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A trust set up by Jennifer Ranville, right, and her husband calls for their dogs George, left, and Brandon to stay with their children — Sloane, 2, from left, Brady, 4, and Eden, 7 months — if the parents die. “At least they would still have their dogs,” says Ranville, of Gilberts.

Leaving behind care for pets

More owners are including their animals in estate-planning arrangements. Without a trust, a pet’s future can be uncertain.

BY BECKY YERAK | Tribune reporter

Henry loves fetching his tennis ball and playing tug with his stuffed animals. About 6 years old, the Shih Tzu mix likely has many good years left.

In a way, that worries his owner.

Fern Edson adopted Henry from the PAWS Chicago animal shelter almost four years ago. Her age: 84. “I really didn’t think

about the age difference,” Edson said. About 18 months later, “I started thinking about it.”

Edson, whose investment

banker husband died 12 years ago, has found peace of mind about Henry’s future, however. She’s enrolled in PAWS’ Guardian Angel pet care program, in which donors who leave bequests to the no-kill shelter are assured it will care for animals that outlive their owners.

It’s one of several ways that pet lovers are making provisions for their animals in the event they precede them in death. In recent years, it has become easier than ever to make estate-planning arrangements for pets.

All but a handful of states, for example, have passed laws that

permit pet owners to pass on assets for their care. Illinois began allowing residents to create trusts for their pets in 2005. Since then, awareness of pet trusts has risen, and animal law is one of the fastest-growing legal specialties, according to the American Bar Association.

“The tempo of inquiries and the number of actual executed pet trusts has increased in the last couple of years,” said Michael Fitzgerald, a lawyer with the St. Charles-based law firm Fitzgerald & Perry, which has

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worked on pet trusts.

If pet owners don't make arrangements, the outcome for their animals can be uncertain.

Take Angel, a 1-year-old female cat that meowed to passersby recently from her cage at the Anti-Cruelty Society of Chicago. Society spokeswoman Trisha Trinco said Angel was dropped off with two other cats April 28 after their owner died. Angel was spayed May 4 and remains at the shelter. The other cats, Peggy and Marsha, have been adopted.

Some people leave bequests for their pets in wills. But that isn't always the best option because the purpose of a will is to distribute property, and instructions are unenforceable, according to the 2010 book "Petriarch: The Complete Guide to Financial and Legal Planning for a Pet's Continued Care." In other words, Jane might get the house and the cat, but there's nothing in the will that compels her to keep the house maintained or the cat fed.

Wills are also subject to the probate process. A recent case in point is the Berwyn woman who died in December and stipulated in her will, written in 1988, that any animal in her care at the time of her death would be euthanized. The woman left most of her \$1.4 million estate to animal causes, which suggests she cared deeply about pets. Still, her will sought a death sentence for Boots, a healthy 11-year-old cat. The will's executors at Fifth Third Bank, persuaded a Cook County probate judge last month to set aside that provision and spare the cat's life. The bank then gave more than \$2,000 to Chicago no-kill shelter Cats Are Purrsons Too to care for Boots while attempts are made to find her a new home.

Estate planners and lawyers say what happened in the Boots case is one reason why setting up a pet trust is better than dealing with pet issues in a will. Trusts take effect quickly in the event of the owner's death or incapacitation compared with the execution of a will, a process that can drag on for weeks, if not months or years, in probate court.

Jeffrey Schmidt, Fifth Third trust officer, said that if pet trusts are part of a person's overall estate planning, they should cost no more than \$250 to \$500.

Todd Cordell, vice president of Chicago Trust Co. in Hinsdale, said establishing an estate plan can cost \$500 to \$3,000 or more depending on its complexity. It should be little to no extra cost to establish a pet trust as part of that estate plan, he said. If provisions of the pet trust need to be changed, amendments to the trust could cost \$300 to \$1,000 depending on the complexity.

It is recommended that the estate plan provide instructions on how to fund the pet trust. The amount will depend on such factors as the pet's age, cost of routine care, food and toys, Cordell said.

In Illinois, a judge has the authority to reduce the amount of money used to fund a pet trust if the amount is deemed to be excessive.

Because pets are considered property, they must be bequeathed to the trust.



ALEX GARCIA/TRIBUNE PHOTO

Shih Tzu mix Henry was adopted from PAWS Chicago by Fern Edson, who is taking part in the shelter's program for pets who outlive their owners.

Provisions for pet owners

Websites include americanbar.org, ali-cle.org, pettrustlawyer.com, tailsinc.com, fitzgeraldandperryllaw.com, avma.org, aspc.org and aldf.org. [Humanesociety.org](http://humanesociety.org) makes available a free five-page guide titled "Providing for Your Pet's Future Without You."

■ Legalzoom.com sells "pet-protection agreements," created by an animal law attorney for people who don't want to or can't afford to hire a lawyer. The agreements range in price from \$39 to \$79.

■ Animallaw.info is maintained by Michigan State University's law college and includes a searchable database of federal and state laws, cases and local ordinances. It also includes such articles as the 49-page "Pet Animals: What Happens When Their Humans Die?"

■ St. Charles lawyer Michael Fitzgerald of Fitzgerald & Perry is scheduled to speak about pet trusts at the Oak Brook Wet Nose at 7 p.m. May 30 and the Geneva Wet Nose at 7 p.m. May 31.

Several books explain how to make financial provisions for your pets. They include "Fat Cats & Lucky Dogs: How to Leave (Some of) Your Estate to Your Pet" and "Petriarch: The Complete Guide to Financial and Legal Planning for a Pet's Continued Care."

Tips:

For anyone considering establishing a pet trust, it's important to select the right guardian and to get that person's permission, said Todd Cordell, vice president of Chicago Trust Co. in Hinsdale.

Ideally, there should also be a successor pet guardian named to ensure care if the pet guardian is ultimately unwilling or unable to assume care for the surviving pet, according to "Petriarch."

A pet owner might also consider setting up a small joint bank account, in case of emergency, with the person they've named the guardian. For one thing, it tests the guardian's trustworthiness, the book said.

A detailed description of the pet should also be included in the estate plan. That would help discourage or prevent an unscrupulous pet guardian from replacing a lost, stolen or deceased pet in hopes of extending trust distributions.

— Becky Yerak

For most pet lovers, animals are part of the family. In fact, the Friedman family, of Deerfield, calls their "high-maintenance" 12-year-old Portuguese water dog, Payton, their "oldest child."

The Friedmans' estate plan, handled by Lindsey Paige Markus of the Chicago law firm Chuhak & Tecson, calls for Payton to be adopted in the event of the premature deaths of dad, Brad, 38, an executive vice president for Chicago-based real estate development firm Urban R2, and mom, Jolie, 35, who works at Northbrook children's clothing store Peek A Boutique.

While the couple's two human children, boys ages 8 and 6, would be cared for by Brad's brother and his wife, the Friedmans decided "they are not suitable parents for a dog."

The couple's estate planning names Jolie's parents as caretakers for Payton, who "suffers greatly from hip dysplasia."

"They're seasoned dog owners who always give Payton lots of love and attention, and I am totally comfortable leaving him in their

care," Brad said. "He's getting old, but he still thinks he is a puppy."

In their estate plan, the Friedmans haven't allocated funding specifically for Payton's care. But Jolie said her parents are aware of his expenses, which she has down to a science. The list includes \$90 for food every five or six weeks, \$65 for grooming every five weeks and a \$30 allergy medicine that lasts for two months.

Scott Laue, financial adviser with Savant Capital in Rockford, said firms such as his can be named a "successor trustee" in pet trusts, ensuring that the wishes of the pet owner are carried out and managing money in the trust to benefit the animal. Fees for that job, he said, typically amount to about 1.35 percent of the trust assets.

If Gilberts residents Jennifer and Michael Ranville die unexpectedly, their trust calls for their dogs to be included in a package deal with their children. They feel the dogs would comfort the children.

The couple worked with a law firm to set up their trust while

expecting their first child. Their family has since grown to three children, ages 7 months to 4 years, and two dogs, Brandon and George, 12 and 11 years old.

"We're even more glad that we've written that into the trust because if they lost both parents, at least they would still have their dogs," said Jennifer, 34, a stay-at-home mom who previously worked at Fifth Third Bank in Michigan. Her husband is a marketing director for Harvest Bible Chapel.

Others, such as Edson, are turning to animal shelters such as PAWS Chicago.

Naperville residents Loretta and Thomas Jacobs, for example, also signed on to PAWS' Guardian Angels Pet Care program for their Labrador retriever mix, Domer. She'll turn 15 in July; they've had her since she was 7 weeks old.

"While I have friends who might take her in, we have always wanted to feel secure that she would be taken care of, and you never know what circumstances people might be in at that time," said Loretta, 47.

Her husband, Thomas, 49, a DePaul University finance professor, said even family members tend to minimize Domer as "only a dog."

"It makes it difficult to even have the conversation with others, let alone trust them with your animal," he said. "Let's face the fact that if most people find it difficult to take the steps to complete an estate plan for their family, the likelihood that they'll do so for a pet is remote."

Loretta, an actuary for a major firm's long-term care insurance consulting practice, said, "Domer would live at the PAWS facility and be surrounded by loving people" until the right permanent home is found.

Domer's advanced age makes it unlikely that such arrangements will be necessary, but the couple believes that it's "important to plan ahead."

Loretta declined to disclose the amount of the gift that they've bequeathed to PAWS.

PAWS works on a case-by-case basis with pet owners interested in enrolling in the Guardian Angels Pet Care program, but, generally, a gift of \$15,000 a pet is a minimum to ensure proper care for their pets.

"In the past, when we have agreed to less, it has cost Paws

more in the medical care for the pet than the gift that we received," said PAWS Chairman Paula Fasseas. Such gifts also help homeless animals that don't have owners planning for their future, she said. About 70 people have enrolled in the program.

Edson declines to divulge the size of her gift to PAWS.

Henry is Edson's first dog in 30 years. He sleeps with her. She makes sure that his stuffed animals don't have any glasslike eyes that could be chewed off and swallowed. Her daughter-in-law in the Washington area has assured Edson that her family would take Henry in case of an emergency, but their family has three dogs, two cats, two rabbits and two teenagers.

"Enough said," Edson said in explaining why she has declined the offer. "There's enough going on there."

A friend in her downtown high-rise insists he'd take Henry if she died suddenly, but "that's not enough of a promise," she said.

Edson said PAWS staffers have personally committed to taking Henry if he outlives her, promising to keep him at their homes until they find the "right family" for him.

"I just want to make sure he isn't put back" into the no-kill shelter, said Edson, worried that "some couple would walk in on a Sunday morning with nothing to do" and adopt her "best friend" but be too casual about pet ownership.

The person who would ultimately adopt Henry would eventually get a surprise: "My lawyer knows that whoever gets Henry has to send all the bills to him," Edson said. She has arranged to pay for Henry's food, medication, doctor's visits, shots — "whatever it takes" — after her death.

"There could be a lot of great people who would be good with Henry who can't afford him," she said. "I wanted to make sure whoever gets Henry pays nothing for Henry."

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Reporter Becky Yerak explains why pet estate planning is becoming a trend.