

Sold! Buyer Beware

By Angela Kirby

When you purchase a vehicle, you are required to register that car with your state department and record the seller and buyer information, along with the description of the vehicle, and that all-important Vehicle Identification Number.

And though many horse owners wish this type of system was in place to protect themselves and their equines from theft, it simply has never been a feasible way to document the sale of horses.

So how do you really know that the horse you just purchased from the man going through the awful divorce or the woman who just wants a good home for her old friend or the horse running through the auction ring are legally yours to buy?

Time and again, people unknowingly purchase horses that are not legally the sellers. Like any other property the saying must be said: Buyer Beware!

Ten years ago, my soon-to-be-ex-husband took my two horses and sold them at a goat auction. A kind, older gentleman got a great deal on a couple of nice horses. He never suspected that he would be forced to give up ownership a few months later.

This was a civil case, and once I advertised and found the current owner, I had to prove in court that the mare was purchased prior to our marriage, and that the colt was a gift from my husband. After establishing ownership, the judge ordered the horses to be returned to me. Then he told me to “pay the man.”

In criminal cases, where a horse is stolen by an unknown person and found later, the current owner may have legally purchased the animal, but will have no choice but to forfeit the horse to the original owner without being entitled to compensation.

However, in a civil case, such as mine, sometimes the legal owner is required to buy the horse back since the buyer is also a victim. Best case scenario for the original owner is that the judge awards the horse back to that person and no compensation is required.

Worst case scenario is the victim files a civil suit against the person who took the horse, such as a barn owner, family member, caretaker, or other, and because the horse is not located prior to the court date, the plaintiff is awarded a monetary value for the horse. Then, if the horse is ever found, the original owner has no legal right to reclaim the animal.



Shea is still missing from Maryland after being taken by a family member. Last known to have been sold in New Holland, PA, January 2006.

At that point, the Schoeffields had no choice but to seek legal recourse. They filed a civil suit against the daughter, and by April, the Schoeffields had Sonny home on a temporary order. The final court decision came in May, and because the horse's location was known, the judge awarded ownership of Sonny to the Schoeffields. Unfortunately, Shea was sold at an auction in New Holland, Pennsylvania, the night she was taken. Because the Schoeffields were unable to present her whereabouts to the court, they were granted a monetary judgment.



Sandy and Taz reunited in North Carolina after being recovered in two states more than three months apart. Their theft left a trail of victims aside from their owners.

Found and Lost

This is the situation in which Gabrielle Schoeffield discovered herself in January 2006. Not only was her paint mare, Mega's Sonny Lady, missing from her pasture in December, two weeks later, her husband's morgan mare, Shea D Bars, was also gone.

Initially, the sheriff's office treated Sonny's disappearance as theft. However, when Shea came up missing, deputies asked more questions and discovered that the primary suspect was Gabrielle's stepdaughter. The family had a falling out, and the stepdaughter decided to take what she felt she was entitled to. Thus, law enforcement could not pursue a criminal investigation, and deemed it a civil matter.

Sonny and Shea's case is a good example of how the law works in civil cases. The system did what it was designed to do, but unfortunately the Schoeffields have yet to receive closure in Shea's case, and Sonny succumbed to colic a few months later. The Schoeffields' silver lining is the beautiful filly Sonny left behind.

Both horses were listed in January 2006 by Gabrielle on *NetPosse.com*, the Internet home of Stolen Horse International (SHI), a 501(c)3 nonprofit organization dedicated to the recovering of stolen and missing horses. From the moment the report was filed, NetPosse volunteers worked closely with Gabrielle throughout this ordeal. And while Sonny's case is closed, Shea's is not.

Someone purchased Shea at the auction that night. Because of the court decision, that person has legal ownership as does anyone to whom she was sold. However, as far as the family and NetPosse are concerned, Shea is still missing. Now the family wants closure. It is important to them to know that Shea is safe, and until she is found, her webpage will remain on NetPosse.com.

The Fine Line of the Law

Another prime example of Buyer Beware is that of Sandy and Taz in North Carolina.

When Kelly Azzaro discovered that the person she had entrusted the care of her horses to had not only skipped town, but that he had sold her horses and tack along the way, she was beside herself. After Kelly and her husband, Marco, learned of the disappearance in September 2006, they did their own investigating. Then Kelly turned to *NetPosse.com*.

Sandy was found in South Carolina that October. A man had purchased her for his grandson, and was reluctant to give her up, as he had bought her legally. However, it was his grandson that convinced him to return Sandy. After the boy was shown Sandy's NetPosse flyer, he told his grandfather that it was the lady's horse, and giving up Sandy was the right thing to do.



While Debi and Kelly were overjoyed at the successful recovery of Taz, they shared his new owner's heartbreak at saying goodbye.

So with one horse recovered safely, half of Kelly's journey was over. She continued searching for Taz with the help of NetPosse volunteers. In February, Debi Metcalfe, founder of NetPosse, received an unexpected, but much anticipated call. A lady in North Carolina was pretty sure she had Taz.

Since Taz's current owner was located in the same state as the Metcalfes, Debi and her husband Harold, agreed to make the trip to retrieve Taz and meet Kelly later that night. The woman who had Taz was heartbroken to let him go after bonding with him over the past several months, but she knew he belonged to Kelly. It was a very sad goodbye.

On February 14, Valentine's Day and Kelly's birthday, Taz was successfully recovered.

In most situations, Kelly's case would have been considered civil, and she would have had to go through the court system to legally recover her horses. However, law enforcement officers understood that the barn owner had no right to sell or transfer ownership of her horses, and, thus, investigated the case as criminal theft.



Words are inadequate when Daisy is reunited with her owner Justin after being stolen and recovered in Oklahoma.

Victims on Both Sides of the Line

Regardless of whether a criminal and civil case, when you begin delving into some of these stolen and missing horse listings on *NetPosse.com*, you can see how the number of victims in both easily adds up.

In the last few years, Debi Metcalfe has seen the number of civil thefts continuously increase. Too many horse owners are being swindled by barn managers, caretakers, acquaintances, trainers, and the like, who turn "possession is nine-tenths of the law" into a "bill of sale."

Debi warns that too often, these cases are lost and the horses gone forever because horse owners do not know their rights, do not have agreements in writing, cannot locate the alleged perpetrator or horse, or do not have the money to pursue a civil suit.

And while Debi and NetPosse volunteers cannot give legal advice, they can offer numerous tips and tremendous support to fellow horse owners. For instance, chances of finding

yourself a victim of civil theft can be greatly diminished if you live by the rule of trusting no one. Get every agreement in writing and have it witnessed and notarized, with a description of the horse and terms clearly outlined. Also, do not allow the horse to leave your property until payment is received in full.

Then go a few steps further – have your horse permanently identified with a microchip and/or freeze brand. The microchip is your horse's Vehicle Identification Number. It is unique to that horse alone, and if a civil case arises, the horse's neck can be scanned and ownership positively proven. On the flip side, if the person in possession of your horse implants a microchip and you haven't, then you have little chance of proving ownership.

The freeze brand is registered to your farm and is difficult to alter. In some states, this brand is an automatic warrant, which allows law enforcement onto property that your horse is suspected to be on.

Since so many full-blooded horses are sold without registration papers, and also, those papers can be forged, do not count on registration papers to prove ownership.

Again, being proactive protects you and your animals.

But when it comes down to it, and you are buying a horse, how do you know the origins of this animal? How do you know someone isn't searching for this horse because it is stolen or missing?

More times than not, you won't know. The best thing to do is ask enough questions of the current owner to see how well they know their own horse. Then trust your instincts if it seems as though this person doesn't know the animal very well or doesn't have any relationship with the animal.

Turn to NetPosse.com. Not only does this site list stolen and missing horses, you will also find people searching for horses they once sold or trying to discover the history of a horse they have purchased.

For more information about these missing and stolen horses, or tips on preventing theft or help in recovery, please visit SHI at www.netposse.com.