

# THE RISELING REPORT . . . . .

**EXCLUSIVELY FOR THE ESTATE PLANNING PROFESSIONAL**

---

## **PET TRUSTS IN OKLAHOMA: CARING FOR FIDO AND FELIX AFTER YOUR DEATH**

In 2010, Oklahoma enacted a new law (60 O.S. § 199) that provides for the validity of trusts for the care of designated pets or animals (a “**Pet Trust**”). Prior to the enactment of this law, one could not legally make a Pet Trust. Now all Oklahoma pet and domestic animal owners can create trusts to provide for the care of their beloved animals after the owner’s death.

The law provides that every Pet Trust shall have a trustee and that, if no trustee is designated in the agreement creating the Pet Trust, a court shall name a trustee. The law also provides that the trustee is entitled to reasonable trustee fees and expenses for the administration of the trust, unless otherwise provided in the trust agreement. The law charges the trustee with ensuring that care is provided for the benefit of the animal in accordance with the terms of the Pet Trust agreement, or in the absence of an agreement, the trustee is to ensure that the care provided for the animal is “reasonable under the circumstances.” The trustee may employ agents or contractors to provide care to the animal and pay for that care from the assets of the Pet Trust. The trustee also is charged with ensuring that the Pet Trust’s property “is applied only to its intended use.”

The law also provides for the enforcement of the Pet Trust agreement’s terms by a person called the “enforcer” (who is named in the Pet Trust as such), the caretaker of the pet, the remainder beneficiary of the Pet Trust, or an individual appointed by the court upon proper application. It should be noted that the law prevents the trustee of a Pet Trust from being the same person as the “enforcer” unless the Pet Trust agreement provides otherwise.

Annual accountings by the trustee to the “enforcer” are required under the Pet Trust law. However, if the value of the Pet Trust’s assets is \$20,000 or less, then no annual accountings are required, unless ordered by the court.

Finally, the Pet Trust law requires the Pet Trust agreement to name a remainder beneficiary of the Pet Trust. If no remainder beneficiary is named, then, upon the death of the designated pet, the trustee is to transfer any unexpended trust property back to the maker of the Pet Trust, if then living, or if not then living, to the maker’s “successors in interest.”

---

### **RISELING & RHODES, P.C.**

**Ted M. Riseling**



**Jeff K. Rhodes**



**Jason M. Fields**

2510 E. 21st St.  
Inverness Park  
Tulsa, OK 74114  
(918) 747-0111

[WWW.OKTRUSTLAW.COM](http://WWW.OKTRUSTLAW.COM)

Eastern Oklahoma  
Toll Free Nationwide  
(866) 747-0111