



# YOUR TRUSTED LEGAL COUNSELOR



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## 3 FAMOUS PET TRUST CASES: LESSONS LEARNED

*Written by Francine D. Ward*

In our recent past, pet trusts were considered an eccentricity of the rich and famous. They were perceived as something to be used when you had too much money. Nowadays, pet trusts are mainstream and an excellent tool to protect the furry members of your family. A great example of the mainstream importance of pet trusts: in May 2016, Minnesota became the 50th state to recognize pet trusts. That means every state in the United States recognizes pet trusts. But like any other trust, when not drafted properly, it is often the intended beneficiary that suffers.

Here are **three famous pet trust cases**. Among the lessons we can learn is that wealth and power do not necessarily equal smartness.

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**INSIDE THIS MONTH'S  
ISSUE:**

*3 Famous Pet Trust Cases:  
Lessons Learned-1*

## LEONA HELMSLEY & TROUBLE

Achieving notoriety in the 1980s as the “Queen of Mean,” famed hotelier and convicted tax evader Leona Helmsley, passed away in 2007. But, true to form, her will left two of her grandchildren bereft and awarded her Maltese dog Trouble a trust fund valued at \$12 million. However, the probate judge didn’t think much of Helmsley’s logic, knocking Trouble’s portion down to a paltry \$2 million, awarding \$6 million to the two ignored grandchildren, and giving the remainder of the trust to charity. Furthermore, when Trouble died, she was supposed to be buried in the family mausoleum, but instead, she was cremated when the cemetery refused to accept a dog.

**Lessons learned:** Leaving too much money to your pet can put Fido or little Richie at the center of a lawsuit. That, especially if you have family members who think they deserve your hard-earned assets. Probably best to think through what your furry family member will need and a bit more as a safety net. A reasonable amount to provide for the care and lifestyle your pet is used to for the rest of their life is advisable. If you want to disinherit family members, discuss this with your estate planning attorney. Do this to make sure you have a plan to make the disinheritance as legally solid as possible.

## MICHAEL JACKSON & BUBBLES

If you are of a certain age and aware of pop news, you remember Bubbles, the pet chimpanzee of Michael Jackson. The King of Pop reportedly left Bubbles \$2 million. However, after Michael Jackson passed away, arguably Bubbles could not be found. He was later discovered in a shelter in Florida. The sad ending to this story is that Bubbles is living off public assistance. He never received any of the \$2 million Michael left him, nor living the life he was accustomed to.

**Lessons learned:** Be crystal clear as to your intentions. Work with a competent estate planning attorney to reduce your desires to enforceable legal language. The last thing you

want is for your furry family member to wind up in a shelter or be euthanized.

## KARLA LIEBENSTEIN & GUNTHER III (AND IV)

Liebenstein was a German countess. She left her vast fortune to her German Shepherd, Gunther III, in her estate documents. At that time, her assets were worth approximately \$65 million. Unfortunately, little Gunther III died a week later. His inheritance was passed on to his son, Gunther IV. By that time, the dog had amassed a fortune of over \$373 million, making Gunther IV the richest pet in the world.

**Lesson learned:** Pet trust benefits may be passed onto the next generation. Therefore, make sure your estate plan reflects your actual wishes and intentions.

If you haven’t yet made arrangements for your beloved pet in your estate plan, I am here to help. Schedule a complimentary 30-minute consult today.



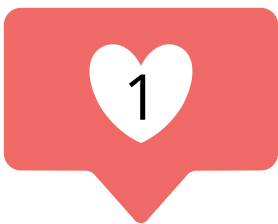
# TOP 5 MISTAKES OWNERS MAKE WHEN LEAVING ASSETS TO THEIR

# PETS

*Written by Francine D. Ward*

What happens to pet owners' pets when they die or become unable to care for them? The anxiety becomes greater when you are not around to guarantee that your desires are carried out. For that reason, you must put safeguards in place while you can. A pet trust is an excellent tool for ensuring that your pet receives proper care and attention when you die. That said, if your pet trust is not set up properly, the care and maintenance of your pet can become the “stuff” that lawsuits are made of. Hence, in some cases, lengthy court battles.

It's critical to set up a pet trust correctly to ensure no loopholes or unforeseen situations could make your plans go awry. Here are 5 mistakes pet owners often make when leaving their assets to their pets.



## **Funding the trust with more assets than the pet(s) would ever need**

We've all read stories about the famous people who died and left vast fortunes to a dog or a cat. They left millions of dollars, houses, and cars to

their furry family members, While that is a sweet a getsure of love and appreciation, such an action will likely land Fido at the center of a court battle. Family members who think (right or wrong) that they deserve what you've worked hard for will drag poor Fido through the mud. Your beloved furry family member already feels the loss of you. To avoid having your pet experience double trauma, leave a reasonable sum of money to give your pet the same quality of life that she enjoys now.

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## **INCLUDING VAGUE OR UNENFORCEABLE INSTRUCTIONS TO THE TRUSTEE OR CARETAKER**

Many pets don't get the maintenance and care their owners intended. The simple reason, the owner was not specific in her instruction, or the instruction was communicated orally. A written trust makes the

pet owner's intent legally binding. Without a well-drafted trust, it could become a matter of, "he said, she said." For example, if you leave money to a caretaker, nothing stops the caretaker from using that money for himself without a valid pet trust. It's been known to happen. But when you use a pet trust to designate how much the caretaker receives and how much goes for the pet's care, you've provided a legal structure to protect your furry family member. You can be as specific about your wishes as you'd like, from how much is spent on food, veterinary care, and grooming. You can even include detailed care instructions, such as how often the caretaker should walk the dog or how frequently the caretaker must visit your horse.



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## **NOT UPDATING THE INFORMATION REGULARLY**

Suppose Gina sets up a pet trust for her cat, Kiwi. What accommodations will be made when Kiwi dies? If Gina gets a new cat, Mango, but does not update this information before Gina dies, what happens to Mango? Mango could wind up in a shelter or be euthanized because he's not mentioned in Gina's trust. This mistake

is more common you think. However, it's also easily avoided. Regularly reviewing your estate plan with your estate planning attorney is a smart decision, and it works for your entire family.



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## **NOT HAVING A PLAN B**

You might have designated someone to step in and care for your pet. However, what happens if someone dies first or becomes unable or unwilling to take on that role? Have you designated a successor? If you haven't identified a contingent caretaker, your furry family member might not receive the care you intended. Always have a "Plan B" in place, and spell it out in the trust.

*[Continued on page 5](#)*





## NOT ENGAGING A PROFESSIONAL

All too often, people think they can set up a pet trust (or any trust) themselves. Or they see the commercials on television that say, “No lawyers, just download this form from our do-it-yourself legal website.” No doubt, the idea of saving money is attractive and responsible. But

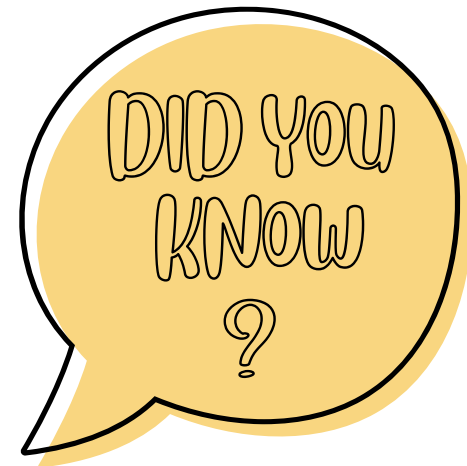
when it comes to protecting what is important to you, why skimp. Get it done right. While it may be cheaper on the front end, it will be more costly on the backend. It’s your loved ones that will suffer. Do it yourself; quick-fix strategies will hurt your dog, cat, bunny, or other furry family members in the long run. Engage the services of an experienced estate planning attorney to help you set up your pet trust.

**When attempting to leave assets to your pet, the good news is that with professional help, all these mistakes are preventable. Contact me for a complimentary consult. I’m here to help.**

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INTELLECTUAL PROPERTY AND ESTATE PLANNING ATTORNEY

INSIDE THIS MONTH'S  
ISSUE:

*Top 5 Mistakes Owners Make When  
Leaving Assets to Their Pets-5*



# GOOD NEWS FOR COPYRIGHT OWNERS WITH SMALL CLAIMS

*Written by Francine D. Ward*

The CASE Act is a long-awaited coup for copyright owners with infringement claims of less than \$30,000. At the end of 2020, Congress passed the Copyright Alternative in Small Claims Enforcement of 2020 Act ([CASE Act](#)).

This legislation instructed the U.S. Copyright Office to create a tribunal to provide relief for certain copyright disputes. The tribunal is known as the Copyright Claims Board (CCB). It will start hearing cases in the spring.

Copyright infringement actions are largely a benefit granted to the wealthy. The reason is only the wealthy can afford to litigate such a case for years and sometimes decades. The average copyright owner has few to no remedies if they discover unauthorized use of their copyrighted content. The cost of litigation is prohibitive, especially when challenging a party with deep pockets.

If you are a copyright owner with a small claim, here are some reasons you should consider filing with the CCB:

1. **User-friendly.** The system will be a lot easier to navigate therefore easier for you to file.
2. **Streamlined procedures.** Unlike federal court, where you have mounds of discovery and endless motions, CCB matters do not include formal motions and limited discovery.
3. **Claims less than \$30,000.** Monetary damages are capped at \$30,000. Therefore, no one can sue for more than \$30,000.
4. **It is voluntary.** You are not required to file a claim. Likewise, you can opt-out if a claim is filed against you.
5. **Safeguards against abusive practice.** For example, there may be limits on how frequently a party can file in one year.
6. **CCB decisions will be posted online.**

While there are limits to what a small claims plaintiff can expect, there is the opportunity to have their day in court.

For more information on this topic, please [click here](#).



A WORD FROM YOUR

# Trusted Legal Counselor

*Written by Francine D. Ward*



February is Black History Month, and it is also the month when we celebrate Valentine’s Day. So, I thought it quite fitting to write this piece about someone I loved—who was also black.

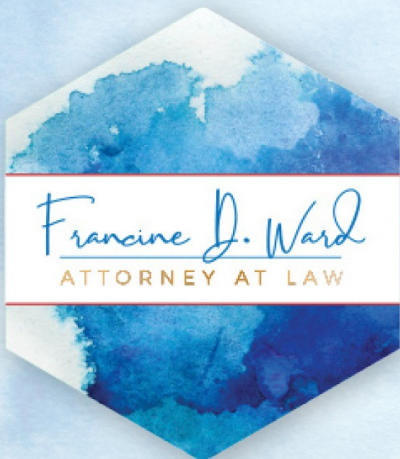
Over the years, I’ve had several mentors, but none as important as Louise Robertson. She was in my life for 23 years. And although she has gone to the place where angels go, her legacy and spirit live on.

Often when we set off on a path to change our lives, we rarely see what lays ahead.

That was my experience. In my younger years, my vision was limited. Unable to recognize my worth, I short-changed myself. In a million years, I could never have imagined the life I have today. But Louise could. She saw a life for me far beyond anything I could envision; if I was willing to take a different path. Because of her guidance,

I have God in my life. Because of her guidance, I had a relationship with my mother. Because of her guidance, I had a long-term marriage. Because of her guidance, I am a commitment keeper—I do what I say I will do. Because of her guidance, I am someone who I like.

Thank God for mentors.



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