



LHT&F  
e-Zine

New Estate Planning  
Laws Affecting You

## St. Paul's Hand in Your Estate Plan

### Legislative Updates

There has been a flurry of activity at the State Capitol building in the short 2015-2016 legislative session.

What you may not have heard is that the Minnesota Legislature has passed a series of laws impacting estate planning. This month's e-Zine is focused on some of the most important changes to our estate planning laws. For more information about how these changes can impact your estate plan, we invite you to contact one of our attorneys.

### Pet Trusts

Minnesota is 50th state to permit Pet Trusts. Pet Trusts have been an important part of estate plans across the United States for years. This estate planning tool will permit Minnesotans to provide for the *reasonable* welfare of animals during

a person's incapacitation or after death.

A Pet Trust is not about willing your fortune to your dog or cat, although some people have tried. Rather, it will permit you to care for your pet horses, and other animals that need constant care. It will also protect your animal's caregiver so that they have a legal right to the animals.

As a pet owners, we love our animals and consider them to be family. Caring for larger and expensive animals in particular may necessitate this estate planning tool.

The requirements for a Pet Trust in Minnesota are simple: the animal(s) must be alive when the trust is created; it must be for the welfare of the animal(s); it cannot last for more than ninety (90) years (sorry no ancient tortoises); and while there is no dollar-cap, the value of the trust

cannot exceed the amount reasonably needed to care for the animals (no leaving millions to your cats).

Pet Trusts are here to stay, and may be one of the strongest tools to protect your furry friends.

### Transfer on Death Beneficiaries for Watercraft

Minnesota has permitted transfer on death titles for watercraft. It operates much like a transfer on death deed for your real estate.

This powerful estate planning tool will allow you to easily transfer your boats and other watercraft to your loved ones without the expense of probate proceedings.

The great news: you don't need to pay an estate planning attorney to do this. It can be done by obtaining a

new certificate of title for the watercraft showing the name of the owner(s) with the "transfer on death" (TOD) designation, followed by the beneficiary's name.

Of course, if there is a loan on the watercraft, the beneficiary will take subject to that loan.

## The Digital Age in Estate Planning is Here . . . Finally!

A digital access act has been passed after significant input from players like Facebook, Google, Apple, and others.

The law applies to fiduciaries acting under a will; power of attorney; a personal representative; a conservator; and a trustee acting under a trust.

This is about disclosure of electronic content and catalogs of digital assets and the fiduciary's ability to access and review those digital assets on behalf of another.

Generally, electronic communications and their contents require some express consent of the deceased or incapacitated user. Our firm has been dealing with this issue by way of express grants in a will or trust. Now, the law provides for an additional avenue to get at these ever-important digital assets.

But don't worry, if you want your digital assets to remain private, we can ensure that your digital life remains private. The new law permits anyone to 'opt out' and prevent just about any digital content disclosures.

Interestingly, the statutory power of attorney is interpreted to automatically grant permission, to the attorney-in-fact, to receive



access to electronic data and communication contents.

If you have any questions about how this law may impact your or your loved one's privacy, please contact one of our attorneys.

## If Your Trust is Over a Year Old, It May Need a Tune-up!

The Minnesota Legislature overhauled the Uniform Trust Code in January 2016. This is the vast body of law that governs your trust agreement in Minnesota.

There are many types of trusts in existence and they can be as unique as each person or family that has them.

The updated law applies to ALL trusts and trust litigation. It makes absolutely no difference when the trust was created.

So, what's new? Some of the highlights include:

1. An ability to enter into non-judicial settlement agreements. Instead of fighting about everything, the beneficiaries and the

trustee(s) may find it cheaper and advisable to agree on issues relating to someone's rights, who should be the trustee, or other issues that do not alter a material purpose of the trust.

2. There is now an extensive procedure for the disclosure of digital assets. This includes fiduciary obligations for the appropriate handling of digital assets.
3. It is now an expressly permitted purpose to achieve certain tax objectives.

There are many more. In short, there has never been a better time to create a trust in Minnesota.

### CONTACT US

To learn more about your estate planning options, call our office at 320-629-7537 or visit us online.

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