

Trusts ensure Fido survives after owner

By Michael H. Hodges
The Detroit News

Establishing a trust for your dependents once you're gone can work a world of good — like keeping them in fresh kitty litter everyday for the rest of their lives.

You always knew you lived in a progressive state — here's more proof.

Michigan, according to the newspaper Lawyers Weekly USA, is one of only 13 states that permits legal trusts to be set up for the care of pets after an owner dies.

And in an era of pet spas and pet bakeries, what's so odd about that?

Michael Witzke, an attorney at Butzel Long in Bloomfield Hills, figures he's written about 30 pet trusts over the past 13 years.

"I've done them for dogs, cats and horses," he says. "No snakes as yet."

But if the concept seems a little, well, amusing, Witzke points out that the alternative, especially for a mature pet, is often death.

He's not at all surprised some owners write their pets into their wills.

"I see clients whose children have been rude to them," he says, "and haven't given them the attention in their older years they'd hoped for. Their pets may have shown them a lot more affection and attention. And they want to make sure they're taken care of long after they're gone."

Until the revision in the state's probate code that took effect in 2000, says Owosso attorney Barbara BakerOmerod, trusts established to care for animals were often challenged and overturned by angry relatives.

"But this new law gives almost limitless options for caring for your pets after you're gone," she says. "Michigan's way ahead of the curve."

Perhaps not for long — Nancy Gunnigle at the Michigan Humane Society notes that federal legislation, sponsored by Rep. Earl Blumenauer (Ore.) and Sen. Robert Torricelli (N.J.) is pending to make such trusts available nationwide.

Both BakerOmerod and Witzke, however, caution that owners should give careful thought as to who would inherit the remainder of the trust in the event the pet dies.

"Because you don't want your pet to expire rather unexpectedly," notes BakerOmerod, "so the trustee gets the money right away."

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