

Model Will Clauses Providing for Care of Cherished Pet
FORM A: Outright disposition of pet

I give my pet cat/dog/bird/other, named _____, to _____.
If he/she predeceases me, or if he/she renounces this disposition because she/he is unwilling or unable to provide a home for my pet, than I designate as my alternate, _____.

FORM B: Monetary bequest conditioned on beneficiary providing for pet

I give and bequeath to _____ the sum of _____ dollars American (\$_____) on condition that he/she agrees to provide a suitable home for my dog/cat/bird/other, named _____, and maintain him/her in the same manner and at the same level of comfort which I have done during my lifetime.

Specifically, my dog/cat/bird/other shall be given a place to sleep inside the house and kept well fed and clean. In addition, my dog/cat/bird/other will be brought to the veterinarian at least annually for all appropriate medical care.

Finally, if _____ predeceases me, or if he/she renounces this disposition because she/he is unwilling or unable to provide a home for my pet, than I designate as my alternate, _____. In such case, this bequest shall lapse and the funds shall be distributed to my alternate, namely _____.

FORM C: Trust for support of particular dog, cat or other pet

I give to _____ [*insert name*] my pet dog/cat/bird/other, named _____. I have already established a trust, funding it with _____ [*insert amount, e.g., five thousand dollars*] (\$_____), which is to be used for the support of my dog/cat/bird/other for its life. The trust was established at _____ [*insert name of bank, trust company, etc.*] and its trustee is _____.

If interest from the funds that I set aside for the support of my pet are not sufficient to keep it comfortable for the remainder of its life – “comfortable” is defined here as well fed, clean, a bed for the pet inside the house, regular care from a veterinarian, and generally treated well – then the principal may be used so the pet will be provided for. At the death of my pet, I direct that the remainder of the trust funds (corpus and income), if any, is to be paid to _____ [*insert name of charity or other party*].

FORM D: Trust for benefit of testator's horses and dogs

I give to my trustee, _____ [*trustee's name*], my _____ [*insert number*] horses and ponies and all my hounds located at _____.

I have attached to this Last Will and Testament, and hereby make a part thereof an addendum listing the names and ages of such horses, ponies and dogs.

I have already established a trust, funding it with _____ [*insert amount, e.g., fifty thousand dollars*] (\$_____), which is to be used for the support of these animals for their remainder of their lives. The trust was established at _____ [*insert name of bank, trust company, etc.*].

Commencing with my death and assuming any of the animals is still alive, I hereby direct my estate to pay the trustee an annual sum of _____ dollars American (\$_____) for a term of _____ [*insert number*] years for the care and maintenance of the animals for the remainder of their lives, as well as for the maintenance of the stables, kennels and buildings now inhabited by the animals. My trustee is hereby directed to keep these facilities in a state of good repair.

Editor's Note: *With each passing year, this sum will likely need to be adjusted in accordance with the number and type of animals that still survive. In addition, the impact of rising labor costs, food, supplies and veterinarian fees, as well as the effects of inflation, should also be taken into account.*

All payments to trustee will cease beginning with the year following the year in which the last of the animals dies. At such time, any funds remaining in the trust (both corpus and income) will revert back to the estate, become part of the residuary of the estate, and distributed accordingly.

FORM E: Provision directing termination of trust to avoid violation of the rule against perpetuities

The provisions of this will shall not postpone the vesting of the trust property or any portion of the trust property for a period of more than 21 years after the death of the last survivor of the following persons who are living at the time of my death: _____ and _____. If the trust property has not vested at such time, then immediately prior to the expiration of such period, such property, or portion thereof, shall vest and be distributed to the then income beneficiaries hereunder in the same proportions as they are then entitled to such income.