arrangement such as a Pet Trust may be called for.

The Pet Trust can be incorporated into your existing will or trust or can be a separate “standalone” document. The provisions of the Pet Trust can set forth who is to care for the pet, the amount of funds set aside for the care of the animal, the disposition of the pet’s remains upon death, the choice of care providers for the pet, and the compensation of the pet’s custodian. Furthermore, an incentive for the care of the pet can be provided by a "longevity" clause. In other words, a payment can be made to the custodian for so long as the pet is alive. Upon death the payment ceases. This tends to increase the attentiveness of the caregiver toward the pet.

Furthermore, a "watchdog" (no pun intended) can also be appointed to ensure the custodian is properly caring for the pet. The sky is the limit regarding the type of trust and the type of provisions a Pet Trust can contain.

There are many resources available to learn about Pet Trusts, how they work and if they would be right for you. Some of the websites have legal forms but be careful in using them as the forms need to be incorporated into, or coordinated with, your existing estate planning documents.

A simple internet search will yield articles on Pet Trusts and their usage. We encourage you to do such a search and then if you feel a Pet Trust is something you wish to incorporate into your estate plan then contact your estate planning attorney to help you incorporate such a Pet Trust into your estate plan.