



Montana Auctioneers Association

2011 Fall Edition



www.montanaauctioneers.org

email: dan@maurergroup.com

President's Letter



Hello Montana Auctioneers,

Wow, where has the summer gone? It has been a real whirlwind for us, as we seem to have spent two months in the hay field, mixed in 3 or 4 auctions, did the Thursday job at Glasgow Stockyards and then married off our oldest daughter, Shalece on the 10th of September. Seems like just yesterday she was holding onto my finger and following me everywhere I went. I guess time waits for no one and that is why it is so important to cherish each and every day.

The auction prices in our area seem to continue to be very good and the attendance has been great. There is a lot of optimism in spite of what we hear on the news every day. I just sold the Double J Horse Sale in Bowman on September 18th and prices on good broke horses continue to be strong with green horses and colts under a lot of pressure. The cattle market is strong and that seems to be driving the good prices on the farm equipment sales. The possibility that the oil exploration boom is continuing to move west has not hurt a bit either.

The board of directors had a conference meeting on September 19th and decided to continue with the four-wheeler raffle. This year there will be a cash option if the winner does not want the four-wheeler. The tickets will be printed in the next couple of weeks and will be available for the fall run of sales. This is a very important fundraiser for the Association as it allows us to keep the dues down and still provide the best speakers and seminars available at the annual meeting. Please consider ordering a few tickets and get them sold in your area. If we all do our share it makes this a very easy fundraiser. Remember, we are actually salesmen that can do an auction chant, so it shouldn't be too hard to sell a few tickets. Contact one of the board members to get your book of tickets.

Another topic that was discussed during our meeting was what to provide to the membership for seminars at the annual meeting. If you have a topic that you would like to see addressed or know of someone that would provide a topic beneficial to the membership contact Mert Musser, Rick or Brian Young and give them your idea. Remember this is your association and can only be as good as YOUR input.

I would like to pass my best of wishes to Debbie Schobe. Our thoughts and prayers are with you and your family. We send our very best to a quick and a speedy recovery.

I hope everyone has a super fall season and your auctions are a success. I will visit again soon and don't forget to get your tickets because we need every one's help on this project.

Ed Hinton, GPPA
President
Montana Auctioneers Association



MAA Board of Directors 2011 Roster

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Does This Suit You?

Article by Steven J. Proffitt

Would you like a lawyer to advise you how to save money – on lawyers?

“Yeah – right!” you say.

Would you like a lawyer to tell you about a court that doesn’t allow lawyers?

“Impossible!” you exclaim.

Well, get ready to be surprised. This month I’m going to show you how auctioneers can go to court without a lawyer – and without being penny-wise and pound-foolish.

Background.

Legal work is often technical and complicated. That’s why lawyers must be masters of detail and nuance to accomplish their clients’ objectives. This is as true for trial work as other types of law, and that’s why lawyers have long made the courts their domain. Courtrooms are where lawyers gather, promenade, and argue the issues for those clients able to pay the wages of “hired guns.” As a result, justice is often determined more by a party’s ability to retain the best lawyer, than by the facts and law governing a case.

Not surprisingly, the public cares little for the “monopoly” lawyers have on justice. Consumer advocates have spawned movements across the nation to democratize and open the courts to all citizens, by reducing the influence of lawyers. Critics claim lawyers make justice too complicated and expensive for the average person. There’s truth to that. Indeed, in many instances the cost of hiring a lawyer would exceed the value of the issue, thereby rendering justice economically unattainable.

But while criticisms of lawyers and the courts are valid, it’s also true that law is much more like brain surgery than flipping burgers. Statutes and court opinions aren’t comic books, and working with them requires the unique skills of lawyers. So the question is how to make access to the courts and justice simpler and cheaper, while preserving the integrity of the law.

From time to time, auctioneers have minor issues that need resolution. Filing a civil suit for a nominal amount is something anyone should be able to accomplish. In many jurisdictions, it’s never been easier.

Does This Suit You?

Continued...

The Peoples' Court.

You remember *The People's Court*. It debuted on TV in 1981 and was a fast hit. "Rusty" the bailiff would lead two feuding parties into a television studio masquerading as a courtroom. The case would be called and the slugfest begun.

Judge Joseph Wapner decided those disputes on air without the constraint of formal rules of evidence and, notably, without the participation of lawyers. This was a small claims court reserved for the public where common sense trumped legal maneuvering. People loved it. Across the country, many wondered why their states didn't have one.

Political Genius.

Politicians know a winner when they see it and legislators began constructing the framework for small claims courts in many jurisdictions. These courts were designed to make resolving minor claims cheap, fast, and easy.

If you need to file a lawsuit for money damages, you should call the local clerk of court to learn if there is a small claims court in your jurisdiction. If there is, and your case qualifies, that's the place to go.

Qualification.

The threshold question as to what claims are eligible for adjudication in small claims court usually turns on the amount in issue. If your matter is a garden-variety civil claim, these courts will frequently hear it if you're seeking just a few thousand dollars.

Process.

So what do you do to file your suit? You do what every smart lawyer does when he has business before the court – go to see the clerk. The clerk is an expert on the court, its rules, and procedures. The best advice you'll ever get on civil procedure will come from the clerk.

The clerk will advise you whether your case qualifies for small claims court. If it does, the clerk will show you how to file the suit, have it served, and appear before the court to try the issue.

Does This Suit You?

Continued...

Your case will come up on the court's docket on the "return date." In some jurisdictions, the return date is used by the court to schedule a future trial date. In other courts, the return date is the day when the judge will try the case. Knowing the practice in your court is essential, and the clerk holds the answer to this and other questions.

On whatever date your suit is to be tried, you need to do three things: (a) appear on time with all of your evidence and witnesses; (b) be prepared to proceed; and (c) present your case in a well-organized manner. Every trial judge appreciates a litigant's preparation, organization and, most of all – brevity!

Advantages.

Small claims courts hold many advantages for normal citizens. Here are four.

First, these courts quickly move cases to trial. You won't encounter delays in justice here.

Second, these courts usually don't allow more than the most meager court papers to be filed, so there's no worry about having to prepare substantial pleadings.

Third, small claims courts are off limits to lawyers. That's right – lawyers may not represent litigants. Instead, each party represents himself. Sometimes if a party lacks the ability to do that, the court may allow a non-lawyer friend or family member to represent that person – but not a lawyer.

Fourth, the mission of small claims courts is to do substantial justice in an expeditious and informal manner. Adherence to formal rules of evidence and civil procedure is not required. This means the litigation process is "friendly" for everyone and the judges will help guide you through it.

Conclusion.

If you're an auctioneer with a small civil claim, and you don't want to spend the money to hire a lawyer, small claims court was made for you. Use it to your advantage.

Steve Proffitt is general counsel of J. P. King Auction Company, Inc. (www.jpking.com) in Gadsden, AL. He is also an auctioneer and instructor at both Reppert School of Auctioneering in Auburn, IN and Mendenhall School of Auctioneering in High Point, NC. This information does not represent legal advice or the formation of an attorney-client relationship and readers should seek the advice of their own attorneys on all legal issues. Mr. Proffitt may be contacted by email at sproffitt@jpking.com.

A little MAA History...

Montana Auctioneers Association

History - The Montana Auctioneers Association (MAA) was founded in 1961-1962 by a small group of state Auctioneers. The ultimate purpose of the Association was to aid member Auctioneers to improve auctioneering skills and to grow in the auction profession. This purpose has not changed. For many years, the state Association supported a reciprocal agreement with the National Auctioneers Association (NAA), with membership in both associations a requirement. Although this requirement no longer exists, the Montana Auctioneers Association continues to support the goals, objectives, and activities of the NAA. The state bylaws, goals and objectives are closely linked to those of the NAA.

Why Join the MAA – One requirement of professionalism is continuing growth and education, as well as knowledge of current trends with a profession and those professions which effect it. Such growth and knowledge is facilitated by membership in any association formed for the purpose of achieving such goals and objectives. The rapid changes occurring in auctioneering make membership a MUST for the Auctioneer who is truly a “professional.”

Activities – The MAA is guided by an elected Board of Directors and Officers. These individuals are chosen at the Association’s annual convention, usually held the last week of January at various locations throughout the state. The convention offers members the opportunity to compete in a “Fun Auction”, to grow and learn through educational workshops, to share and socialize, and to provide professional input and direction for the coming year. Each MAA member in good standing is a voting member of the Association.

Newsletter – The Association publishes a state newsletter four times a year. The newsletter presents articles, minutes, and reports along with national and state auction news. Each member is urged to contribute to the newsletter. Subscription to the newsletter is a benefit of membership.

Goals and Objectives – The MAA is an association of professionals who have organized to promote and advance the auction profession. Including the following:

- Promote the mutual interests of its members
- Formulate and maintain the highest standards of ethics for members
- Encourage the enactment of just and reasonable laws, ordinances and regulations affecting auction selling and the auction profession
- Make the public aware of the advantage of the auction method of marketing
- Improve the business conditions affecting the auction profession

Membership - The MAA will enlarge your circle of professional contacts and associates. However, your entrance into the Association is by sponsorship only. Just as you will be asked to sponsor new MAA members, an MAA member who knows of your integrity and professionalism will be glad to sponsor you. For membership, you and your sponsor must meet the following requirements:

- Your sponsoring MAA member must be in good standing and must be an Auctioneer, full or part-time
- Your MAA sponsor must sign the application, as confirmation of sponsorship

2011 NAA Fun Auction

During the board meeting held at the Montana Auctioneers Association Convention held this year in Livingston, the members voted to purchase a belt buckle from Montana Silver Smiths of Columbus, Montana and donated it to the National Auctioneer Associations' (NAA) Fun Auction. This is the second year in a row that this has been done. Special for this year was to have the buckle custom made with the NAA logo on it.

The fun auction was staged on Wednesday night July 13, at the 2011 Conference and Show held in Orlando, Florida. Many state associations as well as individual members donate items to sell at this fund raising event for the National Auctioneers Association. Again, this year the buckle donation from the MAA was taken to and sold at the auction by Director, Robert McDowell III.



There was a packed house when the auction began and a lot of interest in our item. The buckle was up as lot number 27. The bidding started low with hands up all over the house. Excitement and participation in bidding remained strong right up to the final selling price of \$525.00. The fun auction committee was very satisfied and thankful for the MAA to add to their event.

There were a lot of great items offered in this auction, but I would say the highlight was an African Safari trip donated by the contingent from the Auctioneer Association of South Africa. It was wild and fun from the introduction with the winning bid being \$12,000.00. The high bidders were a partnership of Christie King, current NAA President and Hannes Combest, NAA Chief Executive Officer. I tried to talk Christie into putting me in her suit case, but – no deal!!

The NAA Conference and Show will be held next year in Spokane, Washington. I encourage you to make plans now to be in attendance. You won't be sorry for the decision. If you desire, donate an item, maybe something you make, and sell it at the fun auction. The experience is well worth it.

MONTANA AUCTIONEERS ASSOCIATION HALL OF FAME

This is a good time to think about somebody that may be a candidate to be nominated and inducted into the MAA Hall of Fame. Please submit your suggestions to our President, Ed Hinton. The submission should include a short biography and a letter that states the reasons you think your candidate should be inducted into the MAA Hall of Fame.

The current inductees to the Hall of Fame are:

1991 – Fritz Hoppe

1992 – R.J. “Bob” Thomas

1994 – Morris Gardner

1996 – Del Strommen

2001 – Frank Bass and Ron Granmoe

2003 – Gus Bender and John Mandeville

2010 – Bob Penfield

2011 – Rick Stahl



Hall of Fame Form

2011 Hall of Fame Nomination Form

Name of Nominee _____

Name of Firm _____

Address _____ City _____ State _____ Zip _____

Phone _____ Fax _____ Email _____

Questions :

1. How long has nominee been in the auction business?

2. How long has nominee been a member of the Montana Auctioneers Association?

3. Does nominee have an area of specialty? ____ If so, please describe:

4. List professional memberships, civic and community memberships and offices held, past and present in those organizations:

5. What has the nominee done to bring credibility to the auction profession, fellow Auctioneers and to the Montana Auctioneers Association?

Mail or Fax Nomination form to :

Montana Auctioneers Association

PO Box 3097 Pasco, WA 99302

Fax: 509-783-4674

MONTANA AUCTIONEERS ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES

May 23, 2011

8:00 AM

CALL TO ORDER

PRESIDENT ED HINTON CALLED THE MEETING TO ORDER AT 8:06 AM ON MAY 23, 2011.

ROLL CALL

Board Members Present:

President Ed Hinton
Vice President Kyle Shobe
Treasurer Merton Musser
Director Brian Young
Director Wes Kammerman
Director Robert McDowell III

Staff Members Present:

Dan Ollero – The Maurer Group

Board Members Absent:

Immediate Past President JimBo Logan, GPPA, CES
Director Gordon Van Ash
Director Rich Venzor
Director Bill Allen

REQUEST FOR AMMENDMENTS/ADDITIONS TO THE AGENDA
NONE

APPROVAL OF JANUARY MEETING MINUTES

MOTION

Approve April 11, 2011 Board of Directors meeting minutes.
Proposed by: Rob McDowell III; Seconded by: Wes Kammerman
Passed: 6 of 6

ASSOCIATION REPORTS

President's Report

Ed will send Bill Allen a report to see if he is doing okay.

Treasurer's Report

MAA financial are doing well. Current assets of the organization is \$22,003.75.

MOTION

Approve the Financial Report

Proposed by: Brian Young; Seconded by Wes Kammerman

Passed 6 of 6

2012 MAA Convention Update

Nothing to report

OLD BUSINESS

NONE

NEW BUSINESS

Language for raffle tickets.

Wes will send the language used by FAA for a cash option.

MOTION TO ADJOURN

Proposed by Merton Musser; seconded by Brian Young.

Passed 6 of 6

Cornerstone Business Resources Donate to Auctioneers

Paul Parkhurst of Cornerstone Business Resources, a merchant services company out of Greenwood Village, Colorado, has come to an agreement with the Montana Auctioneer Association to donate 10% of any profit on an account that goes above and beyond the cost of services. Cornerstone offers unrivaled rates with no hidden fees.

For further information regarding Cornerstone's donations please call 866-270-2752 or email Paul Parkhurst paul@paulparkhurst.com.



2012 MONTANA AUCTIONEER CONVENTION

January 27-28, 2012

Rock Creek Resort, Red Lodge, MT

1-800-667-1119

\$72.00 per night.

**Call 866-270-2752 or visit ww.montanaauctioneers.org
for additional information as the event gets closer**

Letter from Wes Kamerman

October 2011

Greetings Fellow Auctioneers' and hello from the heart of Montana, the Gallatin Valley. I hope each one of you had a great summer. It seemed like it flew right on by, but then it always does.

My auction year has been a little slow, so I am thankful that I can also work in the greater agriculture community with New Holland of Belgrade. We are blessed here in Montana to see record high grain, cattle, hay & milk price which should be bringing fairly good conditions for excellent yields on our products. I do not remember ever seeing the demand for good used machinery like I see today. With all the negative concerns in our economy and the political unrest, we can have a tendency to have a negative outlook.

All that aside, I think the auctioneering business still holds great opportunity. For those of you doing farm & related sales, I cannot put enough emphasis on preparation, taking the time and extra expense to make the product look as good as possible. It pays huge dividends on auction day. I could do a whole seminar on this topic but I am sure you have all heard it before. I enjoy this profession and the wonderful people that I have gotten to know through it. May each of you have a great finish this year with your auctions and enjoy the holidays with your families.

Hopefully, I will see you all at the convention in Red Lodge, January 27-28, 2012.

Wes Kamerman
Kamerman Auction Co.
Manhattan, MT

