

What is Tangible Personal Property? Fur-Nurture Means Planning Your Pets' Future for When You are Gone



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Estate planning often involves wills, trusts, and other means of dividing up and distributing assets, including tangible personal property, but it is about so much more than who gets the good set of Tupperware. Estate planning is a necessity for those who care for others who cannot care for themselves, such as parents of minor children and pet owners. All 50 U.S. state legal systems are set up so that if a minor child loses their parents or guardian, a court will step in to appoint a new guardian to care for that child. The same cannot be said for pets.

In most states, the law treats pets as tangible personal property, no different from your grandmother's china cabinet or that antique lamp. While this classification allows you to "bequeath" your pets, it also means beneficiaries might not want the time commitment or financial responsibility. Just as someone might sell or donate unwanted furniture, they could rehome or abandon your pet if it does not fit their lifestyle.

Most Americans have not done any estate planning, with a majority of adults lacking even a basic will, leaving their wishes unfulfilled and their loved ones with a mess. Now, consider that most American households have at least

one pet. For many, these animals are not just property to own, they are family members who provide unconditional love, companionship, and even emotional support. They greet us at the door, curl up on our laps, get us through tough times, and become woven into the fabric of our daily lives.

The Unintended Burden on Shelter Heroes

If most Americans have pets but skip estate planning, it is safe to say that millions of pet owners have not planned out what happens to their "fur family" after they are gone. Without clear instructions, your beloved dog or cat could end up in a shelter, confused and alone, or worse, euthanized due to overcrowding.

While not the main focus here, it is worth noting a heartbreaking side effect of unplanned pet legacies, especially in high elderly populations states like Florida: pets are often gifted to elderly, or severely ill individuals, as companions during their final years, proving comfort when they are bedridden or isolated. But when these owners pass away without arrangements, those animals frequently wind up in already overcrowded shelters. Shelter employees often step in out of sheer compassion, taking the pets home rather than seeing them put down. These workers are predominantly younger women who are often not prepared for the added financial or emotional burden of bringing home more pets, and their kindness leads to households swelling from one or two pets to five, ten, or more. While these young champions of the forgotten often hope to rehome these fostered pets, too often they become permanent additions due to the inability to find a permanent home. This creates an unfair burden on these shelter heroes. By taking responsibility through proper estate planning we can alleviate this burden.

Estate planning is not just about ensuring your assets go where you want. It is about safeguarding your family's future, including those with paws, feathers and scales! By not planning, you're leaving their fate to chance, rather than guaranteeing your wishes are honored.

This is where Fur-nurture comes in...whether it is Milo the Maine Coone or Lucy the Labrador, you will be certain that your loved pets are cared for after you are gone.

Fortunately, there are straightforward *Fur-nurture* ways to plan for your pets' future. One option is a specific bequest in your will or revocable living trust, naming a trusted person to take ownership. But it is important to have a conversation with that trusted person to confirm they are ready to take on the responsibility. In states like Florida, you might use a separate writing to dispose of tangible personal property, but it must follow strict formalities (like being signed and dated) and be explicitly referenced in your will – it cannot stand alone. This approach typically covers just the pet and its belongings, like food, toys, or bedding.

For more robust *Fur-nurture* planning, include funding! A lump-sum gift works if you trust the beneficiary to use it wisely for the pet's care, rather than pocketing the cash and dropping Fluffy at the shelter. A more advanced funding option is to set up a pet trust, which earmarks money specifically for veterinary bills, food, grooming, and other needs. To avoid the delays and costs of probate, create the pet trust as a stand-alone trust or as a sub-trust in your revocable living trust created during your lifetime, rather than as a testamentary trust in your will.

With a pet trust, you can do what the states do for minor children when they appoint a guardian for the person and a guardian for the property. Within the pet trust you can appoint a caretaker (the pet's guardian) and a separate trustee (to manage the funds), providing oversight to ensure the money is used properly. If it is someone you fully

trust you can combine the roles of caretaker and trustee. The pet trust allows you to decide on compensation too – does the caretaker get paid for their time, or is funding strictly for pet expenses? It often depends on whether it is a family member or a professional service.

An additional fur-nurture planning tool is that you can add pet care directives to your advance directives, such as in a durable power of attorney, which allows for your Agent to care, make arrangements, including creating a pet trust, in case of your incapacity.

Fur-nurture planning means peace of mind, knowing your loyal companions will not be left behind.

Do you have Fur-nurture?

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