



A Pandemic Is The Perfect Time To Make An Estate Plan

The most uncertain present might be the reminder you need to ensure your horses receive the care you'd want for them after your death.

By **Erin Harty**



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These aren't normal times, you may have noticed, as you've scanned aisles at grocery stores completely bereft of paper products or cleaning supplies. The facility where you board your horse might be closed to all but essential personnel. If you keep horses at home, you've probably stockpiled some extra feed and are spraying down doorknobs and stall latches with disinfectant. Your farrier or veterinarian might be showing up wearing a mask.

Things are serious, and the coronavirus is likely to be a shadow hanging over our daily lives for months to come.

If, like most horse people, you've been trained (or learned through unfortunate experience) to prepare for the unexpected, your mind has probably already gone there: What if I get sick? Who will take care of the horses? What if I die? What will happen to them?

Although it shouldn't necessarily take a global pandemic to spur these thoughts, here we are. And if you're suddenly realizing how unprepared you are, you're not alone. A study by Merrill Lynch published in 2019 found that only 55 percent of Americans age 55 or over have a will, and the percentages decrease for younger age groups.

But, legal experts say, it's not too late to do something about it. In fact, now *is* the time to act precisely because things are so serious and uncertain.

"We don't know how long this is going to last; we don't know what's going to happen," said Joanne Belasco, an attorney specializing in equine law through her online law firm, Windhorse Legal. "We don't have control over the virus, but we have control over [how we plan for our horses]."

There are many things that could be said here about our society's reticence to talk candidly about death and dying and how that makes the process more difficult, but that's not going to change anytime soon. So, yes, it's hard to think about. Yes, the conversations that need to be had can feel weird and awkward.

But here's the bright spot: *Everything* is weird right now. No one looks at you twice if you wrap a doggie-poop bag around your hand to pump gas. (They're probably thinking, "Wow, that's smart!") So if you call up your neighbor right now to let her know where your important documents are, she's not going to call 911 for a welfare check. She's going to know exactly where you're coming from, and she'll probably tell you where her important documents are too.



You've got plans for all kinds of other emergencies for your horses, and this is no different; it's part of your commitment to care for them properly, and you probably have an idea what you'd want.

"Even if I ask a 35-year-old, they have a very definitive idea of, well, of course, if I passed away I would want this to happen—everything should be sold, or this [item] should be given to this person, or take two years to find good homes [for my horses]; don't do a fire sale," said Catherine Eberl, a partner at the Hodgson Russ law firm in Buffalo, New York. "Those wishes will only be carried out if you put them in writing."

In a time of uncertainty, worry and possibly grief, a well-thought-out plan for your horses can make things considerably less stressful for those left behind.

THE BASICS OF ESTATE PLANNING

First, a disclaimer: This article is not intended to provide legal advice, and you should always consult with an attorney licensed to practice in your state who is experienced in these matters. Laws vary considerably from state to state, so don't assume that what worked for your friend in Rhode Island will work for you in

Wyoming.

Just to be sure everyone's on the same footing, here's a short explanation of some of the most basic elements involved in making plans for your possessions after you're gone.

"Estate planning" is the general term for planning what happens to your things when you die. The moniker unfortunately brings to mind a gated mansion property and makes it sound like this should only concern you if you've got considerable assets. But your "estate" is literally just "the things you own"—even if that's just a car and a checking account without many zeroes in it.

Even if you consider your estate to be insubstantial, it's still important to decide how you want it disbursed *and to document that in writing*. Generally speaking, that's in the form of a will—a legal document that goes into effect upon your death and dictates where your assets will go. It also appoints a representative (usually known as an executor) to carry out your wishes. Wills can also establish guardians for your children and detail funeral arrangements.

Every will goes through a court process called probate after the person with the will dies, and it can take a

One of the most important decisions you'll make about your horse is who—whether it's a trusted friend, a trainer, a barn owner or a family member—you want to be responsible for him when you die.

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fair bit of time for assets to be disbursed—as little as eight or nine months or upwards of several years if things are complicated or contested. This process is also a matter of public record; anyone can look up your will (of course, only after you are gone).

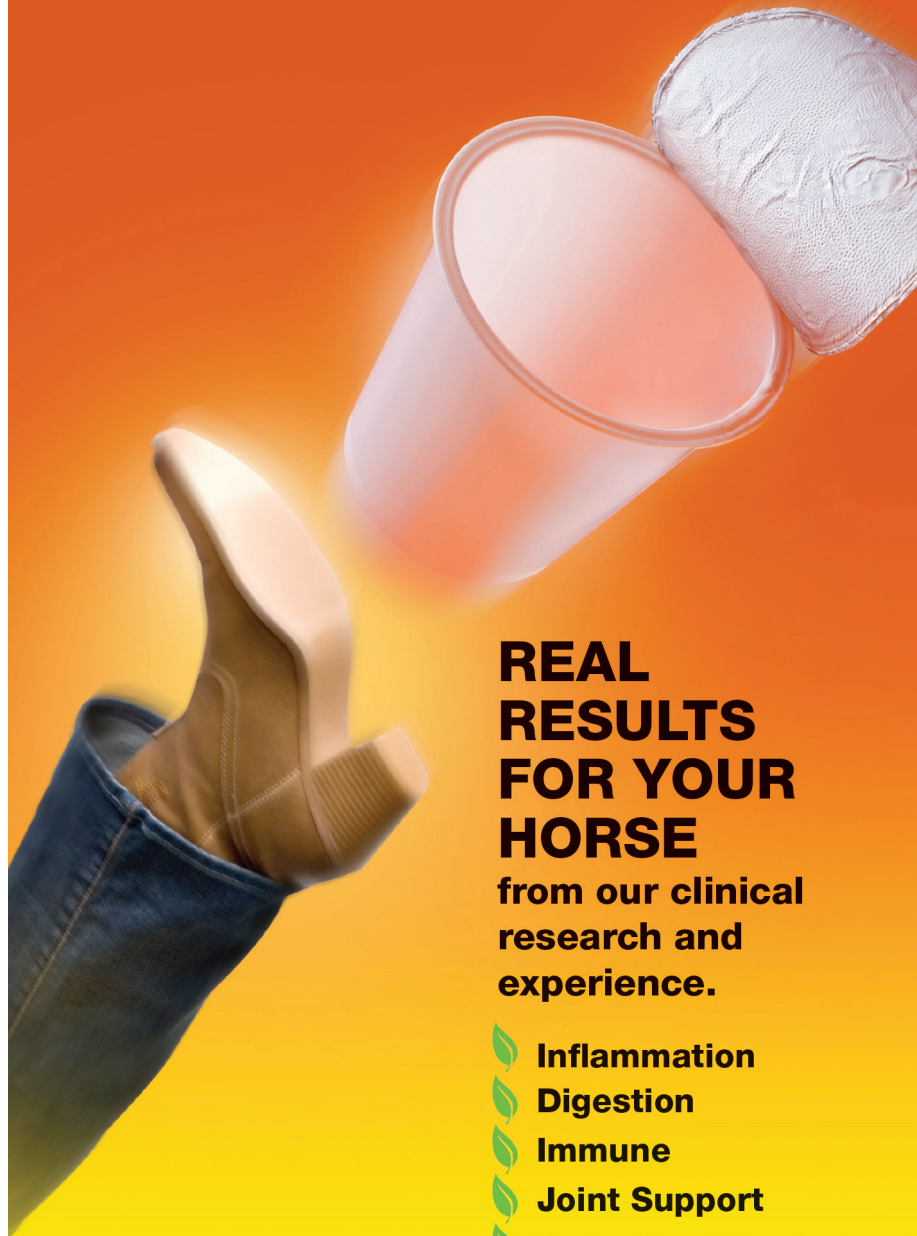
If you die without a will, state law dictates who among your survivors (spouse, parents, siblings, etc.) are entitled to your assets, and that can include some unwelcome surprises. For instance, some states treat half-siblings the same as full siblings.

Other than a will, the other common type of estate planning document is a trust. There are many different types of trusts, and we'll talk about a specific kind useful for horse owners below. But for starters, it's important to know that trusts are not just for people with a lot of money (i.e. establishing a "trust fund"); they can be useful for anyone.

The main difference between a will and a trust is that a trust goes into effect immediately when someone dies; it does not go through probate. That also means it's private, not a public document. Instead of an executor, a trust has a trustee, who is responsible for making sure assets are disbursed as spelled out in the trust. Like wills, the law regarding trusts varies from state to state, so it's smart to have any trust reviewed by an experienced trusts attorney in your state.

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Finally, it's important to note that, our feelings for our horses aside, in all 50 states they are legally considered property. So for the purposes of your estate, your horse and your car would be treated the same. You probably don't have very strong feelings about what happens to your car after you're gone; your horse is another matter entirely. If you spell out your wishes—in writing—you can dictate what should happen with your horse, but otherwise your horse is at the mercy of the courts and your heirs.

PICKING THE PERSON TO MAKE THE RIGHT DECISIONS

When it comes to your horses, the first and most important question everyone needs to answer is a simple one: "Who?"

Who is the person—whether it's a trusted friend, a trainer, a barn owner or a family member—you want to be responsible for your horse? Whether you're choosing someone to take permanent ownership of the horse or just a temporary caretaker who is then responsible for placing a horse in a new home, it's probably the most important decision you'll make related to your horse's welfare.

Although it's tough to think about, it's important—especially in our current climate of uncertainty—to make a decision about this and put it in writing.

"People tell me all the time, 'I told Susie if something happens to me, my horse is hers,' " said Belasco. "And that's great, except that's not legally enforceable at all. Or, 'We feel like our barn is a family, so if any of us gets sick, we'll take care of their horse.' Well,

what if *everybody* gets sick? Or what if everybody's lost their job, and they can't afford to feed that horse? We think other people will jump in because we all love horses. But that doesn't mean we can take care of somebody else's horses along with the ones we have."

The act of selecting and designating a person is important, but so is the actual person you choose.

"Obviously you want someone who's going to be responsible and trustworthy and also knowledgeable about what needs to be done," said Eberl. "But also [someone] who's going to carry out your wishes too. You may have a child that you trust, but you also think that child's going to dispose of everything in a fire sale and not do exactly what you would have wanted to do. They're trustworthy; they're not going to steal money or anything. But they're not going to exactly carry out your wishes."

Sue Smith, executive director of CANTER Pennsylvania, has had a will outlining her wishes for her horses for 20 years. "My greatest fear would be if something happened to me, and there weren't any options for my horses, and they were sent to New Holland or some sort of auction as a way to downsize," she said. *ROUGH COAT PHOTOGRAPHY PHOTO*



Normally the executor (in the case of a will) or trustee (in the case of a trust) would be responsible for disbursing assets, and they certainly can be the person who decides where a horse will go. But many people designate a different person to be responsible for this rather specialized and sensitive job.

It's important to note that you can, and should, set up a succession of people to serve in this capacity. For example, if you're married, you may designate your spouse. But there would be another person (or even another two or three people) named to take his or her place as executor or trustee in case both you *and* your spouse contracted the coronavirus and died.

Sue Smith, executive director of CANTER Pennsylvania, has had a will outlining her wishes for her horses since she moved out of her parents' house in her 20s. Now in her 40s, she's accumulated several retirees and other horses that would be difficult to place, so the decision of whom to designate to care for them became even more important.

"I think first, you've got to look at what your current herd is," she said. "If you have a bunch of four-star

horses, I don't think this is quite as difficult of a task as if you have a bunch of backyard pets, essentially."

Through her work in the Thoroughbred aftercare community, she's too frequently seen what can go wrong when horses end up in bad situations, so her primary goal was ensuring none of her horses suffered that fate.

"If something happened to me, my estate plan would be to euthanize the ones that aren't going to find safe placement or some sort of sanctuary," she said. "But, even the sanctuaries, there are so few horses they can intake, and there's no guarantee that sanctuaries are going to have the funding long-term, so I don't really even consider that a great option."

Knowing that euthanasia would be part of her plan, she selected a friend with similar beliefs—that a horse passing away peacefully is a better situation than giving them away and hoping for the best. "I'm fortunate: I have a lot of great friends and even family that I would trust," she said. "It's just I know it would be more of a burden for them, I think, in terms of the decision to have to euthanize."

Smith's estate plan sets aside funds to care for the horses and a stipend for the friend tasked with rehoming



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them, with instructions to find placement for the horses within a year. If homes cannot be found, the funds provided will cover euthanasia. Smith has her own farm, so she anticipates the horses could stay there with someone hired to care for them while placement is sought.

Smith discussed her horses in detail with her friend, noting the ones for whom she believed euthanasia would be the most humane option—like a 30-something-year-old mare who wouldn't adapt well to being relocated. "The others that have value, if my friend wanted them or if she knew someone who wanted them or she wanted to sell them, that's fine," Smith said. "They have a value, and they're going to be sought after.

"My greatest fear would be if something happened to me, and there weren't any options for my horses, and they were sent to New Holland or some sort of auction as a way to downsize," she continued. "That easily could happen to people if they don't have anything lined up, and there isn't going to be a good future for those horses. I don't say it lightly, but I think that is part of being a responsible horse owner, putting the animal's needs ahead of your own."

Liz Arbittier, VMD, CVA, and an assistant professor in equine field service clinical studies at the University of Pennsylvania's New Bolton Center, has both facilitated dispersal of someone's horses after they die (transferring records to new owners or sometimes euthanizing when necessary) and been the recipient of horses that were left to her by a client.

"Horses are so much harder to place than small animals," she said. "If the animals can't be ridden, and you don't have someone you trust implicitly, you have

That is part of being a responsible horse owner, putting the animal's needs ahead of your own."

—Liz Arbittier

CULTIVATING A COMMUNITY OF HORSE HELPERS

If you've ever been at an equestrian event where someone has had a serious accident, you know that horse people won't hesitate to spring into action to help. Someone will grab the loose horse, undo its girth and get it back to the barn safely. Someone will bring the horse home from the lesson or the show.

But what if a momentary emergency becomes a weeks-long event?

It's important to think about making sure your horses would still get appropriate care if you were suddenly unable to care for them or even communicate about what they needed.

"Everybody thinks about wills and trusts, but incapacity documents right now are crucial," said Joanne Belasco, an attorney specializing in equine law through her Windhorse Legal in East Boston, Massachusetts.

Incapacity documents usually include a health care proxy (designating a person to make decisions about your medical care if you are incapacitated), your living will or advanced directive (a document that describes your wishes for end-of-life decisions), and a power of attorney.

While the other documents are important (especially for participants in high-risk sport), it's the power of attorney that is going to come into play as far as decisions made about your horses if you're incapacitated. This document designates someone to act as your agent and access your accounts—they can pay your bills and make decisions on your behalf.

You would want this to be someone you trust, obviously, and normally it would be a spouse or relative. But if that individual isn't a horse person, would you want them making equine-related decisions for you?

A revocable horse trust could be drafted to go into effect if you're incapacitated, and it would put the responsibility for your horses onto an individual you choose and even provide funds for their care. It codifies a binding tenet of the horse world—that we've all got each other's backs—and can relieve

some of the day-to-day worries about caring for horses for family members, who are likely much more concerned about the owner of the horse at this point.

Jeanne Shaw, a hunter/jumper trainer based in Atlanta, experienced this firsthand in January 2014. She and her husband were leading horses out to a paddock at their farm in Jasper, Georgia, when Shaw bent down to pick up something on the ground. At the same moment, something spooked the horse her husband, Richard Shaw, was leading, and he kicked out, striking her in the head.

She had to be life-flighted to Atlanta, and as they were loading her into the helicopter, her husband overheard one of the EMTs say to the pilot: "I don't think this one is going to make it to the hospital."

She did, fortunately, following surgery. When her husband asked about her prognosis, doctors told him there was no way to know; everyone is different.

She was in a coma for seven to 10 days (she doesn't remember anything about the accident or her hospital stay) and was then transferred to the Shepherd Center in Atlanta, which specializes in spinal and traumatic brain injuries, for physical and cognitive therapy.

"Apparently one of the first things I said was, 'People, I've got to go. I've got horses to feed and lessons to teach,'" Jeanne recalled with a chuckle.

She was discharged from the Shepherd Center in April and eventually made a full recovery. But it was a traumatic few months for her husband, who was responsible for a herd of nine horses and various other pets at their farm almost 60 miles away from the hospital in Atlanta.

Fortunately, friends and family were quick to jump in. Their neighbors, who also have horses, helped out. Her husband was able to send five of the horses elsewhere, leaving just the four she owned at home. Other trainers took on her students.

When Richard realized the horses needed more feed, and he didn't have any idea what to get, "the people who run the feed store, which is a small town kind of thing, they said, 'Oh, that's OK. We know what she needs,'" Jeanne recalled. They kept delivering the same things she'd ordered previously on the same schedule and told Richard not to worry about paying them until Jeanne was home.

"I was in the hospital for three months, and they were just like, 'Don't worry about it!'" she said.

The experience made Jeanne grateful for the close-knit local horse community. "When I went to my first

horse show after this, people would just run up to me in the hunter ring when we were schooling and throw their arms around me and say, 'I'm so glad you're back! That's so wonderful!'" she said. "Some people I knew casually, and we'd just nod and smile, and some of them were friends. But then I realized, no, really, with a couple of exceptions, everybody really is a friend because we're all in this; it's a community more than a competition."

Her accident made her appreciate, and cultivate, those relationships even more. Although she trained solo before the accident, she now has a partner, someone who can take up the slack in an emergency. "That makes all the difference in the world," she said. "When something happens like this corona business, because she lives about 4 miles from the barn, and I'm 63 miles from the barn, she's just taking care of it."

She also noted the importance of having horse-savvy friends who can help. "If you just went to your next-door neighbor and knocked on the door, and they wanted to help you, but they only knew how to feed a dog and that was it, that would be a problem," she said. "You need to have close friends that you know you could line up to do it."

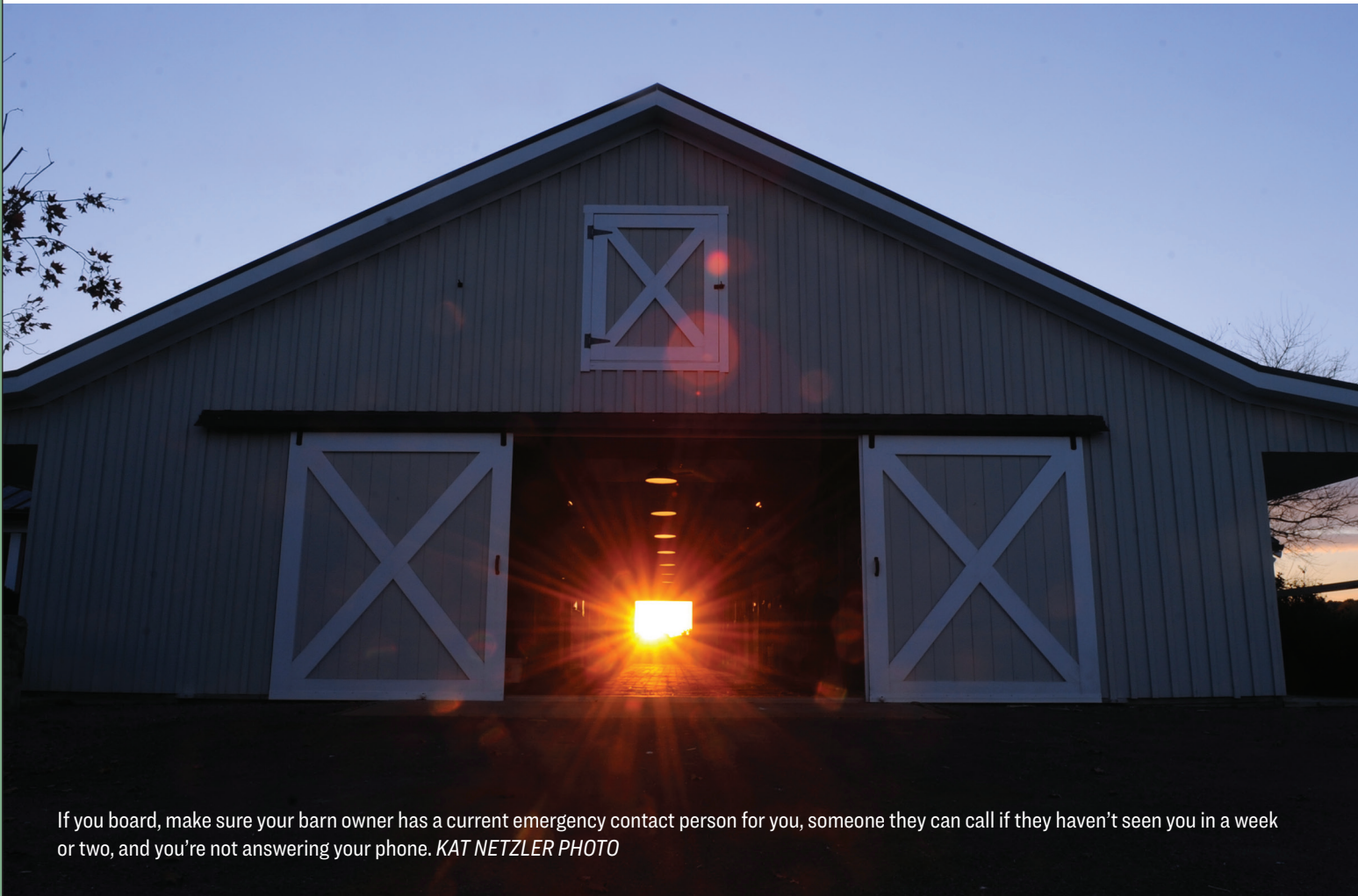
She added that tapping friends or colleagues ahead of time who might be able to take horses in a pinch would also be a big help. "If you have a place where the horses could go and be boarded, then that would be ideal because then nobody is worried about their care," she said.

She suggested approaching other trainers to see if they'd agree to be your back-up. "Go to them and say, 'If something happens to you, I will take [your horses], and I will look after them for you. And could you do the same for me?'"

Above all, she said, the experience taught her to "hold your friends close." And not to assume that something like that couldn't happen to you.

"It's very easy to shrug and say those kind of things happen to some people, but it won't happen to me, and I don't have time to think about it," she said. "Well, I had never thought about it because it had never occurred to me that this could happen."

"It's like the Bill Withers song 'Lean On Me'; you need some people you can lean on," she added. "Before you absolutely have to, make your friends aware that if something happens to them, they can call on you; you'll do everything you can to help them. And hopefully they will help you out too. And you know, they will; they really will. This has been my experience, anyway."



If you board, make sure your barn owner has a current emergency contact person for you, someone they can call if they haven't seen you in a week or two, and you're not answering your phone. *KAT NETZLER PHOTO*

to leave written instructions on how you'd prefer them to find homes, and let people know that euthanasia is preferable to heading to an auction or a 'dealer' or someone who volunteers to help and sticks them in a pasture for the rest of their lives. *It just doesn't happen* the vast majority of the time. I can't stress that enough, and as a vet, I've been very honored to euthanize deceased clients' animals knowing that I was fulfilling their trust in me and making sure their horses didn't end up in a bad situation.

"If the horses are young [and] rideable, it may be another story," she continued. "Some rescues are happy to take horses like that to work with and then adopt out. Finding a reputable one near you and leaving those instructions is a great idea."

Smith said groups like CANTER often see the confusion and even desperation family members face when an individual didn't plan for or leave instructions for horses.

"We do talk to people who, a parent has passed away, and they have all these horses, and they don't know what to do

with them. We get the aftermath calls a lot, and it's always hard," she said. "Most of the time, particularly if it's an older adult who passed away, they haven't been doing anything with the horses, and they're just sitting in the field. They aren't really the kind of horse that people are looking for."

Even if you own valuable horses, would you simply want them sold to anyone who showed up with a checkbook? Or would you want them to go to specific people or to a specific kind of home? If it's the latter, those wishes need to be made clear to the person who has the power to make those decisions. If you don't spell it out, it might not happen.

"The horses will belong to the estate, and any sale will have to go through the lawyers in terms of valuation, et cetera," said Arbittier. "That could get hairy with valuable horses!"

"I think that, at the end of the day, it's all about finding someone you trust and having it in writing," she added. "An athletic horse will have a much better chance of landing somewhere good than a pasture pet."

ASK FIRST, AND COVER THE BILLS

No matter whom you select, it should go without saying, you should discuss your plans with them first!

“A really good analogy is when people are picking the guardians for their minor children, 99 percent of people are going to talk to the guardians [and ask], ‘Will you take my children on if something happens to me?’ It’s the same idea. You have to be respectful and ask for permission,” said Eberl.

Smith, who once inherited two horses from a friend, also emphasized the importance of providing for your horses financially.

“[My friend] had discussed it with me; at the time she had one horse, and I had known him his whole life. She asked if I would take him if something happened to her, and I said sure,” Smith recalled. “But she’d also mentioned that she was going to set up a trust for him. Well, she never got around to doing that, and she got a new horse right before she passed away. I didn’t even know about the second horse. It was a little bit of a stunning situation, but you do what you can and try to keep the horse’s best interest in mind.”

The newer acquisition unfortunately had wobbler syndrome and had to be euthanized shortly after Smith inherited her. But in a better stroke of luck, Smith had a trusted friend who was looking for an equine babysitter, so she was able to place her friend’s original horse (who was 29 at the time) and receives regular updates on him.

“Otherwise, four years later, he’d still be sitting in my backyard, and I would have been OK with that, but I wouldn’t want to do that to someone else, particularly with the number of horses I have at the moment,” she said.

Arbittier also inherited two Appaloosa mares from a former veterinary client, and both have vision issues.

“When [the client] had casually asked me, probably 12 years earlier or something like that, I had a farm and could have absorbed them for minimal costs,” Arbittier said. “I’d since sold my farm and am living in a very expensive area where full board for special needs horses was not cheap!”

She thought the client had made other arrangements for the horses once she moved and was no longer his veterinarian, so the phone call from his attorney after he died came as quite a shock.



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HORSE CARE ISSUE

“Checking in with the person you’re leaving them to occasionally is important. He knew that I moved, but he never checked in to see if I could still take the girls. I probably would have told him to make other arrangements,” Arbittier explained. “That said, he provided for them more than most people probably would, and even with the extreme expense of full boarding out here, as well as several expensive veterinary procedures that they needed, they are OK.”

In addition to the horses, her client left her a beauty salon, a truck and two horse trailers, and his bank account. She sold the other assets and has set aside the proceeds to care for the horses. Had that not been the case, Arbittier might not have been able to fulfill her client’s wishes.

“It is *amazing* to me how many people back out of these arrangements after they agreed,” Arbittier added. “You need to pick someone you trust implicitly, and you need to give them the means to keep the horses. Unless they have a

farm, horses are a massive financial commitment, and it’s really unfair to put it on someone and not adequately help them financially. If you don’t have the means to help, you need to make sure that the person who inherits them has a clear path forward if they can’t keep them.”

THE RIGHT DOCUMENTS TO DO THE JOB

Once you select the person to carry out your wishes for your horses, you need to put that decision in writing in your estate documents.

You can use either wills or trusts to transfer ownership of your horse, and the specifics of your situation will dictate which is the best option.

“If it’s really straightforward—I’m going to give this horse to my sister, and she knows it’s coming, and she doesn’t expect any additional cash—that’s just simple and straightforward,” said Eberl. “You’re just transferring ownership to somebody.”

Remember though that a will must go through probate,



Even if you own valuable horses, would you simply want them sold to anyone who showed up with a checkbook? Or would you want them to go to specific people or to a specific kind of home?

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which can take a while even in ordinary times—and these are not ordinary times. Right now, courts are closed, and probate is considered non-essential.

So if someone died during this pandemic, whether or not it was related to coronavirus, all of their assets would be frozen for the moment. However, there are contingencies in place so that assets like horses wouldn't be standing in their stalls awaiting the reopening of courts.

“The nominated executor has the power to take steps needed to preserve the estate,” Eberl explained. “Depending on the circumstances, that could mean transferring the horse to the custody of the person named in the will (or someone else altogether) and arranging for the continued care of the horse. Until the will is actually probated and the executor is appointed, the transfer of legal ownership cannot occur. But transfer of physical custody can be made during that time, if needed.”

One of the main benefits of a trust as opposed to a

will is that it goes into effect immediately and doesn't have to go through probate. (You should still have a will regardless, to cover things that were not included in any trusts.) So not only would ownership of a horse immediately be transferred, but if you'd set aside funds to go with the horse, those would be available immediately too.

There's actually a specific type of trust for this purpose—it's commonly known as a horse trust (or pet trust or animal trust). Laws are on the books in all 50 states and the District of Columbia establishing frameworks for them, and although they vary, most dictate that a trust can be established to care for an animal for the duration of its lifetime. (This is why it's important to consult with an attorney licensed in your state, to be sure your trust complies with state laws, but a good overview is provided on the American Society for the Prevention of Cruelty to Animals website: www.asPCA.org/pet-care/pet-planning/pet-trust-primer)

Generally speaking, trusts come in two flavors—revocable or irrevocable. As they sound, they differ in how easily they can be amended and changed after they're established.

A revocable trust can also be called a living or inter vivos trust. (Inter vivos is Latin for “formed during life.”) Horse trusts fall into this category. You can set up these trusts, amend them and make changes, or get rid of them altogether. You can also fund them, setting aside the money that will be disbursed through the trust in its own separate account. (It's as simple as opening another checking account at your local bank.)

While you're alive, these trusts basically just hang out and do nothing. But upon your death—or, if you've set it up this way, your incapacitation (if you're in the hospital in a coma, for example; see sidebar)—they go into effect immediately.

Why would this be important for practical purposes? Let's say you are a 30-something single person who owns and boards two horses. You've set up a horse trust that dictates your friend Mary should get your horses, along with a set amount of money that you've already set aside in its own account.

If you were to die suddenly—whether from COVID-19 or a car accident or falling from a horse—that trust would go into effect immediately, and Mary would be able to access those funds right away to pay for board, the farrier, shipping the horses to a new location, or anything else outlined in the trust.



If you did *not* have that trust established, your survivors (who might not be horse people) would take ownership of your horses and would have to figure out how to care for them—and how to pay for it.

“We’ve all seen the Facebook posts: ‘So-and-so has had an accident; she can’t pay the board; let’s do a GoFundMe to pay her board,’” said Belasco. “People will say, ‘Well, my barn owner really likes me, and there isn’t a problem.’ But as we are now learning, weird things happen! What if the barn owner gets into financial problems, and they can’t afford having your horse there? People have to make tough decisions sometimes, and a horse trust really allows you to say, ‘OK, if anything happens, my horse is taken care of.’”

By setting up plans for your horses in advance, “you are making it easier for the people you leave behind,” said Eberl. “If you’re 35 and you have a really tragic early passing, that’s probably going to be a surprise event. The worst thing you can do then is leave your family and friends who are left behind to pick up the pieces, scraping their checking account to pay your expenses.”

YOUR NEXT QUARANTINE PROJECT

Now, it’s highly likely that you already knew doing some sort of estate planning was a good idea. You might even have had it on your to-do list. But, it’s also highly likely that you haven’t yet taken that first step to start any planning or to talk to an attorney. Well, don’t feel too bad—you’ve got a lot of company.

“In my experience, I have had a lot of inquiries [about estate planning for horses]; the issue comes up at nearly every single one of my presentations or seminars that I provide to different horse farms,” said Melissa Subjeck, who is also a partner at Hodgson Russ specializing in equine law and estate planning. “But there actually is very little follow-through. What I’ll get is, a year down the road, ‘Oh, I still need to call you!’ And then it’s another year down the road. We’ve certainly done [estate planning for horses], but based on the number of inquiries and questions that we field, I would expect that there should be a lot more.”

This phenomenon isn’t specific to horse people, of course; the general public is just as reticent to figure out this stuff.

“It’s complicated, so people really have to devote the mental space to think about it and understand it, and who likes to spend their free time on a Saturday thinking about their death?” said Eberl.

For many, Subjeck said, it takes a “triggering event,” like the death of a close friend or family member, to spur them to action.

Or ... it might just take a pandemic.

“A lot of those people who over the last year or two we’ve had those initial conversations with, they’ve all been calling in the last month,” said Eberl. “Because people have free time right now, and now they’re also a little bit concerned, and they’re like, ‘Wow, I should have done this a few years ago.’”

The good news is that the process probably isn’t as laborious or expensive as you think it might



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be. And even if you do have a more complicated situation that requires more discussion with attorneys and more and different kinds of estate planning vehicles, there's nothing stopping you from just setting up a simple horse trust now and slowly working through the rest of the process.

"It's not a hard, involved process, unless you do have a very complicated estate," said Belasco. "It's not as hard as people think. An estate planning attorney knows exactly what they need to draft these documents. And even if it's not going to be perfect for your equine needs, it's better than having nothing."

A simple horse trust would probably only cost a couple hundred dollars, she said, and even a larger estate plan wouldn't be prohibitively expensive. Call around to different attorneys and ask about their rates and whether they can do a payment plan or otherwise work with you, Belasco added. She cut her rates in half at the start of the pandemic because she wanted to encourage more people to get their documents in order.

The planning process for a full estate plan would

require pulling together documentation of the things you own and all your accounts (bank accounts, credit cards, and so on), and thinking about to whom you would want your assets to go.

"In my ideal world, I would like a balance sheet that shows everything that somebody owns with rough dollar amounts on it, so a 401(k), joint checking account, house with a mortgage—I want all of the information," said Eberl. "Be prepared with a list of 'here's what I own, and here's how I own it,' and having thoughts of 'who I want to be in charge.'"

But don't be put off if you feel like you don't have *all* the information on hand and all the big decisions made. Part of an estate attorney's job is to walk you through that process, and they can make do with less if that's what it takes to get you started.

Although it might be tempting to try to do this yourself with documents you can find online, because of the intricacies of state law, Belasco advises against it. If the documents aren't done correctly, they won't stand up in court and won't protect your animals as you intended.

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HORSE CARE ISSUE

She also recommends trying to find an attorney who specializes in equine law. “You want an equine attorney that does estate planning, and there aren’t a lot of us,” she admitted.

Start with a Google search, and if you can’t find an attorney in your state who specializes in it, try contacting one in a different state and ask if they can put out word to their contacts. Also, try asking for recommendations from those in your local equestrian community.

And pandemic aside, this kind of planning is helpful for anyone of any age, but most especially for people who participate in a risky sport.

“None of us anticipate that we’re not going to come out of our last round of jumps or our last ride on our horse, but we do hear of accidents every now and again,” said Subjeck. “As equestrians, we are at a higher risk than someone else who’s young and healthy and has their entire life ahead of them.” 🐾

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THINGS YOU CAN DO RIGHT NOW TO PREPARE FOR EMERGENCIES

If you already have an estate plan, now is a great time to check in with your attorney to be sure it’s up to date. Plan to do this once a year.

Write up detailed care instructions for your animals, like you would do for a farm-sitter. Save it as a Google doc, and share it with a trusted local friend. You can update it whenever you need to, and your friend will always have access.

Think about any important horse-related documents (registration papers, Coggins, etc.) someone might need, and make an extra copy to keep in an “emergency” file that you keep with your other important documents. Make sure your family and close friends know where those documents are.

Post a list of important phone numbers in the barn: your veterinarian, farrier and feed supplier; your personal emergency contact person, such as a parent or sibling; and your regular farm-sitter or other local friend who would have a general idea of which horse is which and who goes in which stall.

If you board, make sure your barn owner has a current emergency contact person for you, someone they can call

if they haven’t seen you in a week or two, and you’re not answering your phone. Also make sure your family has the number of your barn owner and knows to notify them if anything happens.

This is probably included in your boarding contract, but make sure there is documentation that your barn owner can arrange for your veterinarian to treat your horse if you are incapacitated. If you don’t board, you may want to discuss with your veterinarian who else could authorize treatment for your horse, and make sure they have documentation to that effect on file.

Keep an emergency card in your wallet, behind your driver’s license. (You can find one here: <https://windhorselegal.com/wp-content/uploads/2018/10/Emergency-Contact-Card.pdf>.) Make sure the emergency contacts listed know who to contact about your horses.

Even if you can’t get official documents drawn up immediately, discuss your wishes for your horses with a couple of close friends, and be sure your family members know who those friends are. While not an official legal arrangement, your family may be happy to leave horse-related decisions to someone else, if they know who that person should be.

If you ride horses that belong to someone else, have a conversation with them about any arrangements they’ve made; if they haven’t made any, urge them to start.