

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1641

6 By: Inman

7 COMMITTEE SUBSTITUTE

8 An Act relating to trusts; providing for the validity
9 of a certain trust; providing for liberal
10 construction of certain trust; providing for
11 admissibility of evidence to prove intent of
12 transferor; providing for court appointment of
13 trustee in certain circumstance; providing for
14 payment of certain fees and expenses; requiring
15 certain care of animal; allowing employment of
16 certain individuals; providing for enforcement of
17 trust; requiring accounting; providing exception;
18 providing for transfer of certain unexpended trust
19 property; providing for codification; and providing
20 an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 199 of Title 60, unless there is
24 created a duplication in numbering, reads as follows:

25 A. A trust for the care of designated domestic or pet animals
26 is valid. Unless the trust instrument provides for an earlier
27 termination, the trust terminates when no living animal is covered
28 by the trust.

1 B. The instrument creating the trust shall be liberally
2 construed to bring the transfer within the scope of trusts governed
3 by this section, to presume against the mere precatory or honorary
4 nature of the disposition, and to carry out the general intent of
5 the transferor. Extrinsic evidence is admissible in determining the
6 intent of the transferor.

7 C. If a trustee is not designated or no designated or successor
8 trustee is willing or able to serve, a court shall name a trustee.
9 Unless otherwise permitted by the trust, the trustee and the
10 enforcer as provided in subsection D of this section shall not be
11 the same person. The trustee shall be entitled to reasonable
12 trustee fees and expenses for the administration, unless otherwise
13 provided in the trust instrument. The trustee of a trust created in
14 accordance with this section shall ensure that care is provided for
15 the benefit of the animal in accordance with the terms of the trust
16 or, in absence of any terms, shall ensure that care is provided that
17 is reasonable under the circumstances. The trustee may employ
18 agents or contractors to provide any care and pay for the care from
19 the assets of the trust. The trustee shall also ensure that the
20 property of a trust authorized by this section is applied only to
21 its intended use.

22 D. A trust authorized by this section may be enforced by a
23 person appointed in the trust instrument, the caretaker of the
24 designated animal or animals, and the remainder beneficiary, or, if

1 none, by an individual appointed by a court upon application to it
2 by an individual.

3 E. Accountings otherwise required by law shall be provided to
4 those persons qualified as an enforcer as provided for in subsection
5 D of this section. However, if the value of the assets in the trust
6 does not exceed Twenty Thousand Dollars (\$20,000.00), no filing,
7 report, registration, periodic accounting, separate maintenance of
8 funds, appointment, or fee shall be required by reason of the
9 existence of the fiduciary relationship of the trustee, unless
10 ordered by the court or required by the trust instrument.

11 F. Except as otherwise provided in the terms of the trust
12 instrument, the trustee shall transfer the unexpended trust property
13 upon termination of the trust to the transferor if then living, or,
14 if not living, to the estate of the transferor.

15 SECTION 2. This act shall become effective November 1, 2009.

16

17 52-1-7131 SD 02/25/09

18

19

20

21

22

23

24