

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>

misrepresent their sale horses—what types of situations should I be wary of during my search?

Q: I'm shopping for my first horse. I've been warned about sellers who



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:

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

or soundness.

The Deal is Too Good to be True

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

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

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

and bathed or groomed.

Trouble with the Vet Check

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

whenever possible). Never allow yourself to be pressured into making a hasty choice

vet check (don't skip that!) or a second chance to try out the horse (advisable

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.

you do, don't feel rushed to make a quick decision. Best of luck!

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



Out on a Lease

en. In the right circumstances, a lease situation

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 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.

Protecting Your Horse

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.

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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.

Leasing out your horse can be a great

Leone Equestrian Law is available to provide equine legal documents and contracts, including co-ownership agreements. Email <u>info@equestriancounsel.com</u> 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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