

# TERMS AND CONDITIONS OF SALE

**TERMS:** The terms are cash or check on sale day payable to Modern Associates, Sales Manager, in U.S. funds unless other arrangements are made with the consignor prior to the sale. All payments must be made to the clerk of the sale and no release of animals will be given until satisfactory settlement has been made. The guarantees listed below shall be offered by the seller only after payment terms have been met by the purchaser.

**BIDS:** The highest bidder shall be the buyer. In case of dispute the animal shall again be put up for advance bids and if there be no advance bid, the animal shall be sold to the person from whom the auctioneer accepted the last bid. Every animal is pledged to absolute sale and by-bidding is prohibited. Every animal must be transferred to the new owner and may not be transferred back to the seller, except at the discretion of the recording society concerned.

**EXPORT TRANSACTIONS:** Prospective buyers or agents must make satisfactory agreement regarding health tests and requirements with the consignor and/or sale's management prior to the sale. Failure to do so shall make the buyer responsible for all health tests. Any special terms of payment must be cleared with the sale's management prior to the sale.

**RISK:** All animals are at the purchaser's risk as soon as struck off, but will be cared for free of charge for a reasonable length of time. Purchasers must make arrangements for care of their purchases if not removed within 24 hours following the sale. Separate agreement must be approved on export cattle. All animals are the consignor's risk prior to selling in the event of fire or other mishap. All semen and embryos sold shall immediately become the buyer's property and risk as soon as struck off. Shipping assistance will be given, however, no risk on loss is assumed by the sale's manager.

**CERTIFICATES OF REGISTRY AND TRANSFER:** Each animal is recorded or will be recorded in the Herdbook of the Association. The certificate of registry with recorded transfer will be furnished by the seller to the purchaser. The following suffixes have been added to the names of animals designated by the Brown Swiss Cattle Breeders' Association of the U.S.A. as abnormality carriers or non-carriers as may apply. (W); (S); (M) - known Weaver, Spiderleg or SMA carrier determined by identification of affected offspring. (CW); (CS); (CM) - a confirmed Weaver, Spiderleg or SMA animal through diagnosis by an approved laboratory. (W\*); (S\*); (M\*) - Weaver, Spiderleg or SMA carrier determined by DNA testing at a confidence level of 90% or above. \*TW; \*TS; \*TM - Weaver, Spiderleg or SMA non-carrier determined by DNA testing at a confidence level of 90% or above.

**SHIPPING:** Assistance will be given in loading and shipping animals, but no risk is assumed by the sale's management or seller.

**WARRANTY:** All animals sold are believed to be straight and right unless otherwise noted in this catalog or by announcement from the auctioneer's stand. Every precaution will be taken to represent the physical condition of each animal exactly as it is. Examination of all purchases should be made immediately after the purchase, before the close of the sale, and if found not to be as represented when sold, such complaint should be reported to the management at once. If no such complaint is registered, it is assumed the buyer has accepted the animal as warranted when sold. The seller guarantees to the purchaser a clear and sole title to the animal purchased. Heifers that have not yet calved are in no way guaranteed following calving. No guarantees are made concerning freedom from hardware or disease.

**BREEDING:** Females open or bred to the best of the seller's knowledge and belief are breeders, and all females bred, to the best of the seller's knowledge and belief, are pregnant. However, no breeding dates or pregnancy can be guaranteed unless so announced at time of sale.

**ALL SALES FINAL:** Having taken every reasonable precaution to fairly represent the health, breeding, physical condition of each animal, no further guarantee or retest privileges and all sales shall be considered final.

**HEALTH CERTIFICATES:** Official health certificates will be provided to the purchaser of each animal. Results of any future health tests are not guaranteed. The seller and sale management hereby notify buyers that, according to the State of Wisconsin ATCP Rule 10.21, all animals are sold as originating from a maximum risk paratuberculosis herd. The seller and sale management can not be held liable.

**ERRORS:** The material in this catalog has been carefully edited. If any errors or omissions are discovered, they will be announced, such announcements to take precedence over the matter of print in this catalog. Neither the editors of the catalog, the sale management, nor the consignors can assume any responsibility for any errors or omissions in the catalog.

**ACCIDENTS:** The Sale's Manager, auctioneers and owners are not in any way responsible for the condition of the grounds nor the behavior of the animals, and disclaim any liability in the event of personal accident or property loss.

**RESPONSIBILITY:** The consignor will represent and be responsible for his animals. In no case, however, will the consignor be responsible for any damages beyond the selling price of the animals. Wayne E. Sliker/dba/Modern Associates, sale manager, assumes no responsibility, acting only as an agent, but will endeavor to protect the interests of both buyer and seller.

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