

1 AN ACT in relation to trusts.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Trusts and Trustees Act is amended by
5 adding Section 15.2 as follows:

6 (760 ILCS 5/15.2 new)

7 Sec. 15.2. Trusts for domestic or pet animals.

8 (a) A trust for the care of one or more designated
9 domestic or pet animals is valid. The trust terminates when
10 no living animal is covered by the trust. A governing
11 instrument shall be liberally construed to bring the transfer
12 within this Section, to presume against a merely precatory or
13 honorary nature of its disposition, and to carry out the
14 general intent of the transferor. Extrinsic evidence is
15 admissible in determining the transferor's intent.

16 (b) A trust for the care of one or more designated
17 domestic or pet animals is subject to the following
18 provisions:

19 (1) Except as expressly provided otherwise in the
20 instrument creating the trust, no portion of the
21 principal or income of the trust may be converted to the
22 use of the trustee or to a use other than for the trust's
23 purposes or for the benefit of a covered animal.

24 (2) Upon termination, the trustee shall transfer
25 the unexpended trust property in the following order:

26 (A) as directed in the trust instrument;

27 (B) if there is no such direction in the trust
28 instrument and if the trust was created in a
29 non-residuary clause in the transferor's will, then
30 under the residuary clause in the transferor's will;

31 or

1 (C) if no taker is produced by the application
2 of subparagraph (A) or (B), then to the transferor's
3 heirs, determined according to Section 2-1 of the
4 Probate Act of 1975.

5 (3) The intended use of the principal or income may
6 be enforced by an individual designated for that purpose
7 in the trust instrument or, if none, by an individual
8 appointed by a court having jurisdiction of the matter
9 and parties, upon petition to it by an individual.

10 (4) Except as ordered by the court or required by
11 the trust instrument, no filing, report, registration,
12 periodic accounting, separate maintenance of funds,
13 appointment, or fee is required by reason of the
14 existence of the fiduciary relationship of the trustee.

15 (5) The court may reduce the amount of the property
16 transferred if it determines that the amount
17 substantially exceeds the amount required for the
18 intended use. The amount of the reduction, if any, passes
19 as unexpended trust property under paragraph (2).

20 (6) If a trustee is not designated or no designated
21 trustee is willing and able to serve, the court shall
22 name a trustee. The court may order the transfer of the
23 property to another trustee if the transfer is necessary
24 to ensure that the intended use is carried out, and if a
25 successor trustee is not designated in the trust
26 instrument or if no designated successor trustee agrees
27 to serve and is able to serve. The court may also make
28 other orders and determinations as are advisable to carry
29 out the intent of the transferor and the purpose of this
30 Section.

31 (7) The trust is exempt from the operation of the
32 common law rule against perpetuities.