



Agricultural Law Update

February 2013

PRESENTING YOUR CASE TO THE BOARD OF REVIEW

- Joshua M. Wease

March Boards of Review are just around the corner. Some property owners are required to meet with the Board of Review to pursue an adjustment of their property's value. The Board's meeting times should be stated on the annual property tax assessment notice that owners receive in February. Property owners should contact the Assessor's office early to confirm Board of Review meeting dates and to schedule a time. The Board of Review will likely have other forms that need to be completed as part of the appeal process. Property owners should also keep in mind that they have limited time to appeal to the Michigan Tax Tribunal if they are unsatisfied with the Board of Review's decision. Here are five tips to make an effective presentation to the Board:

- 1. Carefully review the property's assessment record card.** The Board of Review is the ideal time to address errors in the property record card. Obtain a copy from the Assessor's office in advance of your meeting time. Some of the features you should confirm include: the measurement and value of the land; measurements of the building(s); number, measurement and use of rooms; and other various property features detailed in the record.
- 2. State specific reason(s) for your appeal.** Coming to the Board of Review and just arguing "the value is just too high" or a general "everybody's property values have fallen" is not enough. Are there errors in the property record card? Are there comparable sales in your area that should be considered? An appraisal with a valuation date of the applicable tax day is the best evidence for pursuing a decrease in your assessment.

- 3. Support your argument with documentation.** Once you have a specific reason for a decrease, you must present the Board with proof. In the case of a residential home, this may be a combination of an appraisal, pictures of the home, list of comparable sales, surveys of the property or scale drawings of the home's measurements (depending on your argument). Be sure to bring copies of the documents you submit to the Board for consideration
- 4. Propose a specific property value.** If the Board finds that the property is over assessed, it is charged with setting your property at a specific value. The Board may not agree with your proposed value, but they may consider it when setting the property's value
- 5. Provide a written summary.** When presenting to the Board of Review, always keep in mind that they may be hearing hundreds of cases over the course of a few days. Providing an organized and clear written summary of your assertions with attached copies of your proofs will make your case better understood and more persuasive when you may be dealing with a fatigued Board. This summary may take the form of a memo or formal letter to the Board of Review. ■■



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CELEBRATE NATIONAL FFA WEEK

- Liza C. Moore

"I believe in the future of agriculture, with a faith born not of words but of deeds. . . ." To me, those first lines of the FFA Creed, known by generations of FFA members, quickly sum up the importance of the FFA and its members. FFA is a tremendous organization for young agriculturalists, which truly develops students' potential for premier leadership, personal growth and career success. Personally, I use skills I started to develop in FFA every day as an attorney. That is what makes FFA so valuable—the contests and activities students participate

in through FFA teach practical lessons and skills that translate to the real world, on and off the farm. My days in the blue jacket gave me lifetime friendships and countless positive experiences. National FFA Week is February 16-23. Michigan FFA continues to grow and help young people in the agricultural industry. To find out ways you can help the future of agriculture check out your local chapter or visit: www.michiganffa.com ■■

APPLICATIONS FOR MICHIGAN AG EXPORTER OF THE YEAR DUE MARCH 12, 2013

- Liza C. Moore

The Michigan Department of Agriculture and Rural Development (MDARD) is accepting applications until March 12, 2013, with the top exporter receiving recognition at an event to be announced at a later date. To be eligible for the award, a company's products must be over 50 percent grown, processed or manufactured in Michigan. Companies with headquarters in other states, but production facilities in Michigan, are invited to apply on the basis of their Michigan-made exports. Past award recipients are eligible to apply five years after their initial award if they have significantly increased their exports or expanded into new markets. The "Michigan Agriculture Exporter of the Year" application requests background information on the company and its products, the percentage growth of company exports, and the company's export destinations.

"We are committed to supporting the agri-businesses and food processors that are helping reinvent Michigan," said Governor Rick Snyder. "This honor assists us in recognizing the high quality and diverse agricultural products Michigan offers to help us compete in the global marketplace."

"Numerous Michigan's food and agriculture companies are expanding into new global markets due to increased demand

for Michigan grown and produced products," said Jamie Clover Adams, MDARD director. "In 2011, Michigan agricultural exports represented nearly \$2.8 billion in economic activity and employed over 20,000 residents. Exports will play a vital role in growing our industry."

Previous winners include: Graceland Fruit, Frankfort; Zeeland Farm Services, Walters Gardens Inc., Zeeland; Honee Bear Canning, Lawton; Cooperative Elevator Company, Pigeon; Cherry Central, Traverse City; and Michigan Apple Committee, DeWitt. ■■

For more information, please contact [Jamie Zmitko-Somers](mailto:JZmitko@michigan.gov), International Marketing Program Manager, at (517) 241-3628, zmitkoj@michigan.gov. To download the application, please visit: www.Michigan.gov/agexport.



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BANKRUPTCY COURT APPROVES SALE OF STAMP FARMS ASSETS TO BOERSEN FARMS

- Laura J. Genovich

Following an expedited auction process, the United States Bankruptcy Court for the Western District of Michigan entered an order on February 8, 2013, approving the sale of substantially all of the assets of Stamp Farms to Boersen Farms, Inc. As many Michigan farmers are aware, Stamp Farms (and related entities) sought Chapter 11 bankruptcy protection on November 30, 2012. Because Stamps Farms leased thousands of acres of farmland from West Michigan farmers, the bankruptcy filing created uncertainty and confusion for hundreds of lessors.

Most of those leases are included in the sale to Boersen Farms. As part of the approval of the sale, any defaults under the leases will have to be cured (paid) by March 30, 2013. The leases will then continue according to their terms with Boersen Farms as the new lessee.

Although the court has approved the sale, as of this writing, the sale has not yet closed. If the sale fails to close as anticipated, then the assets may instead be sold in one or more "parcel sale auctions," where the assets are sold piecemeal rather than to a single purchaser. ■■

If you have questions about the Stamp Farms bankruptcy, please contact [Laura Genovich](mailto:lgenovich@fosterswift.com).



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SEMINAR

AGRICULTURAL MARKETING: FUNDAMENTAL TOOLS AND STRATEGIES FOR AN EVER-CHANGING MARKETPLACE

Featured Presenter: Naomi Blohm

Senior Market Advisor, Stewart-Peterson

Date: Tuesday, March 5, 2013 8:30 a.m. – 12:00 noon

Location: Foster Swift Collins & Smith PC
313 S. Washington Square, Lansing MI 48933

Register: Call Kim Hafley at 517.371.8112
or reply@fosterswift.com

Cost: FREE



The half-day program provides an overview of the marketing fundamentals necessary to develop a consistent, disciplined marketing strategy in an era of unpredictability. With growing market volatility and narrowing profit margins, understanding the significance for marketing and market scenario planning is crucial to long-term success.

Topics covered include:

- Market analysis including the world economic conditions and resulting supply and demand
- Basics of the cash marketing tools
- How futures contracts work

- Tracking and managing input costs
- Tools in the ag marketing toolbox
- Risk management and scenario strategies

Walk away with strategies that your farm can use today. Examples will include the grain, livestock and milk markets.

Naomi Blohm is an expert at advising farmers how to manage their cash marketing needs and properly use futures and options. Known for her ability to clearly communicate complex concepts, Naomi regularly leads marketing and risk management seminars throughout the United States and has been the featured speaker for many organizations. She also regularly provides media commentary on *Market to Market*, produced by Iowa Television and aired on PBS stations across America, as well as Top Farmer Intelligence Report, www.agweb.com and others.

Naomi earned her Bachelor of Arts in Political Science with a minor in Agriculture Business at the University of Wisconsin. She has a Master of Science in Adult Education with an emphasis in Ag Economics, from the University of Wisconsin, and a Master Certificate in Global Education from the University of Wisconsin, Oshkosh.

WEBINAR

INDEPENDENT CONTRACTOR OR EMPLOYEE? MISCLASSIFICATION CAN BE COSTLY!

February 20, 2013

Register: bit.ly/Misclassification-Webinar

Cost: FREE

Accurate classification of individuals as employees or independent contractors is more important than ever due to data sharing among governmental agencies and increased enforcement.

This webinar will provide an overview of:

- A review of the factors that are considered, to determine whether an individual is an employee or an independent contractor
- The importance of a well-drafted Independent Contractor Agreement

- The financial repercussions for misclassification
- What to do if you are audited or if a "contractor" files for unemployment or otherwise calls your classification into question
- The availability of amnesty programs

The program will be led by attorneys Deanna Swisher and Todd Hoppe. Deanna is a commercial litigator with extensive experience with crafting and defending independent contractor agreements. Todd is a business and tax attorney who regularly counsels clients on tax compliance.



2013 DCP AND ACRE SIGN-UPS BEGIN FEBRUARY 19, 2013

The USDA Farm Service Agency announced it will begin sign-ups for the Direct and Counter-Cyclical Payment Program (DCP) and the Average Crop Revenue Election Program (ACRE) on February 19, 2013. These programs were extended by the American Taxpayer Relief Act of 2012. For more information, please visit the FSA website: bit.ly/DCPSignups

DATES TO REMEMBER:

February 16-23, 2013 | National FFA Week | bit.ly/FFAWeek

February 19, 2013 | Farm Service Agency will begin sign-ups for Direct and Counter-Cyclical Payment Program (DCP) and the Average Crop Revenue Election Program (ACRE) for 2013 crops | bit.ly/DCPSignups

February 20, 2013 | Legal Considerations Essential to Export Success Overview, 8:30 a.m. – 9:30 a.m., Foster Swift webinar by Jean Shtokal | bit.ly/ExportSuccess

February 20, 2013 | Independent Contractors vs. Employee? It Matters! Webinar, Deanna Swisher & Todd Hoppe | bit.ly/Misclassification-Webinar

February 20, 2013 | Michigan Agri-Business Association Lansing Ag Club Breakfast, 7:00 a.m., Radisson Hotel, Lansing, MI. | www.miagbiz.org/

March 5, 2013 | Agricultural Marketing: Fundamental Tools and Strategies for an Ever-Changing Marketplace, 8:30 a.m. – noon, Foster Swift event featuring Naomi Blohm of Stewart Peterson, Foster Swift office, Lansing, MI. | bit.ly/ChangingMarket

March 6-8, 2013 | Michigan FFA State Convention, East Lansing, MI | bit.ly/FFAconvention

March 12, 2013 | Deadline for applications for the Michigan Ag Exporter of the Year | bit.ly/AgExporter

March 13, 2013 | Michigan Agri-Business Association Lansing Ag Club Breakfast, 7am, Radisson Hotel, Lansing, MI. | www.miagbiz.org

March 19, 2013 | National Agriculture Day | www.agday.org

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LANSING

FARMINGTON HILLS

GRAND RAPIDS

DETROIT

MARQUETTE

HOLLAND

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