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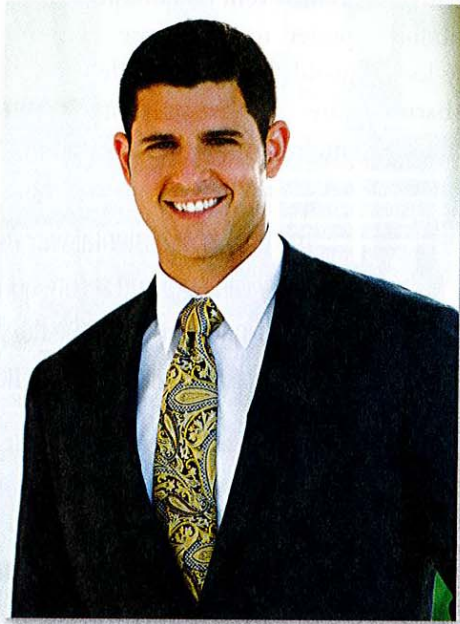
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THIS ISSUE  
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## DON'T WAIT UNTIL AFTER THE PROBLEM ARISES

BY ADAM M. 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 almost every day with another equestrian in distress and the vast majority of them are dealing with a problem that could have been prevented. 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 should not be reserved for after a problem arises.

If horses are your business or your pleasure, the prophylactic use of a lawyer's professional services can prove to be invaluable in a way that is analogous to veterinarians. We use vets for our horses in two capacities. Vets perform preventative maintenance such as giving vaccines and they can help assess potential risk by doing pre-purchase vet checks. Vets are also

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there to come to the rescue when disaster strikes, as in the form of a severe lameness, colic, or 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 a 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 service agreement should be evidenced by written contract. However, there are subtleties in contracts that warrant the assistance of a paid professional. If a contract is supplied by the other party, it behooves you to have your lawyer review it before it is executed to assess risk and recommend necessary edits.

Any time you purchase, sell, or breed a horse, or you decide to have your horse boarded at someone else's facility, or be professionally trained, you are actually involving yourself in a business transaction that can be quite complex in the eyes of the law. ➤

## LEGAL ROUND UP

Who bears the risk of loss? When does risk transfer? What warranties and representations have been made? What are the remedies in the event of a default? It is far easier and much less expensive to anticipate these issues before they occur and document how they will be handled than it is to deal with them after a dispute arises.

**H**orses are a tremendous emotional and financial investment. However, that investment can go south in a 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 proper permits. When unfortunate circumstances pop up, stress and economic pressures can make what would have otherwise been a rewarding experience turn into a nightmare. A seasoned equine attorney can help you identify potential problems before they arise, define ways to avoid them, and ensure that if a problem does occur it can be dealt with efficiently.

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 with a little preventative care. From the simplest purchase and sale agreement to complex race

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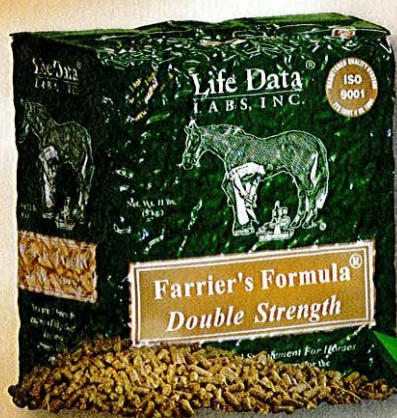
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horse partnership agreements and intricate land use issues, it is always in your best interest to employ a professional. In an effort to avoid unnecessary stress and expense, my colleagues and I are here to help with those matters as well as custom tailored lease agreements, breeding and boarding contracts, installment sale agreements, transportation agreements, training contracts, and more. We are also available to assist in resolving a dispute or to represent you in litigation in the event you are reading this article too late!

Get professional help before you **NEED** it to avoid unwanted problems that will distract you from happy trails! 🐾

*Adam Trenk, of the Rose Law Group pc, ([www.roselawgroup.com](http://www.roselawgroup.com)) practices in the areas of Equine Law, Land Use, Public Policy, Government Relations, and Real Estate Law. He is an Avid Horseman and is the Executive Director of Canter Arizona, a 501c3 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](mailto:atrenk@roselawgroup.com) or by phone at (602) 402-3335.*

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