

ENROLLED HOUSE  
BILL NO. 1641

By: Inman, Kiesel and Shumate  
of the House

and

Ivester of the Senate

An Act relating to trusts; providing for the validity of a certain trust; providing for liberal construction of certain trust; providing for admissibility of evidence to prove intent of transferor; providing for court appointment of trustee in certain circumstance; providing for payment of certain fees and expenses; requiring certain care of animal; allowing employment of certain individuals; providing for enforcement of trust; requiring accounting; requiring identification of remainder beneficiary; providing for transfer of unexpended trust property in certain circumstances; including caretakers as beneficiaries for certain purposes; and providing for codification.

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

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

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

B. The instrument creating the trust shall be liberally construed to bring the transfer within the scope of trusts governed by this section, to presume against the mere precatory or honorary nature of the disposition, and to carry out the general intent of

the transferor. Extrinsic evidence is admissible in determining the intent of the transferor.

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

D. A trust authorized by this section may be enforced by a person appointed in the trust instrument, the caretaker of the designated animal or animals, and the remainder beneficiary, or, if none, by an individual appointed by a court upon application to it by an individual.

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

F. Each trust created pursuant to this section shall identify a remainder beneficiary. If none is named, the trustee shall transfer any unexpended trust property upon termination of the trust to the transferor, if then living, or if not living, to the transferor's successors in interest.

G. For purposes of Section 175.47 of Title 60 of the Oklahoma Statutes, the beneficiary or beneficiaries in being at the creation of the trust shall include the caretaker of the designated animal or animals and the remainder beneficiaries.

Passed the House of Representatives the 5th day of May, 2010.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 21st day of April, 2010.

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Presiding Officer of the Senate