

WHAT IS AN ANIMAL TRUST AND WHY SHOULD EVERY ANIMAL OWNER HAVE ONE?

What is a trust? Under Florida Statute § 736.0408, The statute provides that a trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates on the death of the animal or, if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime, on the death of the last surviving animal. A trust is a document that allows that upon the death or incapacitation of the settlor (owner), then a named person, without an court order, can take up action. This is not a Power of Attorney – as Power of Attorney terminates upon death.

Statute in Full:

(1) A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates on the death of the animal or, if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime, on the death of the last surviving animal.

(2) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.

(3) Property of a trust authorized by this section may be applied only to the intended use of the property, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use must be distributed to the settlor, if then living, otherwise as part of the settlor's estate.

So why is this important? If you love your pet and are not sure that a family member would take care of it when you passed on or became incapacitated, then you should create a trust that would designate money to provide for the care of the animal and name who should be responsible for the animal's care. This can be a designated person or rescue organization. The worst thing that could happen would be that upon your death or incapacity, then the animal would be given to a shelter, that might ultimately be unable to adopt the animal out and would have to kill it. (put it to sleep is just to nice of a way of saying it). When there is nothing wrong with the animal except being unwanted by the person caring for it, this is the saddest of things to happen. There are hundreds of rescue organizations for every breed and mix of dog, cat, or other animal (bunnies, ferrets, etc), and they would be more than willing to receive the animal and money to care for it in foster care, until the animal could find a furever home again.

CALL THE BATES-BUCHANAN LAW GROUP TODAY – AT (941) 799-3015 FOR YOUR FREE CONSULTATION AND PREPARATION OF YOUR TRUST – NO CATCH! NO HIGH PRESSURE SALES TACTICS. NOTHING ELSE TO BUY!

OUR LAW FIRM IS DEDICATED TO ANIMALS AND IS DOING THIS FOR A PRO BONO PROJECT. THANK YOU. Dawn Marie Bates-Buchanan, Esq. and Susannah C. Savitsky, Esq. 417 12TH STREET WEST, SUITE 109, BRADENTON, FL 34205.