

# MSAASUPPLEMENT

## The Brass Tacks



**MSAASUPPLEMENT**

April 2011 | Issue 31



# 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

After the first issue it was brought to our attention that some sections may be too small to read easily. A quick way to remedy this is to go up into your VIEW menu at the top of your screen and scroll down to zoom, or even turn on the "View at Full Screen" option. These are just a few of the simpler options available. Plus, don't forget you can also print the document.

# Upcoming Events

## 2012 MSAA Conference & Show

- Training Sessions
- Minnesota State Champion Auctioneer Contest
- Networking
- Fun!

Thursday, January 26—Saturday, January 28, 2012  
 Marriott Southwest, Minnetonka, Minnesota

# Contents

## 5 THINGS I LEARNED ALONG THE WAY

From the Desk of the Past President

*Les Stromberg*

## 6 A FEW TIPS ON BEING ORGANIZED

Start with Lists

*Bret Walters*

## 8 THE CHANT IS NOT IMPORTANT!

Art and Business

*Steven Proffitt*

## 12 NAA UPDATE

From the Desk of the CEO

*Hannes Combest, CAE*

## 14 MEETING IN THE MIDDLE

Negotiation Tip

*John Hamilton, DREI*



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## DESIGN

Rock on Design 

# Announcements

## Stolen

A dealer in NW Minnesota had 2 snowmobiles stolen:

- 2010 Polaris 800 Dragon (red) (OR...it could be a red Polaris 800 with dragon graphics?? I saw it listed both ways on the Internet)
- 2009 Polaris 800 RMK Shift 144 (black)
- A 1911 Colt (Ser no 190599, Property US Army, Manufactured 1917, Original o d black) taken from a recent gun show in Stillwater over the weekend. This firearm is not a arsenal rebuild. If this gun shows up at Auction Contact Stillwater MN Police Department 651-351-4900.

Please keep an eye out for them.

## 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](mailto:frank@solditatauction.com)





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**MSAASUPPLEMENT**

April 2011 | Issue 31



# Things I Learned Along the Way

*From the Desk of the Past President*

**Les Stromberg**

Past President, MSAA  
StrombergAuctioneering.com

Contact 



I was told that this article could be about life experiences, auctioneer experiences, or reflections on the last year I spent as President of the MSAA. However, I thought I would share an experience I had AFTER the 2011 Conference and Show (the President's Donation).

I chose the Kanabec County Hospice Program. We volunteer there every fall and help them with their annual fundraiser. When I showed up with the \$500 check from the Minnesota State Auctioneers Association, they were overjoyed.

They had questions like, "How did you know we needed the money?" and "How did you know we ended up in the RED in 2010?" Of course, I did not know these things.

So I suggested that we use a little 'auctioneering magic' and make this \$500 grow. We did local radio advertising and started a Friends of the Hospice Community Match Event.

The Hospice program is a not-for-profit government agency, and although reimbursements are provided through Medicare and most insurance companies, they do not cover the total costs of the

services, medications, equipment, and supplies. Furthermore, County Hospice Programs continue to provide services to those with no insurance or ability to pay.

Services provided by Hospice include: in-home nurse visits, home health aide visits, social services, end of life and symptom management education, spiritual comfort, primary caregiver volunteer respite services, and bereavement services.

It wasn't long before offers to match or exceed the MSAA initial \$500 started to roll in. In a down economy, we were able to turn \$500 into \$2,876 in just two weeks.

We presented it to the Kanabec County Hospice in the form of one large check from the MSAA right after Valentine's Day. Thank you members of the MSAA for allowing me to make and grow the president's donation. ■



## MSAA SUPPLEMENT

April 2011 | Issue 31



# A Few Tips on Being Organized

## Start with Lists



**Bret Walters**

MSAA Director  
Grafe Auction Company

Contact 

*"Where is my staff?"*

*"I can't find my phone!"*

*"Where is the cord for the computer?"*

*"Darn, I forgot the GPS."*

*"Where are the signs?"*

*"Where is my report for work?"*

*"I just did not have time."*

**D**o some of these quotes sound familiar? I bet they do! We live in a fast-paced business environment that keeps us moving and constantly trying to remember everything throughout the day. Some like to say that they have "organized chaos" in their life. I like to call it a *mess* or a *distraction*. Here are a few simple tips to help make life easier.

## Make lists

Always have a notepad with you for jotting down notes, a calendar for dates, or with today's electronics, the cell phone has many of these applications such as maps, a camera, video recording, GPS, and writing files available.

1. Making lists will help organize your day. These lists should include scheduling your time, phone calls, appointments and yes, even shopping lists. Make a list so that you don't forget important appointments, to pick up equipment, or even get the kids.

## Project Preparation

When planning a project we need to organize our time, as well as our staff, for maximum production.

1. Make lists of items needed for the project. Pick out the equipment that will be needed, such as trucks, trailers, clerk carts, forklifts, tractors, and any other equipment necessary.
2. Look within your staff to see who can handle the tasks that are going to be required. Certain

projects may require outside expertise to be completed professionally.

3. Order in advance any items the project will require. This will ensure that you have an efficient, organized sale. It also makes life so much easier.

## Two of Anything

When planning for a project, I like to have two of the more common items needed for the project.

1. Extra supplies of pens, paper, tape measures, etc. These more commonly-used items can save a lot of headaches later. By having the extra items with you, the staff does not have to wait or leave the project site.
2. Additional equipment such as trailers, tractors, and forklifts should be considered if there is a need for any of them during setup, removal, deliveries, and even getting around the project site.

Start to organize yourself everyday to see if it can ease the stress you may be incurring at work or in your personal life. These tips can help





make life much easier for you. I made it my New Year's Resolution to get more organized and be better prepared for each day. Here is what happened after one week!

Take a look at the photo. Do not let this happen to you; things have become better with the more time and effort that I put in to keep myself organized. ■

*“Do not let this happen to you.”*



# THE CHANT IS NOT IMPORTANT!

*Art and Business*

**Steven Proffitt**

J.P. King Auction Company, Inc.

Contact 

**N**ow that I have your attention, let me say this clearly—I love good chanting! It's always delightful to listen to the top practitioners roll through the numbers. But I hate the priority that auctioneers give the chant. Many believe the chant is the be-all and end-all of auctions. This elevation of chanting is sorely misplaced and obscures what's really important in auctions—and it's not the chant.

## Art

The problem turns on auctioneers not distinguishing between art and business. The chant is art—like singing a song. It takes talent and a lot of practice to be good. But conducting an auction is not art, it's business—and the chant is not the business of an auction.

If you don't agree, here are two questions:

First, have you ever heard of an auctioneer being sued because he's a poor chanter? You haven't and you won't. That's no basis for a lawsuit.

Second, have you ever heard of an auctioneer doing something wrong, but getting off the hook because he's a good chanter? Again, you haven't and you won't. The law doesn't care a wit about the quality of the chant. *[Note: I said "quality." I didn't say "accuracy" or "honesty" and the law cares plenty about those aspects of the bids called.]*

So what's the most important thing that an auctioneer does in an auction? The answer is simple if we break it down.

## "ABCs"

Let's start by understanding that auctioneers don't conduct auctions so they can chant. Auctioneers conduct auctions to make sales.

Now what's the basis for a sale? It's not the chant. The basis for a sale is a promissory agreement between a seller to sell, and a buyer to buy whatever is the subject of the offering. The agreement these parties reach is a legal contract. All selling turns on contracts for sale and is controlled by that body of law. That's why I teach a seminar I call, *"The ABC's of Auctions—Auctions are 'All 'Bout Contracts!'"*

The role of the auctioneer in the selling equation is equally fundamental. An auctioneer serves as an agent for a seller to form contracts for sale between the seller and the respective buyers of the lots offered. The auctioneer might do this by using a chant, or he might never chant. Chanting means nothing in forming a contract for sale and that's why it's not worthy of the priority auctioneers give it. It's just art. Indeed, auctioneers at the top houses often don't chant and they annually sell many millions of dollars of assets.



# MSAASUPPLEMENT

April 2011 | Issue 31





*“Many auctioneers never give more than rudimentary terms and then give the same ones at every auction.”*

**Definition**

Understanding that contracts and not the chant are the nucleus of the auction, we can easily determine the single-most important component of every auction—it’s terms. Nothing ever trumps the terms of an auction in importance—nothing! That’s because the terms define the contracts for sale that are formed between the seller and buyers. If the terms are clear, complete, and correct, the auction can be conducted in protection and furtherance of the seller’s interest. If the terms are anything less, the seller is in an inferior position and could suffer adverse consequences and damages.

**Confusion**

Unfortunately, many auctioneers don’t understand the important role of terms. As a result, they make two critical errors:

First, these auctioneers view the terms of the sale as a burdensome preliminary that can’t be trimmed enough to get on with what they see as the really important part of the auction—chanting bids. One word answers this thought—wrong!

Second, many auctioneers never give more than rudimentary terms and then give the same ones at every auction. Often these terms are no more than a canned spiel that was memorized in auctioneering school. These simplistic and generic terms are frequently incomplete, vague, sometimes contradictory, and often wrong for the auction to be conducted. Just as sellers differ in their interests, needs, and goals so, too, terms must be customized to best serve them.

**False Start**

So why do many auctioneers fail to give terms the preeminent role they deserve? It’s because that’s what they were taught and they’ve never challenged that idea.

Unfortunately, from the first day of auction school, the central focus for most students is learning to chant. The reason is that’s what they identify with auctioneering, and that’s what they like the most. This is why so many bid-calling contests have sprung up across the auction landscape.

While bid-calling contests generate a lot of interest and highlight the





*“The law focuses on the business aspects of the auction and that’s what auctioneers must focus on, too.”*

artistic ability of the contestants, they fail to spotlight the far more important business side of auctions. Emphasizing art over business can be dangerous if auctioneers fail to recognize the distinction.

Today, every auctioneer wants to be “the best” chanter—the champion—to have a belt buckle, or trophy, or ring that proclaims his or her unique talent. While that’s fine, the law doesn’t care about the quality of the auctioneer’s chant. The law focuses on the business aspects of the auction and that’s what auctioneers must focus on, too.

### Conclusion

If you’re a new auctioneer, keep practicing your chant. Polish it so you can be proud of it and everyone will enjoy listening to you.

If you’re a seasoned chanter, congratulations! Show off your talent at every chance.

In either case, never forget that chanting is just art. It’s not the purpose for which auctions are conducted.

Auctions are conducted to sell assets, and these sales are founded upon contracts. Terms define contracts for sale and nothing ever trumps them in importance—not even the chant. ■

*Steve Proffitt is general counsel of J. P. King Auction Company, Inc. ([www.jpking.com](http://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](mailto:sproffitt@jpking.com).*

*John Stephen Proffitt III  
© March 2, 2011*



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**MSAASUPPLEMENT**

April 2011 | Issue 31



## NAA Update

*From the Desk of the CEO*

**Hannes Combest, CAE**  
Chief Executive Officer  
National Auctioneers Association



**A**s I write this in early February, the “Blizzard of 2011” has recently made its exit from Kansas and headed north and east.

I’m sitting in my little house in Lawrence, Kan., looking at snowdrifts that are almost as tall as I am, and I’m dreaming...not of a White Christmas, but of Orlando, Fla., in July! I know that in Orlando I will feel the heat and humidity and perhaps think fondly back to the 2011 blizzard (maybe—and then again, maybe not!).

But what I know for sure is that I won’t have to deal with snow in Orlando. I will get to see many of the friends and colleagues I’ve met over the past three years at the International Auctioneers Conference and Show. As I write this, the brochure and forms for the conference are at the press, the March issue of *Auctioneer* is being produced, and soon NAA members will receive all three publications.

I hope what you see will excite you. We’ve worked hard to put together a quality education program that will provide you the information you need to either grow your business or make you more efficient. Both actions have the same result—they add money to your bottom line. We have kept the same tight schedule we initiated last year, allowing you to fly/drive to Orlando on Tuesday and leave Saturday afternoon and not miss one single thing.

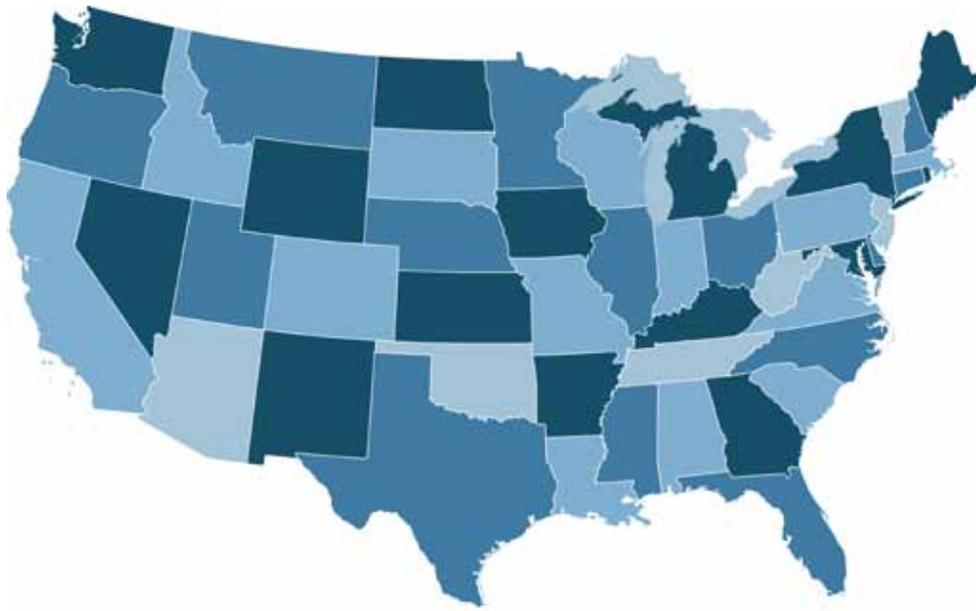
This means you have less time away from your office or from your friends and family.

As you look at the brochure and forms, you may ask yourself, “I just attended my state convention, why do I need to go to both?” I could answer this question quickly by saying, “You can never have too much education.” But the truth is...you can never have too much education.

The professional development opportunities offered by your state may meet your state’s license requirements and may meet your continuing education requirements to maintain your educational designations. The education at the NAA will also meet those needs. You will have access to three and a half days of quality programs, many of which will focus on specialized niches you have within your auction business.

While at your state association events, you will see the friends and colleagues you have met from across your state. At the NAA’s Conference and Show, you will see the friends and colleagues you have met from across the nation or world.





Our hope is that you don't select one conference over the other. The decision you need to make is a commitment to improving your business in the most effective way possible—learning from as many people and incorporating as much information as you can to add money to your bottom line.

And don't forget to talk to your accountant, as business-related continuing education and expenses may be tax-deductible for you.

Don't discount what a little break from the day-to-day grind of work can provide.

Lonnie McCurdy, from Kansas, told me that he schedules the NAA conference on his calendar every year; otherwise, he would never get a break. That's good for Lonnie, his family, and his business.

So make your plans now to attend the NAA Conference and Show. And while you are there, look me up! I'll be there—without my snow shovel! ■



## Meeting in the Middle

### Negotiation Tip



**John Hamilton, DREI**  
[www.GoodNegotiator.com](http://www.GoodNegotiator.com)  
 Contact

**O**ne thing Americans pride themselves on is being fair. As a matter of fact, if you want to get under the skin of an American, just accuse them of being unfair.

This obsession with fairness leads too many of us into 'bad deals' or foolish actions when negotiating. This vulnerability is especially evident when an opponent's final proposal suggests that we 'meet in the middle.'

Let's not let this myth continue any longer. Meeting in the middle or splitting the difference is a horrid way to proceed. When you think about a negotiation objectively, the only time that agreeing at some mid-point makes sense is when the mid-point was your objective when you began the bargaining.

Meeting in the middle or splitting the difference is aiming at the average of two anchor points by opposing sides. Is your goal to achieve 'average?' It's as silly as putting one foot in a bucket of ice water, the other in a bucket of scalding water and announcing, "On average, I feel pretty good!" No you don't. Both feet are in pain or at least uncomfortable.

So what's the counter strategy to this tidal wave toward meeting in the middle that seems to carry so many along?

#### Two quick thoughts

First, focus on the initial positions. The mid-point is often half-way between the opening positions of the respective sides. If your opening position is 'reasonable' but the other side is not, use the crunch

to move their position before you offer any additional concessions.

Second, be prepared to announce at some early point that you are uncomfortable with the trend of concessions. Voice objection to any trend that appears to be headed for an unacceptable mid-point. Let your opponent know that your concessions will either stop or become smaller to avoid that unacceptable mid-point target.

#### Exceptions

If you are desperate for a deal or if the likely mid-point is your 'good deal' target, keep on the course toward splitting the difference. If you are not desperate and cannot live with a mid-point solution, alter the negotiation trend as early as possible. Being fair should always be our ethical objective. But do not become vulnerable when this label is applied to you in an unwarranted manner.

Good negotiators tend to control events rather than let event control them. That's fair, isn't it?

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: \_\_\_\_\_

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



# MSAASUPPLEMENT

April 2011 | Issue 31



# 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 July 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

**Two Scholarships of \$1,200.00 each (subject to change)  
from the MSAA & MSAA Auxiliary**  
**One Scholarship of \$1,200.00 (subject to change)  
"Vi and Orlin Cordes Memorial Scholarship"**  
**Deadline: November 1, 2011**

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 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 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/or 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 (required if applying for the MSAA or Vi and Orlin Cordes scholarship).

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

### Absolute Deadline – Must be postmarked by November 1, 2011

*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 Convention.*

To submit this form, fill out then print a copy and attach any extra requirements.  
**Return to:**  
 Peggy Imholte  
 8158 Co. Rd. 138, St. Cloud, MN 56301  
 Scholarship Committee: Alice Goelz (chair), LuAnn Finnila, and Sara Fahey

