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North American Equine Services, LLC

Specializing in Equine Appraisals and Litigation Consulting

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Vesicular Stomatitis

United States Animal Health Association - The Nation's Animal Health Forum Since 1897



(Compliments of the United States Animal Health Association)

The United States Animal Health Association has made progress in documenting Vesicular Stomatitis (VS).

As of May 20th, 2005, Texas joined New Mexico and Arizona as states with confirmed cases of VS, (vesicular stomatitis) this spring. Colorado has also reported some cases, as well.

The highly contagious disease can cause infected animals to develop sores and blisters in areas of soft tissues like the lips and tongue.

VS rarely causes death but until tests are run on each horse because the symptoms resemble the dreaded foot-and-mouth disease, (FMD).

For more information visit the Texas Department of Agriculture's web site at www.tahc.state.tx.us, (it has links to the US Department of Agriculture site for more VS information).

Spotlight



Todd Minikus receiving the 2001 Trophy from Olympian, David O'Connor at the USEF's Convention. (Courtesy USEF Photo Archives).

NAES' Horseman's Spotlight falls, this issue, on Grand Prix jumper rider, Mr. Todd Minikus of Loxahatchee, Florida.

The 2001 winner of the USEF Horseman of the Year, Todd has won more than 75 Grand Prix and has ridden at the upper levels of the show jumping since he was in his 20's.

Personally, I met Todd in Goodyear, Arizona many years ago and have since been very impressed with his great attitude towards horses and the sport.

The equestrian sport is in safe hands with professionals such as Todd.

Insurance Tidbits From Ms. Shawna Dietrich, Equine

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Insurance Specialist



(Photo Courtesy Dietrich Insurance)

Much has been noted in articles and verbalized among your friends about commercial general liability and professional liability insurance, also known as “errors and omissions insurance” for horsemen. These are two distinct types of policies.

The most commonly offered and purchased liability coverage for landowners, trainers, horse owners and instructors is the “commercial general liability policy.”

This provides coverage for bodily injury or property damage to a third party. Typically, there is no deductible and the coverage provides for legal defense costs above and beyond the stated liability limit. The premium is very reasonably priced and easily obtained through numerous equine specialty companies.

The “professional liability policy” is a totally separate type of insurance. This coverage will respond in the event there is an omission or failure to act, perform a duty or service. This coverage does have a deductible and may or may not include legal defense costs as part of the stated liability limit. It can be difficult to purchase because not a lot of carriers offer the insurance to horsemen. In addition, the insurance can be quite expensive, for the same reason.

The best approach in determining your insurance needs, would be to call an equine-specific agent. They will be able to ask you the appropriate questions about your business and advise you based on your exposures, tolerance for risk taking and ability to pay the premiums. (Ms. Dietrich can be reached at 800-942-4250 for further questions)

Sunscreen for Horse Buyers by Ms. Gail Haskins, Esq.



(Photo Courtesy Gail Haskins, Esq.)

Summer is here and in many areas of the country, it is peak season for horse purchasing. Just as we use sunscreen to protect ourselves from dangers from the summer sun, there are things we should do to protect ourselves from a number of potential pitfalls in horse purchasing.

One step that horse buyers should take is to be as sure as possible that the

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horse seller has proper title/ownership to the horse and has the right to transfer it with “no strings attached.”

What are some of the ways purchasers can protect themselves?

1. Request documentation to prove that the seller or sellers have good and exclusive title to the horse including the right to transfer ownership.
2. Registration papers are one means of at least identifying to whom the horse is registered. Most horse recording associations specifically state that simply having one’s name on the registration papers is NOT proof of ownership.
3. An attorney knowledgeable in horse transactions can assist a purchaser in investigating horse ownership by various means other than registration papers alone.
4. The attorney can also verify if there are any legal encumbrances on the title thereby affecting its transferability; (IE, check for 3rd party liens, security interests or bankruptcies). Attorneys are often in a better position to verify possible equine title problems or restraints on transferability than a layperson.
5. Another way to protect the buyer is to have a contract drafted to specify obligations of both parties and the specific terms of the transaction. Such contracts can contain warranties of title and transferability which could be very useful should problems later be found to exist. Such contract can give the buyer a more direct legal means to redress the alleged wrongdoing or deceptive conduct by the horse seller than other causes of action based on fraud, deception or misrepresentation.

Since summer is a time to appreciate the simple things, horse buyers may be smart to take some simple but important steps to protect their interests and peace of mind in horse purchases!

Gail Haskins can be reached at 312-332-2545 for further information.

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What to Look for in an Expert by Dave Johnson from his speech at the University of Kentucky’s 20th Conference on Equine Law, May 2005

At some point in your “horsey” life you may need to retain the services of somebody other than your horse trainer friend down the street to help you out of a legal jam.

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(Photo Courtesy NAES)

Just how do you find that “special person” who can help charm and inform a jury about your case and, at least, be aware of the legal aspects of lawsuits?

Your attorney must really be the one to aid in picking out the right expert since the attorney will know just how to use the horse expert to your best interests.

A good trainer, veterinarian, show judge and other horse pros are the ones to consider since their background will be very well scrutinized by the opposition.

Almost every horse case is somewhat different which requires being a good detective in selecting just the right expert.

Commentary

Attorney Gail Haskins’ article on purchasing strikes a common theme in my observations of the horse sale business.

Nobody WANTS to have a contract before the horse sale occurs and nobody WILL sign a contract after bad things have happened in the buying of the horse.

I get hundreds of calls every year from folks who’ve bought a horse that is misrepresented but have no contract to fall back on. Even on the least expensive animal, GET A CONTRACT IN WRITING! The attorney’s fees are well worth it when the deal goes awry.

About Dave Johnson

Dave started NAES more than 10 years ago with an eye to making sure all horse owners and those interested in horses could depend on NAES for the straight scoop on horses and prices. In addition, Dave is one of the busiest horse activity experts in North America.

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(Photo Courtesy NAES)

Because of his long history of working with so many breeds and disciplines he's called upon to give his opinion in literally hundreds of legal cases and horse appraisals.

Dave is still an active horse show judge and, when time permits, continues teaching at his wife's nationally known stable, Willoway Farm, Inc., in Phoenix, Arizona.

This newsletter is distributed quarterly.

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