

Case 10 Who Feeds Fido?

According to Richard Avanzino, former president of the San Francisco Society for the Prevention of Cruelty to Animals, around 150,000 cats and dogs are abandoned each year due to the death of an owner.¹ However, increasingly pet owners have begun to make arrangements for their pets' care in the event of the owner's death. Because pets are legally property and cannot inherit directly, one solution is to establish a legal trust for the benefit of one's pet or pets — Leona Helmsley's will famously established a 12 million dollar trust for her dog Trouble.

In Helmsley's case a judge reduced the amount of the trust from 12 million to 2 million, but even the reduced amount was seen by many as excessive and wasteful. Carl Lekic, Trouble's caretaker, reportedly spent \$100,000 annually on her care — including \$8,000 for grooming and \$1,200 for dog food.² Other (less expensive) options include the Stevenson Companion Animal Life-Care Center, which charges between \$50,000 and \$100,000 for lifetime care, or the Blue Bell Foundation for Cats, which only charges \$6,500 for lifetime care.

When pets die before their trusts are exhausted, a variety of solutions have been employed. The remainder of Trouble's trust reverted to the Helmsley Family Foundation in 2011; profits from the Stevenson Companion Animal Life-Care Center revert to an affiliated college. However, when Gunther III, German Shepherd and eighty million dollar heir to a German countess, died, his estate passed to his son Gunther IV. Gunther IV's estate has more than tripled to over \$300 million and includes a home in Miami once owned by Madonna.³

In some jurisdictions trusts established for the benefit of pets are administered by trustees without legal provisions made to ensure that specific care requests are granted. Other jurisdictions have established formal provisions to ensure that trustees have more than an informal moral requirement to abide by the terms of a will.⁴ Still some wonder whether it is wise to establish and legally enforce a precedent of elaborately caring for one's pets after death. In a world where billions of people are food insecure or do not have access to adequate drinking water, it strikes many as morally unreasonable to abide by a will entitling a pet to such vast resources. However, it is morally unclear whether trustees should have discretion to put wealth willed to pets to use in helping people.

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¹ Sue Manning, "Pet Estate Planning: Not just for Leona Helmsley anymore" *Today Show* (NBC) June 22, 2011, http://today.msnbc.msn.com/id/43503433/ns/today-today_pets_and_animals/t/pet-estate-planning-not-just-leona-helmsley-anymore/#.T-IZSRdYsTY.

² Susan Donaldson James, "Leona Helmsley's Little Rich Dog Trouble Dies in Luxury" *Good Morning America* (ABC) June 10, 2011, <http://abcnews.go.com/US/leona-helmsleys-dog-trouble-richest-world-dies-12/story?id=13810168#.T-IjHxdYsTY>.

³ Kerry Gold, "Pet Inheritance," <http://www.pettrustlawyer.com/files/lifestyle.pdf> (attorney blog).

⁴ "Pet Trusts: Caring for a pet that outlives its owner" *American Veterinary Medical Association*, Updated Aug. 2012, <https://www.avma.org/Advocacy/StateAndLocal/Pages/sr-pet-trusts.aspx>.