

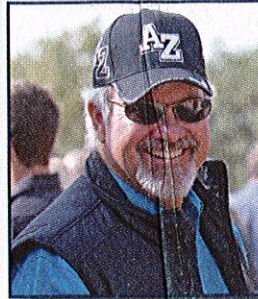
January, 2014

ARIZONA HORSE CONNECTION

Horse
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Starting on
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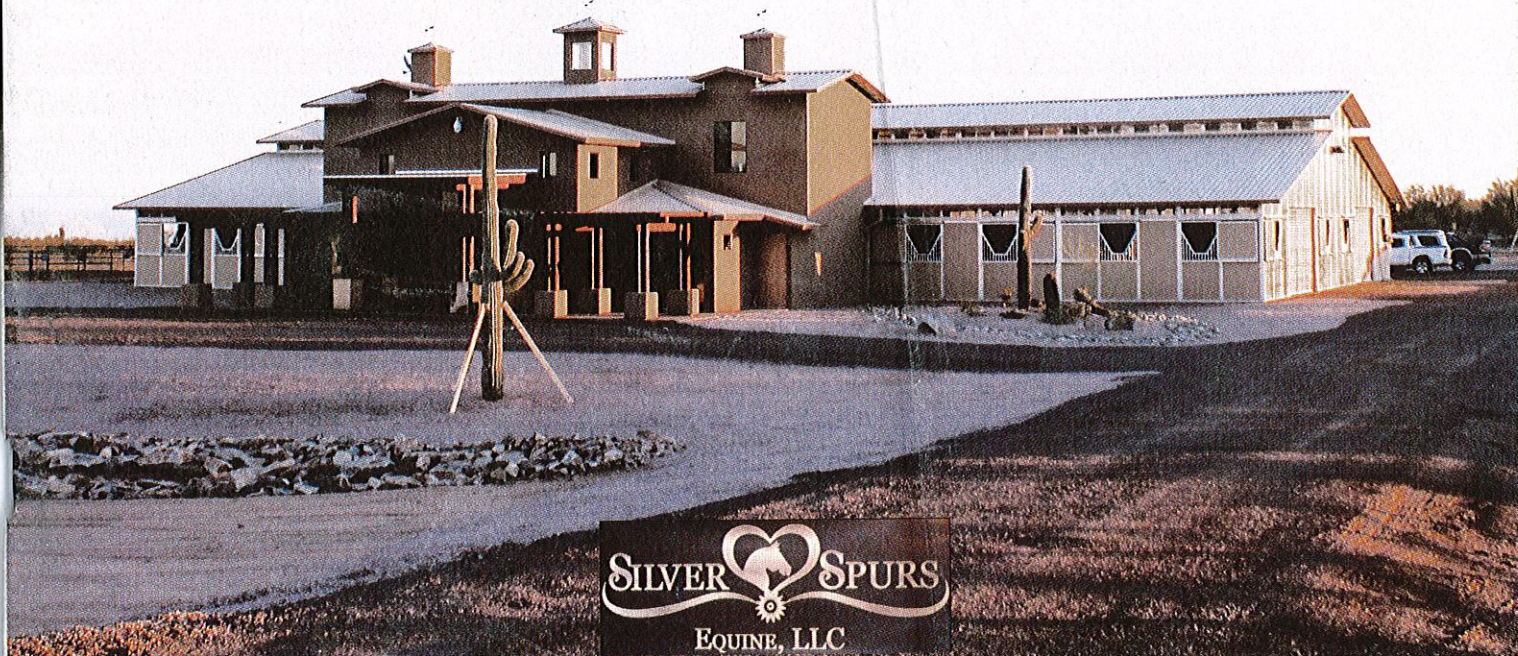


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WHY IT SHOULDN'T WAIT UNTIL AFTER THE PROBLEM ARISES

by Adam Trenk, Esq.

One of the great perks of my work as an Equine Attorney is that I get to engage people throughout the entire spectrum of the horse industry. As a result, I have learned that there are a few common denominators no matter your breed or discipline; (a) every horse eats, (b) every horse must be cleaned up after, and (c) no horseman wants to hire a lawyer. Yet my phone rings each day with another horseman in distress, the vast majority of who are dealing with a problem that they may have been able to prevent. The horse industry recognizes the value of professional services, as evidenced by the universal use of vets, farriers and trainers. Equine Attorneys are every

bit as valuable, and our services are not just for after the problem arises.

If horses are your business or your pleasure, the prophylactic use of a lawyer's professional services can prove invaluable in a way that is analogous to a veterinarian's. We use vets for our horses in two capacities. Vets perform preventative maintenance such as performing vet checks and giving vaccines, or they are there to come to the rescue when disaster strikes, as in the form of a severe lameness or an infectious disease. Surely, getting preventative maintenance done on our animals cannot guarantee that we will never have a problem, but the probability of disastrous pain and expense is far less if we do, and at far

less cost. The same can be said using a lawyer in your equine ventures. A lawyer can facilitate transactions and ensure regulatory compliance in ways that will significantly reduce the risk and will cost considerably less than if you wait to call one until after a dispute or calamity occurs.

The most fundamental way an attorney can help you secure against troubling surprises in the horse business is to facilitate transactions. As a general rule, every purchase, sale, partnership and transaction for services (including boarding and training) should be evidenced by written contract. However, there are subtleties in every contract that it pays to have a professional assist with drafting or reviewing in a situation where the other party supplies the document. When you purchase, sell, breed or have your horse trained, you are involving yourself in complex business transactions. Horse transportation and boarding arrangements can also get extraordinarily complicated, especially if a horse is injured or worse. It is far easier and much less expensive to anticipate issues before they occur and document how they will be handled than to deal with them after a dispute after the fact.

Horses are a tremendous emotional and financial investment. But that investment can go south in hurry if you buy or sell a horse without having all of its vices and imperfections disclosed and contingencies in place in the event they emerge. Other equine pitfalls may develop when you employ a trainer without having each party's responsibilities well defined, or are cited by local authorities after building a barn or corral without



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WHY IT SHOULDN'T WAIT *(continued)*

proper permits. When unfortunate circumstances pop up, the stress and economic pressures can make what should have been a rewarding experience turn into a nightmare if you did not have a written contract in place.

As an Equine Attorney, I am here to assist you with all of your legal needs in the horse industry. Just like your veterinarian, I am able to assist in the event of a disaster, but I would prefer to see those circumstances avoided however possible with a little preventative care. From the simplest purchase and sale agreement to complex race horse partnership agreements and intricate land use issues, it is always in your best interest to employ a professional. In an effort to avoid unnecessary stress and expense, I am here to help with those matters as well as to custom tailor lease agreements, breeding and boarding contracts, install-

ment sale agreements, transportation agreements, training contracts, and more. So, remember to get professional help before you NEED it to avoid unwanted problems that will distract you from happy trails! □

Adam Trenk is an Attorney at the Rose Law Group pc, and practices in the areas of equine law, land use, public policy, community relations, and business law. He is an avid horseman and is the Executive Director of Canter Arizona, a non-profit that helps rehabilitate and find homes for ex-racehorses. Mr. Trenk served as an Elected Member of the Cave Creek Town Council from 2009 to 2011 and today serves as the Community's Vice Mayor after being re-elected in 2013. Trenk is a champion of the local equine community and supported by the Arizona Horse Council. He can be contacted by email at atrenk@roselawgroup.com or by phone at 602-402-3335. Like him on Facebook at www.facebook.com/EquineAttorneys.