

Leone Equestrian Law LLC

Shady Deals: How to Spot the Warning Signs When Horse Shopping

By Leone Equestrian Law I <u>www.EquestrianCounsel.com</u>

Q: I'm shopping for my first horse. I've been warned about sellers who misrepresent their sale horses—what types of situations should I be wary of during my search?



Horse shopping can be a nerve-wracking process. Enlisting the help of a trusted professional is often recommended.

A: I'm glad that you're being cautious during this process, because dishonest sales practices occur in the equine industry more than we care to admit. Deceptive practices can occur at all levels of horse sales, and unfortunately, a first-time horse buyer can fall victim because he or she lacks experience in spotting the warning signs.

If you have not already enlisted the help of a knowledgeable professional, I highly recommend you take that step first. A trainer who knows your riding abilities and goals for your new horse can help you make a smart purchase and identify any potential red flags along the way. An experienced professional and competent trainer can help prevent first-time horse owners from letting their emotions and excitement interfere with sound decision-making when deciding upon which horse makes the smartest purchase. A professional can help you weigh the pros and cons with a potential new horse, answer your questions, and guide you into making a good decision.

As you get started with the horse-shopping process, here are a few situations that could set off alarm bells:

The Deal is Too Good to be True

You are scouting sales ads and discover what appears to be the perfect horse for you. A 16.2-hand gelding with show experience, auto changes, and a price way below your budget. Seems like a great deal, right? It could very well be... or it could be a warning sign that maybe there is an issue with the horse that the seller is not disclosing. The horse may have a lameness issue, a behavioral problem, or be very difficult for an amateur to ride, among other things. If you are interested in trying the horse, make sure you conduct some investigation into the horse's show record to see what the horse showed in, how the horse performed, and who rode him.

If considering a purchase of a horse with a sale price that seems too good to be true, consider obtaining the horse's veterinary history, and have your veterinarian perform a thorough pre-purchase examination. It is possible that you have lucked out and the horse is being sold below purchase price for reasons unrelated to the horse's quality or soundness.

Horse is Already Tacked Up When You Arrive

Since this is your first time purchasing a horse, try to arrive when the horse is taken from its stall or pasture, being groomed, and tacked up. Being present during these activities may provide a better sense of the horse's attitude and suitability for you. If you arrive and the horse is already tacked up in the cross-ties, there is a chance the seller could be hiding a potential behavioral issue. Perhaps the horse does not want to be caught in the pasture, or kicks and bites when being groomed and tacked up. On the other hand, a horse ready to be ridden when you arrive may not be a negative sign at all, but evidence of a motivated seller intent on having the horse properly turned out and ready for a potential buyer to ride.

If you are still interested in purchasing the horse after riding him, you can always request a second ride and arrange to be present when the horse is groomed and tacked up. If the horse is looking a bit sweaty or winded, it may be a sign that the seller lunged the horse before you arrived to "take the edge off." If you like the horse after having tried him, observe the horse and its personality as it is being untacked and bathed or groomed.

Trouble with the Vet Check

A pre-purchase exam is a crucial part of the buying process. Typically, a buyer will hire a veterinarian who is unfamiliar with the horse, giving them the opportunity to perform an objective analysis. Try to avoid using the seller's veterinarian to perform your pre-purchase exam. Using your own veterinarian will help ensure that the examination and evaluation are being performed by an independent professional with no pre-existing loyalty to the seller. If your veterinarian cannot perform the examination try to retain a well-qualified veterinarian that does not have any preexisting relationship to the seller.

Also, when choosing a veterinarian for the pre-purchase exam, try to select a veterinarian that is familiar with the breed, sport, or use for which the horse is being purchased. Providing the veterinarian with the horse's intended use can be extremely helpful in terms of the information you can gain from the examination. It is vital to know whether the horse you want to purchase will be suitable to meet your needs.

Quick Decision-Making

Purchasing a horse, especially your first horse, should never be a rushed process. Taking your time and having your questions answered can help ensure that the horse is suitable and the right fit. Don't let a seller try to talk you into making a quick decision. A seller may mention there is another buyer waiting to try the horse if you don't, but they want to give you "first dibs." Or maybe they say they have someone coming to look at the horse later that day or tomorrow, and that "this horse won't be on the market for long!"

A seller may be pushing you to make a speedy decision to avoid having you ask for a vet check (don't skip that!) or a second chance to try out the horse (advisable whenever possible). Never allow yourself to be pressured into making a hasty choice and buying your first horse without a veterinarian examination or a pre-purchase trial.

If you think that the horse is the right match for you, make every effort to take the horse on a short trial at your barn prior to purchase. This opportunity will enable you and your trainer to evaluate the horse in a different environment without the seller being present to control the situation. It is also advisable to enter into a written agreement before engaging in a trial period to ensure that both you and the seller clearly understand the terms of the trial. Items to consider putting into the agreement include length of the trial, responsibility for transport, limitations on what the horse may do on the trial, insurance coverage, and the timing of a pre-purchase examination if you want to purchase the horse after the trial period ends.

Key Takeaways

These are just some of the potential issues you'll want to be aware of during your horse search—and sometimes, they can be deal breakers. The best thing you can do is enlist the help of a trusted professional or experienced horseman who can guide you along the way. Go with your instincts. If you get an unsettled feeling about a horse or a situation, it might be a sign to move on and look elsewhere. When you find a horse who seems like a great match, try to get to know the horse as well as you can before you make a decision during a trial period or a return visit to the seller's barn. Schedule a pre-purchase exam with an objective veterinarian, and whatever you do, don't feel rushed to make a quick decision. Best of luck!

Protecting Your Horse Out on a Lease

lity of Care - The lease contract also provid with the opportunity to specify the care that

with the opportunity to specify the spect the horse to receive. For e

the horse is to be shod every six weeks, include

care of your animal throughout the lease term.

easing out your horse can be a beneficial situation to both of you. Perhaps you've gotten busy with your career or your family don't have much time to ride, but you in to sell your beloved partner. Or maybe se has an old injury that woold make him in the set way and the set of th sle, but he's still fit and sound enough to be en. In the right circumstances, a lease situation you the chance to make sure your horse hthy and happy, while also providing an opportunity for a deserving rider. e beginning a lease, take some measures that the agreement reflects your

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nd protects the safety of your horse t to plan ahead, to minimize the of the lease becoming a source of angs ner if things go wrong. A horse could abilities, strapping the bill from an injury sust c. Think about p w, rather than waiting for problems to arise, eate a detailed lease contract prior to the start a lease to protect both you and your horse.

the horse is to be shot every sex weeks, measure the timing in the lease. Consider management details such as, "the horse should always be ridden in boots." "the horse should always be of banket any time temperatures fall below 30 degrees Fahrenheit," etc. Include anything you the degrees Fahrenheit, "etc. Include anything you tre a few components of a lease to that you might want to consider: ainer/Stable – One of the most important sin deciding whether to lease your horse stable the horse is going to and the trainer will be responsible for managing the horse's ng and showing program, as well as his are. It's essential to learn the qualifications



return the horse and e a beneficial situation. Photo by Jame Media hc bccci mes unsound? In the tragic, but pe

the recornes unsound: in the trage, but possible case of a hores'death, what is the responsibility the lessee? There are many factors to consider in these situations, and it should be discussed befor entering into the lease agreement and clearly identified in the language of the lease before the lease is finalized and signed. Insurance - Along those lines, insurance requirements must also be included in the lear tract. If the horse ed prior to the

could state that the lessee mus tinue to pay for the horse's insurance co owever, if the horse is not insured, the

ase agreement is vital to p your horse. A well-crafted se of predictability if untoward arise. Equine lawyers are expe

Latest Column in Sidelines

Leasing out your horse can be a great idea as long as you have taken the correct steps to protect his safety and well-being. One of the most important things you can do is to have a signed and detailed lease agreement.

In Leone Equestrian Law's legal column in the August 2020 issue of Sidelines Magazine, Armand Leone and Jessica Choper offer advice on what type of information to include in such a contract.

Read Sidelines Article

Leone Equestrian Law is available to provide equine legal documents and contracts, including co-ownership agreements. Email *info@equestriancounsel.com* to request assistance with such documents or for any additional questions on this topic including how to handle stalemate situations when it comes to co-ownership and more details on forming an LLC.

Led by Armand Leone, Jr., MD, JD, MBA, Leone Equestrian Law LLC provides legal services and consultation for equestrian professionals ranging from riders and trainers to owners and show managers in the FEI disciplines on a wide variety of issues.

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