

Transfer of Ownership of a registered horse

For your convenience, we are providing you with the Registry Rules regarding Transfer of Ownership without a signed transfer form. They fall into two different categories as follows:

1. Unbroken Chain of Ownership – Transfers by Operation of Law

Whenever legal title to a registered American Saddlebred passes to another by reason of death of the Recorded Owner, by enforcement of any lien, by order or decree of court, by dissolution of a partnership, limited liability company, or other legal entity, or otherwise by operation of law, the Registry shall transfer the registration of the horse to the new owner when presented with the following:

- a. A copy of the legal document effecting the transfer, such as a divorce decree, certificate of qualification of executor/personal representative of a deceased owner, seizure and transfer order, other court order, dissolution documents, or other satisfactory proof of authority for the transfer. Such documentation shall include sufficient description (name, registration number, sex, color, markings, and age) of the horse being transferred to enable the Registry to identify the horse.
- b. Payment of applicable fees;
- c. The original registration certificate; and
- d. Any other requirements which may be defined or required by the Registry in special situations. Upon request, the Registry will provide required language for court orders to order the Registry to transfer the registration of the horse from the Recorded Owner to the new owner.

2. Broken Chain of Ownership.

- a. If there are gaps in the chain of ownership and/or the current Recorded Owner fails to complete the required transfer documentation and ownership of a registered American Saddlebred is conveyed:
 - i. Pursuant to the seizure by a governmental agency pursuant to legal process
 - ii. Pursuant to a legal adoption by a nonprofit rescue organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code;
 - iii. Pursuant to a lien foreclosure sale that is not part of a judicial process (e.g., agister's or stableman's lien);
 - iv. Pursuant to a bona fide sale that was subject to Uniform Commercial Code Sec. 2-403 (or its equivalent in effect in the jurisdiction in which the sale occurred), including auction sales not recognized by the Association pursuant to [Section V.D.](#) above; or
 - v. Pursuant to a direct sale by the Recorded Owner to the buyer; and the requirements and process set forth below are met, the Registry may conditionally transfer the registration of the horse to the new owner.
- b. The new owner shall submit the following documentation regarding the registered American Saddlebred:

- i. An application that includes the name of the transferor and the new owner, the color, sex, and markings of the horse, and registered name, if known;
 - ii. Proof of horse identity (DNA) and four (4) color photos, and confirmation that the horse is a registered American Saddlebred;
 - iii. Payment of applicable fees;
(Staff assistance with updating Chain of Ownership for horse: \$100.00. Also requires DNA test fee and Transfer of Ownership fees)
 - iv. Documentary support for the validity of the transfer as a bona fide transfer, which may include a court order, bill of sale, and/or legal opinion of an attorney licensed in the state in which the transfer occurred;
 - v. Indemnification agreement in favor of the Association; and
 - vi. Such other documentation or information as the Registry may request in its discretion.
 - c. Upon receipt of the completed documentation, the Registry will notify the last Recorded Owner of such horse to determine if the last Recorded Owner asserts a contractual or statutory claim to the horse.
 - i. The notification shall be delivered to the last Recorded Owner at such person's address on file with the Registry by registered mail, return receipt requested. The notification shall notify such person that ownership of the horse has been conveyed, the acquirer has requested that a duplicate registration certificate be issued and/or the transfer of ownership to the acquirer be recorded with the Registry. The notification shall make a request that the last Recorded Owner provide information and documentation of any asserted contractual or statutory claim to the horse.
 - ii. In the event the last Recorded Owner fails to respond within 21 days of the date of the first notification or if the letter is returned as undeliverable, the Registry shall send a duplicate letter to the last Recorded Owner. In the event the last Recorded Owner fails to respond to the second letter within 21 days of the date of the second letter or if the letter is returned as undeliverable, the Registry may, in its sole discretion record the conditional transfer of such horse to the new owner. The Registry reserves the right, in all circumstances in its discretion, to refuse to issue any duplicate certificates or record the transfer of any horse under this Section. The Registry may convene the Registry Rules Committee to decide whether to issue any duplicate certificates and record transfers under this Section.
 - d. Provided the requirements of this [Section V.E.2](#) have been met, including the payment of all fees and expenses, the Registry may issue a conditional transfer to the current owner of a currently registered American Saddlebred. Conditional transfers of registered horses are valid for nine (9) months; if within that time apparently correct or justified claim is made to challenge the transfer, the

conditional transfer will be cancelled. If no apparently correct or justified claim is made by the end of the nine (9) month conditional period, the transfer will be made permanent. During the period of a conditional transfer, no further transactions will be recorded concerning this horse, and no breeding of the horse will be recognized. Notice of conditional transfer will be published on the Association's website. Determination of the existence of an apparently correct or justified claim to challenge the transfer will be made by the Registry Rules Committee in its sole discretion. If a conditional transfer is cancelled, the current owner may apply to a court of competent jurisdiction to resolve the issue and order transfer of the registration of the horse to the current owner.

Following is an example of the language for a court order that is acceptable to the Registry:
(Please note that ASHBA would not be listed as a party)

The Court hereby directs and orders the Registry of the American Saddlebred Horse and Breeders Association, Inc., a Kentucky corporation ("ASHABA") to transfer the registration of [INSERT] (collectively, the "Transferring Horses" and each, a "Transferring Horse") from [INSERT] (the "Seller") to [INSERT] (the "Buyer") and for which the Registry of ASHBA required transfer reports and other items have not been executed by the Seller and filed with ASHBA, provided, ASHBA first receives payment for any and all fees and expenses charged by ASHBA for the transfer of the registration of such Transferring Horses and provided that such transfers otherwise comply with any rules and regulations of ASHBA applicable to the transfer of registration of such Horses, including without limitation, satisfactory completion and submission to ASHBA of all appropriate forms and certificates (other than those that are the subject of this Order) and satisfactory completion and submission of any DNA or other identification required by the rules and regulations.