

“Paws & Hearts”

Animal Assisted Therapy

Fed. Tax ID #91-2096569

SUMMER 2016

NEWSLETTER

Board of Directors

President:

Virginia Tillmannshofer

Vice President:

Richard Waxman
Executive Director
“Paws & Hearts”

Founder:

“Lucky” Waxman

Secretary/Treasurer

Danielle Barton,
Branch Retail Executive
BBVA Compass Bank

Anita Jameson
Retired Educator

Keeping in mind that this is the desert, Summer 2016 feels like it has been here forever.

The first half of the year has been very busy. In February Drew and I were Guest Speakers for the Rancho Mirage Woman’s Club. The lovely group of women were really interested in meeting Scruffy and Maddie! The very next day, we had our first real photo-shoot for a magazine. We need to tell you that it was great fun for the four of us!

We were once again awarded a grant from the Petco Foundation (more on this inside.) A very special article by Attorney Ron Easton in this issue on the topic of providing for your pet’s care after you’ve gone.

You will also see we’ve had a great group of new volunteers come our way this which is always so nice. Giving back to our community is so important, and what better way than sharing the love and companionship that our **Canine Ambassadors** have to offer.

Enjoy the summer, and you’ll hear from us again this fall!

Richard Waxman

Upcoming Events to Put on Your Calendars!

16th Annual Dog Walk/

Fundraiser

Saturday November 26th

Westin Mission Hills Golf Resort

**“Paws & Hearts” 74-854 Velie Way, Ste. 7
Palm Desert, CA 92260**

(760) 836-1406 fax (760) 836-1426

E-Mail: Pawsandhearts@aol.com

Website: www.pawsandhearts.org

Facebook: www.facebook.com/pawsandheartsorg

“Scruffy & Maddie’s” Views

“Scruffy” here and I’ve taken back the keyboard from my sister “Maddie!” After all, I’m the head honcho here—regardless of how many rooms she visits every week at Desert Regional Medical Center.

While we are on the subject of visits, I need to have a talk with Dr. Monica Khanna at the Lucy Curci Cancer Center. Dr. Khanna, do you realize that the Monday, Tuesday and the Wednesday therapy dogs, myself included are all senior citizens? The ottoman is lovely, but none of us can hop up on it like we used to. I think it’s time we looked into stairs, or a ramp, don’t you? I know that Dad keeps complaining every time he has to pick me up. Getting down is no problem, but Sammi, Samie and I just can’t do it anymore! We need your help!

Okay, now that I’ve got that issue off my chest, I suppose “Maddie” can take over—As my brother said, it is true, I am the big shot at Desert Regional on Monday and Thursdays. Many of the staff members greet me by name now, and I love going room to room.

The best story I have to share was earlier this year when Dad and I visited with a gentleman on 2E. He was sitting alone in his room watching TV, and the minute he saw me he asked to hold me in his lap. Happy to accommodate as always, I batted my little brown eyes at the man and let him pet away. When it was time to leave, with a big smile on his face he said to Dad, “Thank you for changing the whole mood of my afternoon!”

“Scruffy & Maddie” Waxman

Local Attorney Ron Easton has provided us with a detailed article on Pet Trusts

As an estate planning practitioner I routinely counsel people on the distribution of their estates upon death. When I ask clients what goals they have in mind, they generally speak to the concern of leaving children inexperienced in handling financial affairs, and for minor children, the worry about who will raise them and be in charge of their financial care.

When children aren't involved, the discussion turns to the distribution of the estate. If the client isn't particularly close to family, or even has no family, the discussion will lead to honoring friends or in some cases charitable gifting.

If there is or has been a loving relationship with an animal, gifting might lean toward charities caring for animals, either nationally or locally. Even then, rarely do clients discuss the care of a surviving pet. Most people assume that their pet will predecease them.

Not too long ago I spoke to an elderly couple with six children among them about to leave on vacation. They explained to me that not one of their adult children was interested in their West Highland Terrier. They asked if I would I be willing to take care of him. Being a lover of dogs I assured them that he would have a good home. Of course they didn't anticipate the need in reality, but they were among the few who wanted to discuss with me adding a pet trust as a part of their estate distribution.

The California legislature first provided for pet trusts as recently as 1991. Although trusts have been a part of estate planning for years, they really came into vogue in the 1980s. Therefore caring for pets was a natural progression. The legislation was later repealed in 2008 giving us California Probate Code §15212 as it exists today. It provides, in pertinent part: "... a trust for the care of an animal is a trust for a lawful non charitable purpose. Unless expressly provided in the trust, the trust terminates when no animal living on the date of the settlor's death remains alive. The governing instrument of the animal trust shall be liberally construed to bring the trust within this section, to presume against the merely precatory or honorary nature of the disposition, and to carry out the general intent of the settlor. Extrinsic evidence is admissible in determining the settlor's intent."

In other words, even if the deceased hasn't adequately expressed the terms or extent of care of the pet, evidence from other writings or from conversations with friends and family can be used to develop the nature and extent of the care, and even the caregiver.

However, there are some restrictions set out in the Probate Code, namely:

- (1) Except as expressly provided otherwise in the trust instrument, the principal or income shall not be converted to the use of the trustee or to any use other than for the benefit of the animal.
- (2) The term "animal" means a domestic or pet animal.
- (3) Upon termination of the trust, the trustee shall distribute the unexpended trust property in the following order:
 - (A) As directed in the trust instrument.
 - (B) If the trust was created in a will, then the unexpended trust property is distributed to the person or entity entitled to the residue under the residuary clause in the will.
 - (C) If the application of subparagraph (A) or (B) does not result in distribution of unexpended trust property, then to the heirs at law.

The intended use of the principal or income may be enforced by a person designated for that purpose in the trust instrument or, if none is designated, by a person appointed by a court. In addition to a named person in the will or trust, any person interested in the welfare of the animal or any nonprofit charitable organization that has as its principal activity the care of animals may petition the court regarding the trust and its enforcement.

Pet Trust's continued.....

If a trustee is not designated or no designated or successor trustee is willing or able to serve, a court shall name a trustee. A court may order the transfer of the trust property to a court-appointed trustee, if it is required to ensure that the intended use is carried out and if a successor trustee is not designated in the trust instrument or if no designated successor trustee agrees to serve or is able to serve. A court may also make other orders to carry out the intent of the settlor.

Because the residual beneficiary is entitled to the balance of funds after the pet has died, the trustee is required to account to that beneficiary and is held to a legal fiduciary obligation.

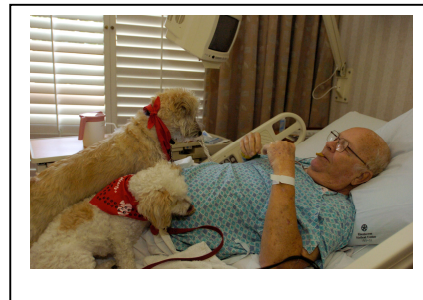
It's interesting to note that any beneficiary, any person designated by the trust instrument or the court to enforce the trust, or any nonprofit charitable corporation that has as its principal activity the care of animals may, upon reasonable request, inspect the animal, the premises where the animal is maintained, or the books and records of the trust. The goal of this section is ultimately the proper care and treatment of the pet according to the deceased's wishes.

I don't think that the general public is aware of the extent a person can provide for his or her pet. After all, upon death, the pet can be thrust upon the mercy of others who are not as attached. Sadly, bad things do happen to good people when it is least expected. So why not provide in advance for the worst scenario? Let's not leave the care of our beloved pets to chance.

I would be happy to speak with you in more detail about the future care of your pets and your other estate planning needs. Ronald R. Easton, Attorney at Law, 44489 Town Center Way #D312, Palm Desert, CA 92260 760-341-1490



Just what is Dad leaving us anyway? It better be something special after all these years of hard work!



Once again the Petco Foundation has been gracious enough to award us with a grant to ensure that our program remains vital and strong. Our history with Petco goes back to our very humble start 16 years ago. I was lucky enough to meet the late Paul Jolly, the Foundation Director, in 2001 at some function. He commented on my "Paws & Hearts" shirt, and a friendship was formed. Paul was responsible for our very first grant from any foundation, and Petco has been a big supporter of ours ever since.

We truly appreciate being considered a Petco Partner and I will be forever grateful to Paul for helping us get started!

About the Petco Foundation

At the Petco Foundation, we believe that every animal deserves to live its best life. Since 1999, we've invested more than \$145 million in lifesaving animal welfare work to make that happen. With our more than 8,000 animal welfare partners, we inspire and empower communities to make a difference by investing in adoption and medical care programs, spay and neuter services, pet cancer research, service and **therapy animals**, and numerous other lifesaving initiatives. Through our Think Adoption First program, we partner with Petco stores and animal welfare organizations across the country to increase pet adoptions. So far, we've helped more than 4.8 million pets find their new loving families, and we're just getting started. Visit petcofoundation.org to learn more about how you can get involved.

Rancho Mirage Woman's Club Presentation

Back on February 25th, we were asked to be the Guest Speakers at the Rancho Mirage Woman's Club. Drew, Scruffy, Maddie, and I were treated to a lovely luncheon, (yes, Scruffy and Maddie even got a bit of chicken!)

This is a great group of women who have been doing good deeds in the valley since 1963, continually donating funds for worthwhile endeavors such as new playground equipment for Whitewater Park, annual scholarships for the C O D nursing program, and many more community projects.



We hope that in 2017 they will put "Paw & Hearts" on their list of charities! Thank you ladies, the four of us had a great time, and we hope a few of you will consider becoming volunteers with us!

Volunteer Stories

Many of our readers have asked where our Volunteer Stories come from. Our volunteer teams visit their assigned facility each and every week and part of their commitment is to email into our office a weekly report, complete with their visitation story. Some day, these stories along with photographs will be turned into a book because the stories are heart-warming and the patients/clients we visit truly treasure their weekly visit.

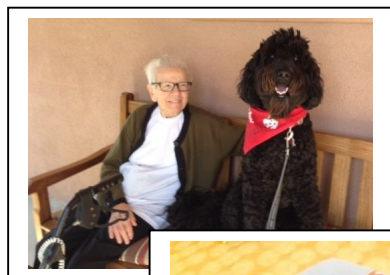
Brookdale Assisted Living Palm Springs, Mike & “Gus”: The Memory Care cottage was the highlight of the day. Our friend Ruth is always happy to see us, but she really responded to this visit by squeezing my hand as she rubbed Gus’s head. She kept saying, “He loves me, and I love him too!” She thanked us for visiting, grabbed my hand and kissed it.

Lucy Curci Cancer Center, Phil & “Hannah”: The visit was wonderful! Everyone enjoyed the time with Hannah! Dr. Khanna came in and sat with Hannah, talking to her. Then she picked her up and took her away for 10 minutes to see the other doctors. We stayed a little longer than usual, but at 10:37 Hannah told me that she had HAD TO GO NOW, and I apologized to the patients that Hannah was going to leave without me! They had a good laugh, and it was a great visit!

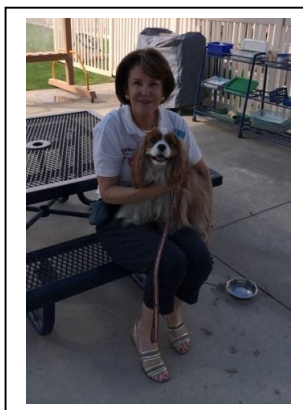
Premier Care, Suze & “Dunkin”: As dictated by Dunkin after his visit—I know my way around the hallways of Premier Care better than Mom, and I led us right to Virginia’s room, because she is always nice to us. She always has some doggie treats waiting for me, and she tells Mom and I how much she loves us, all the time!

Stonewall Gardens, Risa & “Shaina”: Our visit was very rewarding on Monday. One of the aides told me that one of the patients rushed back from a doctor’s appointment so that he wouldn’t miss his weekly visit with Shaina. The patient was waiting in his doorway, waving for us to come in. He was so excited to see us both that he asked me to sit down so that he could tell Shaina about his week since he’d seen her last!

Martha’s Village & Kitchen, Kay & “Bennie”: The two little boys that have been the last to come around and enjoy Bennie are now on the fast track with more touching.....you can see that they are proud of themselves for being brave when they pet him!



“Gus”



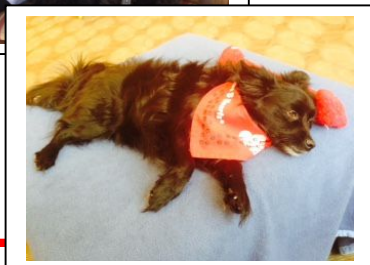
“Bennie”



“Shaina”



“Dunkin”



“Hannah”

Our Mission Statement

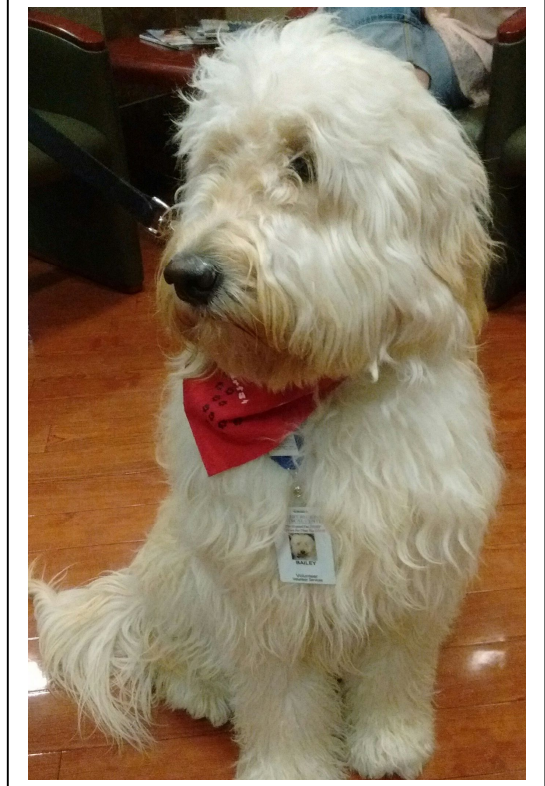
“Paws & Hearts” is a leader in the field of “Animal Assisted Therapy” (AAT) and it is our mission to enrich the lives of the frail and special care cases that require the loving attention and affection that only a ‘four-legged’ healer can provide.

Our Desert Regional Medical Center & Comprehensive Cancer Center Ambassadors!



"Bob" &
"Zoso"

"Bailey"



"Maddie"

