

# SELLER BE INFORMED!

A DISQUIETING BUT NECESSARY TOPIC FOR PASO FINO OWNERS

By Rebecca Vail Anderson

Many feel that in an ideal world, horses would stay with their owners for life. Of course, since breeders and professional trainers provide a marketplace for us to find and acquire our horses, they are expected to sell horses. It is up to us, then, once we acquire a horse, to take horse ownership as a serious commitment to the animal.

However, one day you may be faced with selling your horse. There are important steps you can take to try to ensure your horse's future home will provide the necessary care. You don't want to unwittingly have your horse end up in an abusive or neglectful home or be purchased by a "kill buyer" and sent to a slaughter house.

My goal is to provide you with tips and information when selling your horse in order to prevent him or her from ending up in a bad home or being purchased by a "Kill buyer" and sent to slaughter.

Perhaps you are not familiar with the term "kill buyer." This term describes a type of horse broker and their agents, male or female, who collect and sell horses to slaughter. They search for cheap or free horses from auctions, on-line, from newspaper ads, and individuals looking for a quick sale. If you advertise your horse for sale, do not state "obo" (or best offer), trade, or free to good home as this is catnip to a kill buyer. Kill buyers monitor classified ads and social media groups seeking cheap or free horses. A kill buyer may make great promises of giving your horse a good home while signing them up for a trip to the slaughter house.

Data from the USDA National Agricultural Statistics Service published by the Animal Welfare Institute reveals that over 125,000 American horses were sent to slaughter in Mexico and Canada in 2015 to be processed into food for human consumption.<sup>1</sup> Governmental oversight or law enforcement of this industry is slight to none on either sides of our border. As a result, horses suffer greatly throughout the entire slaughter pipeline.<sup>2</sup> Horse slaughter is not a humane death.

**To help plan for your horse's next home, here are 12 steps for re-homing your horse with a good and legitimate buyer**

**1. Have a detailed written sales contract and bill of sale signed by both the buyer and seller.** Do not complete the sale without a signed written agreement. It is a good idea to ask your attorney for assistance to either write the agreement or review it should you choose to write it yourself. The rescue organization Mississippi Horses has granted permission to

use their adoption contract as a guide. It can be accessed at: <http://www.mississippihorses.org/images/AdoptionContract2016-2.jpg>.<sup>3</sup> Also, check your state statutes for horse sales regulations. For example, according to the Florida Administrative Code Rule 5H-26 Sales and Purchases of Horses, a written horse sales contract and bill of sale is required by state law.<sup>4</sup>

Require a contract even when someone you know well is buying your horse. If issues arise in the future, you will have little to no recourse without a signed written sales agreement. No one should have an issue signing a contract if they are being truthful, professional, and putting the best interests of your horse first. Always get it in writing.

Require the buyer to state in writing that he or she is not a horse broker, trader, kill buyer, nor an agent or broker for a kill buyer. Further, stipulate that the buyer will not resell the horse at auction or knowingly resell to a broker, trader, kill buyer, or their agent or broker. Include this as part of the sales contract, as a separate addendum or affidavit signed by the buyer. You may wish to get it notarized.

Add a clause to the sales contract that if the buyer moves the horse, then he or she must provide you with an updated address and contact information. This is so you may periodically check up on your horse and can serve as a test to see how the buyer responds. If they balk, then reconsider how good a match the buyer is for your horse and question what the buyer's intentions are for your horse.

Have a buy back, take back, or a first right of refusal clause, and be prepared to act on it. This can be written into the sales agreement or included as an addendum. Negotiate the "buy back" price at the time of the initial sale. The Transfer of Ownership form used by the rescue organization Mississippi Horses, a 501(c)3 charity, is a good example, is free to use, and can be accessed at <http://www.mississippihorses.org/images/transferofownership2016.jpg>.<sup>5</sup> Do not rely on a verbal agreement for this. Your horse's life may depend on it.

"It is important to include a monetary penalty in the sales contract, in case the buyer breaches the agreement. Should you need to take them to court, a judge will want to see there are damages or penalties to enforce especially if the horse has disappeared or has already been sent to slaughter," according to Anne Woods, President of A Little Bit of Heaven, Inc. rescue, a 501(c)3 charity, in North Lawrence, NY . She adds, "It is always good to have your attorney either write or review your sales agreement."<sup>6</sup> If a buyer won't agree to sign any such a document, it is

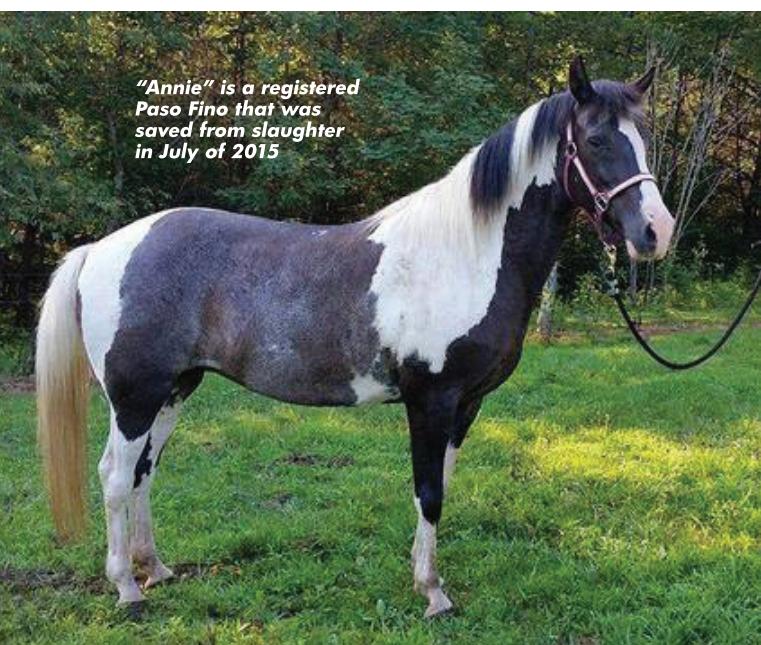
perfectly acceptable for you to say "no" to the sale and look for another buyer.

**2. Price your horse above the "meat buyer price.** The meat price is the amount a "kill buyer" gets from a slaughterhouse for a horse based on its weight and build. An Animals' Angels' investigation and information from The Western Producer put the meat price at a range from \$0.30- \$0.70/pound of the horse's weight.<sup>7,8</sup> A good rule of thumb is to price your horse at a minimum rate of \$1.00/pound. For example, if your horse weighs 800 pounds, then list your horse for at least \$800.00. This may allow some negotiating room and still keep the price above the meat price.

The Paso Fino Horse Association website has a wonderful marketplace to advertise your horse. This service is free for PFHA members. Just go to [www.pfha.org](http://www.pfha.org) and click on the PFHA Marketplace. You will be guided through the steps to list your horse for sale.

**3. Give yourself permission to be less trusting.** Bad buyers and kill buyers can be male or female, young or old. They are often very polite and courteous while they are lying to you or deliberately misleading you. A bad buyer is someone who may be abusive or neglectful to your horse. Or, they may be a type of horse broker called a "horse flipper/trader" which is someone who searches out cheap or free horses to re-sell at a higher price. Be cautious if a buyer does not want a pre-purchase exam by a veterinarian, refuses to sign a contract, or seems to be in a hurry to load your horse on a trailer and leave. You may very well be talking to a bad buyer or a kill buyer.

Kill buyers and horse traders use many tactics to obtain free or cheap horses. One example is the case of Kelsey Lefever. According to an article written by Ray Paulick for the Paulick Report titled "Kelsey Lefever: 'Every Last One of Them Is Dead,'" in 2011 Lefever was charged with multiple felonies and misdemeanors for theft and deception. As reported in the article, Lefever was an attractive 23 year old horse trainer and horse broker. She frequented race tracks offering to retrain and find good homes for retired former racing Thoroughbreds, only to drive them straight to auction and sell them to a kill buyer for quick easy cash. The article further explains that according to a statement by Lefever's friend to investigating officer Trooper Shelly, Lefever said: "I killed every one of those...over 120 of them [horses]... and there wasn't a...thing they could do about it because they gave me those horses. I didn't sign one contract for any of them..."<sup>9</sup> Rate My Horse Pro reported Lefever was ultimately convicted of 2 felonies and 2 misdemeanors, entered a first time offenders program, and was sentenced to 2 years of probation during which she was prohibited



from acquiring any more horses and banned for life from Pennsylvania track employment.<sup>10</sup>

Kill buyers and horse traders are crafty professionals, good at fooling

people. Beware of other lies they tell in order to get your horse, such as: "The horse will be perfect for my grandkids"; "My wife/girlfriend/boyfriend/fiancé runs a therapeutic riding program"; "Your horse will be in a wounded veterans program"; "Your horse will be a well loved lesson horse at a riding academy or camp"; or, "I have 200 acres and your horse will run free." Verify the validity of the statements via the internet or visit the farm/facility. Have the intended use of your horse added to the written signed sales agreement. If the buyer refuses to agree or makes excuses, you may be putting your horse at risk of going to a bad home or to slaughter. An honest buyer with good intentions will appreciate your concern for wanting your horse to go to a good home, and will not have an issue with signing a detailed written agreement.

**4. Be careful if you decide to sell your horse at an auction or sale barn.** If you decide to sell your horse at an auction, place a "reserve" or minimum bid that is well above the meat or flip price. Otherwise, your horse will be at high risk of being purchased by a kill buyer, immediately loaded onto a trailer and shipped directly to the slaughterhouse or sent to a kill pen or feed lot.

Kill pens and feed lots are holding facilities for horses purchased by kill buyers. Many kill buyers sell horses from their kill pens via social media at prices 3-4 times higher than what they paid at auction. Potential buyers are told the horses will ship to slaughter if not purchased by a certain deadline. It is emotional black mail, and very profitable for the kill buyers.

"Horses are often very sick or injured by the time they leave the kill pen," states Anne Woods, President of A Little Bit of Heaven, Inc. rescue. She describes taking in an 8 year old mare that was "bailed" (purchased) from a kill pen by horse advocates. She placed the mare in strict quarantine upon arrival and had her examined by a veterinarian as per the rescue's protocol. The veterinarian diagnosed the mare with Strangles, a highly contagious and sometimes fatal disease that can spread rapidly among horses. The mare most likely contracted the disease at the auction or in the kill pen.<sup>11</sup>



"Annie" in the auction ring.  
Photo by Susan Gordon

Ms. Woods stated, "Had the mare not been in quarantine and separated from the rest of our herd, our other horses could have gotten sick. Our farm was not put under quarantine orders because we

followed proper quarantine procedures for that mare. Many horse owners are not aware of how important it is to quarantine new horses, especially ones coming from auctions or kill pens. It is expensive to care for a sick or injured horse, so our goal now is to get horses before they end up at a kill pen."<sup>6</sup>

Many horses are trailered long distances in dirty trailers and shuffled from auction to auction before ending up at the kill pen. The pens provide suboptimal feed, water, and shelter. Horses from all over the country of all ages, sizes, and sexes are mixed together, including pregnant mares and mares with nursing foals. A kill pen is an extremely stressful and dangerous environment for a horse. If your former horse is not purchased during one of these kill pen sales, your horse will ship to slaughter and the kill buyer will make money either way.

**5. Do not donate your horse to a charity without thoroughly reading and understanding the details of their contract.** Many charities take donations of free horses. While this may sound like a perfect solution for you and your horse, read the fine print of the contract. You may be signing an agreement that will allow the charity to sell your horse at any time including selling at auction, to a kill buyer, or to slaughter.

This author bought an aged horse, advertised on-line, that was at risk of ending up in a bad place. Upon DNA testing it was discovered the horse was registered to a woman known to this author. The former owner was quite surprised when contacted but pleased to know her beloved former horse was safe and well. She stated she had donated the horse to a therapeutic riding program with the understanding the horse would not be sold. She told this author she had assumed the therapy program would keep the horse "forever" as she had deliberately "kept the papers" thinking it would prevent him from being sold. In fact, the horse had changed owners many times and moved several states away before arriving at the author's farm where he will remain to live out his days.

Hundreds of camp horses, lesson horses, and therapy horses get sold, sent to auction and to slaughter every year. Some charities immediately sell donated horses at auction as a fast way to raise money. They will not give your horse a "forever home," unless it is written in the contract you sign with them. If you truly want your horse to be used in a charity program, then consider leasing your horse to the program, but do not sign over ownership of your horse without knowing the details of their contract.

**6. Ask for and verify references.** State this requirement in your advertisement. At the minimum ask for the name and phone number of the buyer's veterinarian and farrier/blacksmith. Independently verify this information to make sure they are authentic by searching the internet or contacting the state licensing board. Bad buyers have been known to give the phone number of a partner or friend to pretend they are the vet or farrier. Once you have verified the information, call the references and ask questions about the buyer. Search the internet and social media for information on the buyer and his or her history with horses.

**7. Sell your horse locally, if at all possible.** This will allow you to keep tabs on your horse and be available if the new owner has questions. It will reduce transportation costs should you need to take your horse back from the buyer.

**8. Require an inspection visit to the farm where the buyer will keep your horse.** Find someone nearby that can visit for you if you cannot. As a last resort, accept photos or a detailed video. A good buyer will not object to this request. They will understand your concern for finding your horse a good home.

A kill buyer who has no intentions of actually keeping your horse and may not even own a farm will object and make excuses. If you are uncomfortable with the farm setup or if the buyer refuses to provide photos, video, or to let you visit the farm, reconsider the sale.

**9. When you trade your horse to your trainer/riding instructor as part of the purchase of another horse, use caution.** Horse trainers and instructors are in the business of training and selling horses, usually not owning horses. Your former horse could end up being sold at auction or sold outright to a kill buyer, either intentionally or not. Apply all of the same rules as though you were selling

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your horse yourself. Require that you get to "approve" the buyer and include this in a written agreement between you and your trainer with a monetary penalty if not done. A better option may be to sell your horse yourself before purchasing your next horse.

**10. When using a horse broker, or a trainer/riding instructor acting as a broker, apply all of the tips in this guide.** You have a right to know exactly who is buying your horse. You must be as diligent as though you had found the buyer yourself. Get all of the details in writing, including the commission amounts, fees, and who pays them, before you agree to let a broker sell your horse. Remember, this is a business transaction. In some states, such as Florida, listing broker fees and arrangements in a written contract and bill of sale is a legal requirement.<sup>4</sup> Professionals, acting in good faith, should not balk at this request. If he or she does refuse, then choose another broker as this is a red flag.

**11. Include your horse in your Last Will and Testament or create a Trust.** Do this even while you are trying to sell your horse. Discuss your animals' welfare with your attorney when setting up your Will or trust. Sadly, many horses end up at auction and enter the slaughter



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pipeline because their owners passed away or became incapacitated and were no longer able to care for their horses.

Talk to your family about your wishes for your horse and other animals in the event of your death or illness. Make plans in advance such as setting up an endowment for them or arranging their care with a relative, friend, rescue, or sanctuary. Another option to consider, especially if your horse is older, has health issues, or is not well behaved is to have your veterinarian humanely euthanize your horse. It will guarantee your horse will never end up dying a cruel, painful death in a slaughterhouse and it will remove the burden of care for your horse from your loved ones. Have your attorney include these directives when writing your Will.

**12. Train your horse to be a good riding partner.** This is one of the best ways to keep your horse from ending up in a bad place. A properly trained horse with good ground manners is a safe reliable riding partner and this greatly improves his or her chances of finding a good home.

Seek professional guidance if you are unable to train your horse yourself. Ask for recommendations from horse people you trust. Check with the Paso Fino Horse Association Professional Trainers' Committee ([www.pfha.org](http://www.pfha.org)), horsemanship clinicians, or the Certified Horsemanship Association for qualified trainers.<sup>12</sup> Professional training may be the difference between life and death for your horse. It is a buyers' market. Your horse will be competing against well trained horses for those few good buyers. Untrained and ill-mannered horses too often end up in bad places or heading to slaughter. You owe it to your horse to give him or her the best chance possible of finding a good home.

Selling your horse is a serious matter. Finding the best new owner requires some effort and diligence. Your horse's life depends on the choices you make. The ideas presented in this article will help keep your horse away from bad buyers, kill buyers, and out of the slaughter house.

Additional horse sale guidelines may be found on equine.com website:<sup>13</sup> <http://equine2.com/static/INSTRUCTION-STOSALESFORMS.pdf>

You may also find templates for four different seller documents on the equine.com website: <http://www.equine.com/help/legal.aspx> It is however always best to consult your own attorney concerning the sale of your horse.

# Quiz!

**Question: How many steps from the article were skipped in the sale of "Annie"?**

Annie was one of 11 purebred Paso Fino horses saved from going to slaughter in July 2015. All were purchased by a kill buyer one evening at an auction in Ohio. It was a coordinated effort by many to save them from shipping to slaughter. It was a local photographer who contacted Glenn Davis, President of New Beginning's Paso Fino Horse Rescue, a 501(c)3 charity, located in Arizona who spearheaded the effort to save them.

After Annie completed quarantine with Judy Gaines, a Paso Fino owner, in Ohio, she was moved to Gail Brennan Larson's Mako's Snowy Hill Paso Fino farm, in PA where it was discovered Annie was pregnant. She delivered a beautiful filly in January 2016 named Sopresita, or Little Surprise.

Gail had Annie DNA tested through the PFHA database and Annie was indeed registered. Gail contacted the owner listed on the papers. She told Gail the horse was sold with her papers years ago. She shared the name of the man who bought Annie but who apparently did not follow through on transferring her registration papers.

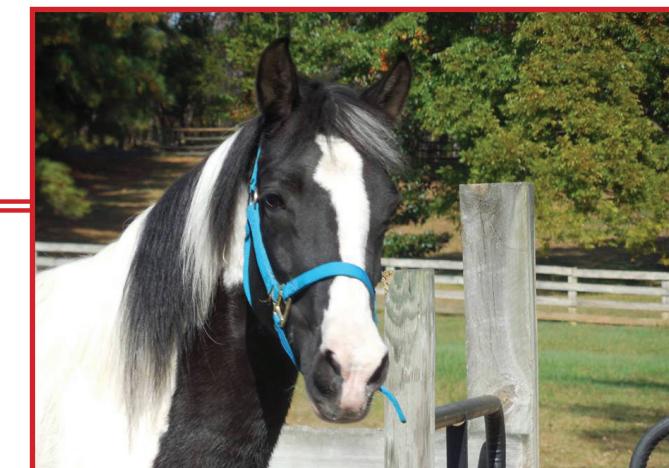
The elderly gentleman was saddened to hear Annie's story. He told Gail a young woman showed up at his farm stating she heard he had trail horses and expressed interest in Annie. She told him she wanted a horse to trail ride at the local horse park. The man gave Annie to the woman for free, with no written contract, and 2 weeks later, the mare ended up at auction and was bought by a kill buyer. The man did not know the name or phone number of this woman. He did not know Annie was pregnant at the time although she had been turned out with his stallion.

Gail was able to get Annie's registration papers transferred with the former owner's help and is in the process of getting Annie's foal registered, too.

Annie has been adopted and is living happily in VA with her new family. Gail has adopted Annie's filly and is teaching her how to be a good equine citizen.

**How many Steps from the article were skipped in the sale of Annie?**

**Answer: Steps 1,2,3,6 and 8.**



## 12 STEPS FOR RE-HOMING YOUR HORSE WITH A GOOD AND LEGITIMATE BUYER

1. Have a detailed written sales contract and bill of sale signed by both the buyer and seller.
2. Price your horse above the "meat buyer price."
3. Give yourself permission to be less trusting.
4. Be careful if you decide to sell your horse at an auction or sale barn.
5. Do not donate your horse to a charity without thoroughly reading and understanding the details of their contract.
6. Ask for and verify references.
7. Sell your horse locally, if at all possible.
8. Require an inspection visit to the farm where the buyer will keep your horse.
9. When you trade your horse to your trainer/riding instructor as part of the purchase of another horse, use caution.
10. When using a horse broker, or trainer/riding instructor acting as a broker, apply all of the tips in this guide.
11. Include your horse in your Last Will and Testament or create a Trust.
12. Train your horse to be a good riding partner.



"Annie" found a permanent home and had a foal after her rescue.



About author Rebecca Anderson: She is a horse advocate. Her farm is shared with 8 gaited horses including 3 rescues, a rescue dog, and rescue barn cats. Her hobby, Equestrian Embroidery Art, donates proceeds to horse rescues and can be seen at SpanishHorseTack.com. Correspondence to: EquestrianEmbroideryArt@yahoo.com. The author has no affiliations nor has received any form of compensation from the organizations cited in this article.

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# Paso Fino Horse Association, Incorporated

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## 2017 OFFICIAL ABSENTEE BALLOT

As a PFHA Member, you may cast your vote for 2017 Paso Fino Horse Association officers in one of the following ways:

1. Voting through your Regional Delegate, who will cast your regional vote at the 2017 PFHA Membership Meeting
2. Appearing at the 2017 Membership Meeting and casting your vote in person as an individual
3. Voting by using this Absentee Ballot

For rules concerning Absentee Ballots, please refer to the Paso Fino Horse Association Sept. 1, 2016 Rule Book, Constitution, Article VII, Section 9, Voting, B, Membership Meetings. "At Membership meetings, instead of a member's vote being voted through his or her Regional Group Director, that person (who has been a voting member of the Association for a period of thirty (30) days prior to the meeting) shall be allowed to attend and vote as an individual or he/she may vote by Absentee Ballot or by Proxy as stated in C., below. In such cases, his or her name shall be deleted from the Regional Membership list for voting purposes as applicable."

Paso Fino Horse Association 2016 Rule Book, Constitution, Article VII. Meetings, Section 9, Voting, C.1., p. 13, "An Absentee Ballot may be used only for the election of officers. Official notification of the meeting, including agenda and the form for the Absentee Ballot, must be made to the membership at least 3 weeks prior to the meeting. All Absentee Ballots shall be completed according to the requirements stated on the ballot, shall be filed with the Association at least 10 days before the meeting, and shall show the member's Regional Group affiliation."

Complete ballots with original signatures must be **RECEIVED** by the PFHA Office at the address above no later than January 18, 2017 (**at least 10 days in advance** of the January 28, 2017 meeting).

Faxes and emails shall not be accepted.

**INSTRUCTIONS:** Please indicate in the section below your vote for President, Vice President, Secretary, and Treasurer. Please vote for ONE (1) candidate for each of the four (4) offices by making an X in the box provided next to the name of each candidate. Ballots containing a vote for more than one candidate for each office will automatically become void. Declared Candidates are listed alphabetically.

PRESIDENT	VICE PRESIDENT	SECRETARY	TREASURER
<input type="checkbox"/> <b>Sharon Londono</b>	<input type="checkbox"/> <b>Ann Crossman</b>	<input type="checkbox"/> <b>Patti Blichmann</b>	<input type="checkbox"/> <b>Lisa Gorsuch</b>
<input type="checkbox"/> <b>Greg Miller</b>	<input type="checkbox"/> <b>Robin Ratliff</b>	<input type="checkbox"/>	<input type="checkbox"/> <b>Alfredo Rizo-Patron</b>
<input type="checkbox"/> Write-in _____	<input type="checkbox"/> Write-in _____	<input type="checkbox"/> Write-in _____	<input type="checkbox"/> Write-in _____

**Voter's original Signature, PFHA Membership Number, and PFHA Regional Affiliation are REQUIRED, as well as either an email address or phone number for absentee ballot validation:**

Print Name: \_\_\_\_\_ PFHA Member # \_\_\_\_\_

Date Submitted: \_\_\_\_\_ PFHA Regional Group Affiliation: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_