Contents

Preface ix
About the Author xi
Warning and Disclaimer xiii
Acknowledgments xv

PART 1
Practicing Everyday Horse Sense 1
Chapter 1 3
Introduction: What Are Equine Law and Horse Sense? 3
What Is Equine Law? 3
What Is Horse Sense, and How Is It Incorporated in This Book? 4

Chapter 2 17
The Law and Equine Facilities: From Backyard to Commercial 17
Protect Your Right to Keep Horses in Your Community 17
Your Own Horse Protection Strategy 17
The Nuisance That Could Permanently Close a Horse Facility 21
Fighting Back (in Court) against the Trespasser 24

Chapter 3 27
Relationships: Boarding, Training, Sharing, and Leasing Horses 27
What to Consider before Signing the Boarding Contract 27
What to Consider before Signing a Release of Liability 29
Liability of the Boarding Stable for Injuries to Its Customers’ Horses 29
Legal Aspects of the Half-Lease/Share Boarding Arrangement 33
How to Achieve a Positive Relationship with Your Horse Trainer 36
CONTENTS

Should You Allow the Boarding Stable to Use Your Horse in Its Lesson Program? 39
How to Avoid Common Disputes Involving Equine Leases 42

Chapter 4 45
Land Use and Zoning Issues 45
Horse-Friendly Zoning 45
How to Buy Horse-Friendly Real Estate without Buying a Land Use Lawsuit 48
Horse-Related Zoning Battles: How to Launch a Strategy So That Everybody Wins 50
What to Consider before an Equine Professional Conducts Business on Your Property 56

Chapter 5 61
Making Equine Law Accessible and Affordable 61
How to Find and Hire the [Equine] Lawyer Right for You 61
How to Win Back Your Legal Fees in a Legal Dispute 66

PART 2 69
Equine Business Fundamentals 69
Chapter 6 71
Selecting and Managing an Equine Business 71
Selecting the Right Structure for Your Business 71
Business Tips for Self-Employed Equine Professionals 75
Will Your Corporation Limit Your Personal Liability? Eight Suggestions for Taking Your Corporation Seriously 80
You’re an Equine Partnership—Now What? 84

Chapter 7 89
Special Equine Business Issues for Cost-Conscious Equine Business Owners 89
Independent Contractor or Employee: It Pays to Know the Difference 89
Should You Take in Boarders for Extra Income? 92
Should You Give Pony Rides for Extra Income? 94
How Stables Encounter Problems while Collecting Unpaid Board Fees—and How to Keep Them from Happening to You 95
## Contents

### Chapter 8
**Equine Transactions and Contracts** 101
- Protection of Horse Owners and Horse Facilities by Written Agreements 101
- Turning a Good Boarding Contract into a Great Boarding Contract 109
- Does Your Boarding Contract Include a Release? Should It? 111
- Breeding Contracts: Read the Fine Print 113

### Chapter 9
**Equine Sales Disputes and How to Avoid Them** 117
- A Practical Guide to Buying Your First Horse 117
- The Five-Minute Sales Contract (for People Who Would Otherwise Deal on a Handshake) 120
- Papers, Papers, Who Has the Papers? How to Avoid Disputes Involving Registration Papers 123
- Selling a Horse on Installment Payments? Know the Pitfalls before You Leap 127
- Legal Aspects of the Trial Period: Foreseeable Problems and How to Avoid Them 131
- Right of First Refusal Clauses: Are They Worth the Paper They’re Written On? 135
- Hold Everything! Injunction Proceedings in the Horse Industry 136
- Three Written Words That Could Prevent an Equine Sale Lawsuit 139
- Legal Aspects of Buying a Horse from a Sales Agent 141
- How Legal Are Your Advertisements? 142

### Chapter 10
**Maximizing the Value of Equine Insurance** 147
- Overview of Equine-Related Insurance 147
- 16 Common Myths Regarding Equine Insurance 151
- The Importance of Giving Notice to the Insurance Company—Lessons Learned from a Real Trial 157
- Why Insurers Sometimes Settle Cases Out of Court 161
- Who Needs Worker’s Compensation Insurance? 163
- Maximizing Protection with Umbrella Insurance 166
- Beware of the Business Pursuit 169
PART 3

Equine Law Fundamentals

Chapter 11
Liability Waivers or Releases
Liability Releases: What They Are and Why They Sometimes Fail
15 Ideas Regarding Equine Activity Liability Releases
Do You Need a Liability Release?

Chapter 12
Equine-Related Liabilities and Avoiding Them
Equine Activity Liability Laws
Understanding Negligence
Premises Liability
Liabilities Involving Children
Are Horses an Attractive Nuisance? A Review of the Law
Equestrian Helmets: Laws, Liabilities, and Risk Management
Handling Personal Injuries That May Arise on the Premises
Damages: What Can You Recover If Another Person’s Wrongful Act Causes Injury to or Loss of Your Horse?

Chapter 13
Other Equine Liabilities: Recent Developments and How to Avoid Liability
How Have the Equine Activity Liability Laws Been Faring in the Courts? A Review of Court Cases
Putting Equine Activity Liability Laws to the Test
Loose Horse Liabilities
Understanding and Avoiding Equipment-Related Liabilities
Trailering Liabilities: What to Know before You Lend Your Trailer
Event Liabilities
Eight Strategies for Avoiding Liability

Chapter 14
Resolving Simple Equine (and Non-Equine) Disputes out of Court
Understanding the Mechanics and Costs of a Typical Lawsuit
Writing an Effective Demand Letter