

## The \$12 Million Dog TOP STORY

**How do four-legged legacies like the one left behind by Leona Helmsley work? Estate lawyer and pet specialist Rachel Hirschfeld explains.**

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Aug. 31, 2007 - All dogs may go to heaven, but few will spend their time on earth quite as pampered as the late Leona Helmsley's eight-year-old white Maltese, Trouble. In her will the billionaire hotelier left her beloved pooch \$12 million in trust, making the animal the single biggest beneficiary of her estate. But pet causes aren't new among the wealthy. Oprah Winfrey's estate plan reportedly mandates that her poodles live out their life spans in luxury. And the world record in canine inheritance belongs to Gunther III, who nosed \$80 million from Countess Carlotta Liebenstein in 1991. The American Bar Association estimates that a quarter of American pets' owners have provided for them in a will or trust—though presumably not the lavish amounts left by Countess Carlotta or Ms. Helmsley. NEWSWEEK's Temma Ehrenfeld spoke to New York estate lawyer Rachel Hirschfeld, a member of the ABA's Animal Law Committee, about Trouble's inheritance, other "heirdales" and how to protect your pet after you die. Excerpts:

### **NEWSWEEK: Does Leona's bequest to Trouble set a record for the United States?**

**Rachel Hirschfeld:** Leona's is the biggest. But there are many examples. Doris Duke left \$100,000 in trust for her dogs. Natalie Schafer, who played Mrs. Howell on "Gilligan's Island," left much of her fortune to her dog. Dusty Springfield made extensive provisions for her cat Nicholas, asking that he be fed imported baby food and for a recording of her voice to be played for him at bedtime. A lot of people consider their pets their children.

### **That makes for some pretty rich pets. How do they manage their money?**

Since they're considered property, you can't leave money to an animal. What you can do is put money into a special trust to fund the care of your pet.

### **How does a pet trust work?**

They're not that different from a trust that you might set up for a child. Every trust has a trustee or co-trustees who are legally responsible to guard the assets you leave behind.

With a pet trust, I usually recommend that an owner name one person as a trustee and another as caretaker, so that each party can keep an eye on the other.

**Leona put her dog in the care of her brother, Alvin Rosenthal. Is he obligated to maintain Trouble in the style to which the animal was accustomed, with chef-prepared meals and diamond collars?**

My family knew the Helmsleys for 50 years, and she was always concerned about details. He's obligated to follow her instructions. I hope she spelled it all out.

**Leona didn't leave any money at all to two of her grandkids. Doesn't that make her pet trust vulnerable?**

Pet trusts involving large sums of money often name a charity or charities to receive any money left behind after the animal dies. If it's set up that way, anyone who challenges the trust will have to fight all the charities in court. That makes it trickier to challenge in court.

**Nobody wants to see a beloved companion go to the pound. What can we do to protect our pets after we die or are incapacitated and can't take care of them—even if we're not billionaires?**

I've created a "pet protection agreement," which is a simple contract signed by two parties and doesn't require a lawyer. You can find it by writing me at [pettrustlawyer.com](http://pettrustlawyer.com) or in mid-September at [mypetprotection.com](http://mypetprotection.com).

**How would I know how much to leave? I've read that people leave \$25,000 on average.**

People leave \$5,000 and up. Look at the lifestyle of your pet and its remaining life span. You also need to decide questions like, would you want your pet to have open-heart surgery? I had a client who spent \$150,000 dealing with cancer and kidney failure of her pet in one year. It's outrageous, but I wouldn't blame anyone for doing it. I know people who took mortgages to have life-saving surgery on their dogs. You wouldn't question that expense for a child, and it's becoming more acceptable for an animal.

**Leona willed that Trouble be buried in the family's New York crypt when the time comes. Are many pets buried with their owners?**

You can't bury a pet in a human cemetery. It's against the law in New York State.