

MSAASUPPLEMENT

Know your Bankruptcy Laws
pg 9



MSAASUPPLEMENT

December 2015 | Issue 87



Welcome

Thanks for taking the time to read the official web publication of the Minnesota State Auctioneers Association. We take pride in our association and are excited to provide this supplement, to assist our members in gaining a greater understanding of their benefits, and the auctioneering profession as a whole.

Viewing Instructions

If some sections have print that is too small for you to read easily, go up into your VIEW menu at the top of your screen and scroll down to ZOOM, or even click on the "View at Full Screen/Full Screen Mode" option in the VIEW menu. You can also print the document if you wish.

Upcoming Events

2016 MSAA Conference & Show

- Minnesota State Champion Auctioneer Contest
- Minnesota Auctioneers Foundation Fundraising Auction
- Educational Seminars
- Marketing Contest

Thursday, January 14—Saturday, January 16, 2016
 Marriott Minneapolis West

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Announcements

Announcements?

Do you have an announcement or thank you to pass along to our membership? This space is reserved for items of note each month for our membership to know. If you have any announcement to post, please send them to Frank Imholte. frank@solditatauction.com

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Top-Notch Education

2016 Conference and Show Schedule

1.14.16 Thursday

- 8:00 a.m.–3:00 p.m. Vendor Set-up
 8:00 a.m.–5:00 p.m. Registration
 8:00 a.m.–5:00 p.m. **Real Estate Continuing Education**
 Mike Brennan
 12:00 p.m.–3:00 p.m. Contest Item Check-In
 5:00 p.m.–5:30 p.m. Contestant Rules Meeting
 6:00 p.m.–9:00 p.m. MN State Auctioneer Champion & Rookie Contest
 9:00 p.m.–Midnight Champion Auctioneer Reception

1.15.16 Friday

- 8:00 a.m.–9:00 a.m. Breakfast
 8:00 a.m.–9:00 a.m. Marketing Contest Check-In
 8:30 a.m.–3:00 p.m. Registration
 9:00 a.m.–9:30 a.m. Welcome and Opening Ceremony
 9:30 a.m.–10:30 a.m. **Keynote**
 Darron Meares
 10:30 a.m.–10:45 a.m. Break
 10:45 a.m.–12:00 p.m. **Successful Online Real Estate Auctions**
 Will McLemore
 10:45 a.m.–12:00 p.m. **Redwing Pottery**
 Robin Wipperling
 12:00 p.m.–1:00 p.m. Lunch
 12:30 p.m.–2:00 p.m. Fun Auction Item Check-In
 1:10 p.m.–3:30 p.m. **Auxiliary Make & Take Class**
 Tonya Witte
 1:10 p.m.–3:30 p.m. **Making Online Auctions Work**
 Will McLemore

- 1:10 p.m.–3:45 p.m. **In God We Trust, All Others Bring Data**
 John Schultz
 2:45 p.m.–3:00 p.m. Break
 2:45 p.m.–4:30 p.m. Nomination Committee Interviews
 3:00 p.m.–4:30 p.m. **Coins and Currency at Auction**
 Darron Meares
 3:00 p.m.–4:30 p.m. **You Never Know...So Break Out Your Party Clothes!**
 Kristen Wheeler Highland
 4:30 p.m.–5:30 p.m. Social
 5:30 p.m.–6:30 p.m. Awards Banquet
 5:30 p.m.–6:30 p.m. Junior Auctioneer Dinner
 6:30 p.m.–7:00 p.m. Junior Auctioneer Showcase
 7:00 p.m.–9:30 p.m. Fun Auction

1.16.16 Saturday

- 7:30 a.m.–8:30 a.m. Breakfast and Town Hall Meeting
 8:30 a.m.–11:00 a.m. **Transform Information into Explosive Small Business Growth**
 John Schultz
 8:30 a.m.–10:15 a.m. **Business and Bankruptcy Auctions**
 Darron Meares
 9:00 a.m.–10:30 a.m. Auxiliary Family Fun Entertainment
 9:00 a.m.–12:00 p.m. Vendor Fair
 10:30 a.m.–12:00 p.m. **Focus and Make More Money**
 Will McLemore
 12:00 p.m.–1:00 p.m. Recognition Luncheon
 1:30 p.m.–3:30 p.m. MSAA Bi-Annual/MSAF Board Meeting
 1:30 p.m.–3:30 p.m. Auxiliary Annual Meeting
 5:00 p.m.–6:00 p.m. Social
 6:00 p.m.–8:00 p.m. President's Banquet
 8:00 p.m.–10:00 p.m. Hall of Fame Reception
 8:30 p.m.–Midnight Live Music



Life Lessons

Where Do You Get Your Education?



Col. Frank Imholte

MSAA, Executive Vice President
Black Diamond Auctions

Contact 

Many a time I have heard of the phrase, ‘school of hard knocks,’ life’s little experiences that may have not worked out as we planned. Experience is the best teacher as the saying goes. Well, I’m here to tell you that some of us need refresher courses. The older I get, the more I realize that there is so much to learn. Parents learn from their kids, kids learn from their parents, and we all learn from our grandparents. It is the one sure thing when you are trying to find out “why” it is the way it is, just ask Grandma. Many times I counted on my Dad to help me with projects so I, too, could learn how to do it. Am I really that uneducated? I retain much of what I learn and yet somehow there is always more to learn. Let me share a story to enlighten you as to my early education.

When I was just seven years old, I was able to attend an auction with my Dad. It was a well-attended farm auction done by a local auctioneer and his boys. Besides it being a fascinating way to spend the day, I learned that what we valued something at was not necessarily what it would bring at auction. Case in point: I wanted my Dad to buy a two wheel trailer which we both thought would bring no more than 50 bucks. I waited all day for the trailer and so did someone else. It sold for \$52.50 and I missed my first trailer. To this day, I remember that trailer like it was yesterday. I also remember thinking that if we would have bid another two fifty we could have had it. (I don’t know if the other bidder would have stopped; it may have been his and he wanted even more.) That lesson stayed

with me. It’s not what you think it is worth, it is what someone else thinks it’s worth that counts!

This past summer I again took the AARE course just prior to the NAA Conference and Show. This time I tried to absorb as much from the attendees as the instructors. Like attending a conference, the education in the halls between seminars is worth the time and costs involved.

Our president, executive committee, and board of directors have again lined up an array of education and sharing for everyone to attend in January. Call me if you need directions to the conference or if you have a red and grey trailer for sale.



Rules to Sell By

New Lending Rules For Real Estate Buyers

Austin Bachmann

MSAA, Director
Bachmann Auctioneers

Contact 



Do you sell real estate at auction? If so, the new lending rules that went into effect in October 2015 may have an effect in your transactions. These new changes were set in place to help borrowers understand the terms of their loans, especially changes in fees and rates, and may cause delays in the process of closing.

If the buyer has filled out the loan application on October 3rd or after these new rules will apply. One of the new changes being implemented is called the TILA-RESPA Integrated Disclosure Rule, which changes the disclosure rule for mortgages. The lenders are now responsible to send the buyers final numbers and costs at least three (3) days in advance for the buyer to view. This is called the closing disclosure instead of the HUD Settlement Statement. Prior to this change, buyers were supposed to receive a statement called a HUD Settlement Statement 24 hours in advance of closing which itemized services and fees charged to the borrower by the lender or broker when applying for a loan for purchasing real estate. The new rule includes two new "know before you owe" forms. The new changes will change how many have been doing business for decades! These new forms are supposed to be less confusing and make sure consumers understand the terms of their loan and the fees they are paying. The new loan estimate form must be provided to buyers three (3) days in advance to closing now instead of 24 hours. If anything changes prior to closing on this form such as interest rate, loan changes, or payment increase,

there will have to be another three (3) day disclosure period and this is where many people selling real estate see there may be issues with delayed closings. The National Association of Realtors has advised members to add 15 days to their contracts for extra closing time.

How can this affect you? Most problems will probably be due to extended closing. It's not much different than how you would handle an extended closing date right now. However, there could be more potential for not closing on the contract closing date because of the new disclosure. This can all depend on when you set the closing date on the contract. Anytime you have to extend closing it will affect buyer and seller and it's best to prepare everyone involved in advance. Discussing this with potential buyers and sellers in advance can help dissolve issues before they start. If you state a closing date on the purchase agreement but have everyone educated on potential issues that could postpone the closing date, I believe everyone will understand more if it happens than if they were not educated on it. There are many other issues that can pop up prior to closing, but this seems to be the





biggest issue people are seeing so far with the new rules.

I talked with an experienced lender to see what these changes are doing and he answered:

“There will need to be more time allowed for closing to get everything done for processing files and getting everything finished, approximately 10 days or more. When you get to the end of the file you have to get the borrower’s numbers out a week ahead of time if you are mailing it to them, and at least three (3) days in advance so the buyer can review the final numbers. The lender also has to prove the buyer reviewed it or signed it. Lenders will be held more accountable for fees that increase that were disclosed upfront such as the appraisal and credit report fee. The new rules aren’t bad rules; it’s just going to take time for companies to get everything organized and sent out.”

-B. Johnson, Mortgage Lender

Every time something changes with lending rules, it’s always good practice to look into the changes and see if it will affect your business or not. Many times professionals involved with selling real estate, whether at auction or private sale, believe since they are not a lender, changes like this will not affect them. This may be true to a point, however anything that may affect the process of closing will usually affect everyone involved including sellers, buyers, their real estate professionals, and others involved.

I hope to see you all at the Conference and Show in January and would encourage everyone to enter into the Rookie or Champion Auctioneering Contest and also encourage everyone to get juniors and Amateurs involved with the Junior and Amateur Showcase. I hope you are enjoying your winter and wish you all great success in the auction industry.





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Bankruptcy Laws

Knowing is Half the Battle

Darren Meares
Meares Auction Group
Contact 



Auction professionals have a very good opportunity at large amounts of business if they know where to look and how to work with Bankruptcy Trustees. Every state in the United States, with the exception of North Carolina and Alabama, utilize the Department of Justice Trustee program and follow about the same rules from state to state. Knowing the laws for the state or region you work in will give you the edge in contacting these Trustees and possibly working with them on liquidations. The Trustees have the work to give but, many times, lack the professionals to handle the business – auction professionals have the knowledge and the skillset necessary to make this happen.

The wave of commercial lending that allowed individuals to build businesses between 2006-2009 is beginning to ebb and many of the companies are struggling. Banks are tightening repayment plans and lending less and less money to keep companies afloat and this is causing a large pool of bankruptcies to build up. Many of these companies are no longer able to stay open, so they are added to either a Chapter 11 payment program or an outright Chapter 7 liquidation. That is the end result of the lending boom we experienced.

The intricacies of bankruptcy work begin with these chapters of the Bankruptcy Code that govern how debtors and their assets are handled. Most people have heard of Chapter 7, 11, and 13 bankruptcies, but may not know how these affect liquidations of assets. Add to this the 341 and 363 hearings and you may find yourself in a minefield of information without knowing where to find the exit.

Examples:

- Chapter 7 Bankruptcy – this is the personal bankruptcy when assets are gathered and liquidated to settle personal debts
- Chapter 11 Bankruptcy – reorganization bankruptcy – usually used for corporations or partnerships
- Chapter 13 Bankruptcy – repayment plan bankruptcy where a wage earner agrees to a payment plan to repay creditors over three to five years.
- Chapter 12 Bankruptcy – reorganization bankruptcy for farmers and commercial fisherman

Hearings:

- 341 Hearing – meeting of the creditors in a Chapter 7 or 13 bankruptcy
- 363 Hearing – governs the sale of debtor's assets

As you can see, there are facets of the Bankruptcy Code you may never have heard of. You may





read through cases in the local newspaper or online and skim over these items because they are not a part of your business vocabulary.

The program I am presenting at the Minnesota State Conference and Show helps to give you a roadmap to follow as you tread into the world of bankruptcies. In the program we will discuss the laws behind the US Trustee program, the various chapters of the Bankruptcy Code, the use of the PACER system, the inner workings of the 341 and 363 hearings, and many other items that will be useful to auction professionals.

This information is presented in a straightforward format so that each member of the audience can follow along and gather information. In addition, we will have question and answer segments where the audience members can clarify information presented. I will present examples of bankruptcies our company has been involved with (on the liquidation side) and the pitfalls we encountered as we built this end of our business.



Negotiating Tip

Never Say List #2

John Hamilton, DREI
www.GoodNegotiator.com
 Contact 



In Part 1 we identified some words and phrases that should be added to your “Never Say List.” You may recall we suggested in #1 that you avoid the word “between,” as in giving a range of numbers, and in #2 the question “Why don’t you throw out a number?”

Let’s build on those with two more “never say” candidates:

3. “I’m the decision maker”

While it’s nice to be decisive and the one making the call, in negotiating you don’t want to be in that role (or let on you are in that role, even if you are). You might not need the leverage or strategy of having to check with someone else before agreeing to a deal, but it’s always good to have that option in reserve. You don’t have to disclose the need to check with someone else when the bargaining begins nor do you have to say that you’re the final decision maker. Just keep that option in reserve, and avoid saying “I’m the decision maker.”

4. “I think we’re close to a deal”

If you are, then close the deal! Giving your opinion serves no useful purpose. It can only work against you. You just don’t need to announce your perception of the proceedings.

By using that phrase you are telling your opponent that you think the deal is imminent. Upon hearing

that, they’d be wise to start stalling a bit or slowing things down. That’s because you may be vulnerable to bargaining fatigue and even considering concessions that you’d later regret in a rush to the deal.

Actually, a very powerful alternative is that when you THINK you’re close, consider sharing, “I sense we’re still a good ways apart.” Your opponent will be confused because that’s probably not their take on things and then they may feel pressure to consider concessions to keep the bargaining going.

As we said before, every situation is unique and has its own pressure points, but shooting oneself in the foot by saying the wrong thing can be costly.

If you, like me, are prone to utter these “Never Say” words and phrases, then raise your attention to avoiding them or developing alternatives that are more productive and powerful.

It’s all part of perfecting your skills as you Keep Negotiating.



MSAA Membership Application

Our Association is an organization of licensed auctioneers. With the support of its membership, the association works to promote the auction profession. We are governed by an annually-elected president, vice-president, secretary/treasurer, and nine board members. These board members serve in revolving three year terms. All past officers and directors comprise an advisory committee.

Membership Benefits

- Multiple educational seminars on topics pertinent to auctioneering, marketing, appraising, government regulations, small business growth & management, and cultural enrichment
- Complimentary subscription to The Minnesota Auctioneer, the official membership publication with news and informative articles from around the state
- Combined legislative influence as membership grows
- Policing body to maintain ethical practice and thus reputation for the industry as a whole in our state
- Mentoring and problem solving with other auctioneers
- Voting privileges in annual business meeting
- Permission to use the MSAA logo in advertising and compete in marketing competitions
- Updated directory of all MSAA members

Any auctioneer with a current license is welcome to join. New applicants become members by submitting a completed membership application (right) with proper payment.

Members must pledge to be faithful to all buyers and sellers. Members are also expected to show loyalty to the organization by actively participating in state activities and events.

Annual Dues Only \$100

(Include dues check for \$100 in envelope with this application.)

- New Membership
- Membership Renewal
- Membership Reinstatement

Name: _____

Company Name: _____

Address: _____

City: _____ State: ____ Zip Code: _____

County: _____ MN License Number: _____

Email: _____

Work Phone: _____

Home Phone: _____

Cell Phone: _____

Signature of Applicant: _____

Auxiliary Dues - \$5.00

Spouse Name: _____

Spouse Email Address: _____

Membership is from January 1 to December 31. Members who join after October 1 will receive membership for the remainder of the current year and the entire following year. All members are expected to act in a professional manner and conduct an ethical business.

Questions? Call Toll Free! 800-440-9398

To submit this form, fill out then print a copy and attach any extra requirements.

Return with payment to:

Minnesota State Auctioneers Association

c/o Frank Imholte, Executive Vice President
8160 County Road 138, St. Cloud, MN 56301



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MSAA Hall of Fame Nomination

Nominations must be postmarked no later than July 1 of the year preceding the presentation of the Hall of Fame Award. Mail nomination to:

Lowell Gilbertson, Hall of Fame Committee.

Name of Nominee: _____

Residence Address: _____

Phone: _____

Business Information:

Name of Firm: _____

Position: _____

Number of Associates or Partners in Business: _____

Business Address: _____

Phone: _____

Personal and Family Information:

Name of Spouse: _____

Does spouse participate in the Auction profession? Yes No

If yes, explain: _____

Is spouse a member of the MSAA Auxiliary? Yes No

Give names and ages of children: _____

General Professional Information:

How long has the Nominee been involved in the auction business?

What percentage of the Nominee's time is actively spent in the auction business?

How long has the Nominee been a member of the MSAA?

Has the Nominee specialized in any particular field of Auctioneering?

List educational background of the Nominee. (Include offices held, current and past):

1) _____

2) _____

3) _____

List regular auctions conducted, if any, and/or special individual auctions conducted which have brought attention and credit to the profession of auctioneering.

1) _____

2) _____

List at least three individuals who have worked with the Nominee or who have knowledge of the Nominee's worthiness of being considered for this award, whom the Hall of Fame Committee may contact:

1) _____

2) _____

3) _____

Previous recipients of the MSAA Hall of Fame Award have established some general qualifications which they feel each Nominee should possess or have shown. Please reflect your personal assessment of the Nominee with respect to: HONESTY, HIGH ETHICAL STANDARDS, WILLINGNESS TO SHARE WITH OTHERS, STANDING IN HIS OR HER COMMUNITY, AND MASS CONTRIBUTIONS TO THE AUCTION PROFESSION.

Narration: (Attach separate sheet.)

Submitted by: _____

Address: _____

Phone: _____

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Lowell Gilbertson, MSAA Hall of Fame Committee
2661 Oak Hills Dr. SW, Rochester, MN 55902



MSAA Auxiliary Hall of Fame Nomination

Qualifications for Nominees:

- Spouse must be a member in good standing in the MSAA (or past member if widowed).
- A member of the MSAA Auxiliary with recent or previous active participation.
- Participation in a related business to the auctioneering profession.
- Active in community, church, charitable or volunteer organizations.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____

Name of Spouse: _____

Business Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____

(Attach separate sheets if necessary.)

Auxiliary Participation:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

Community Activities:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

Personal Comments: (Attach separate sheet.)

Please include as much detail as possible on all areas. Nominations must be postmarked no later than August 1 of the year preceding the presentation of the Hall of Fame Award.

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Deb Ediger, Committee Chairperson
218 W. Main, Belle Plaine, MN 56011
952.873.2292 or 952.873.6972



Annual Scholarship Application

**Scholarships for \$1500 each (subject to change) from the
MSAA and MSAA Auxiliary
Deadline: November 1**

Date: _____

Name _____ Age: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Date of Birth: _____

Relationship to ACTIVE MSAA or Auxiliary Member:

Child Grandchild Niece Nephew Auctioneer Spouse

An Active Member means he/she should attend MSAA Conferences/ Meetings on a regular basis and be interested/involved in promoting the MSAA/Auxiliary auction profession. Must be a member of the MSAA or Auxiliary for three consecutive years.

Name of Relative: _____

Address: _____

City: _____ State: _____ Zip Code: _____

NOTE: Only one scholarship per candidate. If unsuccessful in your application one year, please reapply.

High School Graduated from: _____ Year: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Name of College or University of enrollment: _____

Address: _____

City: _____ State: _____ Zip Code: _____

CHECKLIST

1. Scholastic Information – GPA: _____

(If senior in high school or current college full-time student. Need not be official.)

2. Honors or Community Involvement:

(List any or all school, community, club, sports and academic activities)

a) _____

b) _____

c) _____

d) _____

e) _____

3. ESSAY: Be unique and creative! Please state what you've learned from your experience in the auction profession and what you would do with the scholarship funds. The essay needs to be completed without including any names or business names that would identify the applicant or their active MSAA member. **(This is important because the Scholarship Committee is presented the essay with this information removed so the identity of the applicant is not revealed to them. The Committee is judging the content of the essay while avoiding any prejudice by the inclusion of names.)** Please complete on a separate page, sign and ATTACH ESSAY TO THIS APPLICATION FORM.

4. Please attach a copy of the letter of acceptance or proof of enrollment in your school of higher education.

5. Current letter of recommendation is required for ALL scholarship applicants.

Absolute Deadline – Must be postmarked by November 1

Relative of winner will be notified before the annual convention. Winner and MSAA Auxiliary member relative are encouraged to attend the Saturday evening President's Banquet at the annual Minnesota State Auctioneers Association Conference and Show.

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Sara Fahey, Committee Chairperson
661 E. Forest St. Belle Plaine, MN 56011, 952-873-2682

Scholarship Committee: Conny Rime (chair), LuAnna Finnilla, Anita Aasness



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Rick Berens Scholarship Application

Funds available will be determined from the proceeds of the Rick Berens Scholarship Fund.

Deadline: November 1

Date: _____

Name _____ Age: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Date of Birth: _____

Relationship to ACTIVE MSAA or Auxiliary Member:

- Child Grandchild Niece Nephew Auctioneer Spouse
 Employee

An Active Member means he/she should attend MSAA Conventions on a regular basis and be interested/involved in promoting the MSAA/Auxiliary auction profession. Must be a member of the MSAA or Auxiliary for three (3) consecutive years.

Name of Relative: _____

Address: _____

City: _____ State: _____ Zip Code: _____

NOTE: Only one scholarship per candidate. If unsuccessful in your application one year, please re-apply. If no qualified recipients apply, there will not be a Rick Berens Scholarship award that year.

Name of College or University of enrollment: _____

Address: _____

City: _____ State: _____ Zip Code: _____

CHECKLIST

1. Complete and attach the Official Applicant Form.
2. Submit Essay: Be unique and creative! Please state what you've learned from your experience in the auction profession and/or what you would do with the scholarship funds. Please complete on separate page, sign, and ATTACH ESSAY TO THIS APPLICATION FORM.
3. Attach a letter of recommendation from a current, active MSAA member. This is required for ALL scholarship applicants.
4. Use this scholarship toward tuition at an auction school.

Absolute Deadline – Must be postmarked by November 1

Relative of winner will be notified before the annual convention. Winner and MSAA/Auxiliary member are encouraged to attend the Saturday Night President's Banquet at the Annual Minnesota State Auctioneers Association Conference and Show.

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Rick Berens Scholarship
 c/o Sara Fahey
 661 E. Forest Street
 Belle Plaine, MN 56011

Scholarship Committee: Renee Berens and Anita Aasness



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