

# Auctioneer

SEPTEMBER 2012

The official publication of the National Auctioneers Association

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Hall of Fame  
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**J.J. Dower**  
CAI, AARE, ATS, NAA President

National Auctioneers Association President J.J. Dower, CAI, AARE, became a member of the association in 1987. He earned his CAI designation in 1991 and was President of the Tennessee Auctioneers Association, in which he is a Hall of Fame member, in 2001-02. Dower, a partner in LaFollette, Tenn.-based Ayers Auction & Realty — a MarkNet Alliance member, also serves as CEO of MarkNet. His wife and business partner, Traci Ayers-Dower, CAI, AARE, and their two daughters, Addison Ayers-Dower and Alissa Dower, also are NAA members.

# NAA leaders are headed in the same direction

**D**uring the President's Gala at Conference and Show in Spokane, Wash., I sat on the stage and was struck with how much fun everyone was having.

People in the audience were laughing and enjoying the music that was playing. On stage, representatives from the National Auctioneers Association Board of Directors, the National Auctioneers Foundation Board of Trustees, the Education Institute Trustees, the NAA Auxiliary's Trustees and representatives from the Hall of Fame were catching up on the week's activities.

The buzz of the conversations and laughter contributed to an evening that was memorable for all of our Hall of Fame members and for me, personally. But what it really showed me was how integrated the NAA has become.

In the past 10 years, the NAA has merged with the Auction Marketing Institute, and because of the support of the leaders from both groups, the educational opportunities that are provided to auction professionals are better than ever. They are better because we are receiving support from the NAF and from the Auxiliary and because all four groups are headed in the same direction.

## Same objective

It hasn't come without a lot of hard work — even some bloodletting. But now we are in a place where everyone has the same objective: educating the auction professional to ensure that we are ready for today's changing marketplace.

I re-read the Council on Future Practice's paper the other day (find it in the Member Resources section of [Auctioneers.org](http://Auctioneers.org)), and I realized how many of the Council's recommendations focused on providing "cutting-edge educational opportunities."

The Board talked about this paper and the recommendations it contains at the Strategic Planning session it had in late August. You can be assured that we will continue to focus

on education. We will provide you a complete summary of our discussions from this meeting and the continued discussions in the October and November issues of *Auctioneer*.

In the meantime, read the Council's paper again. There are many recommendations for you as an auction professional. And take advantage of the redeveloped educational opportunities the NAA has to offer. The Benefit Auction Summit is scheduled for Sept. 23-25 in Denver, the Designation Academy is set for Dec. 9-15 in Las Vegas and the Internet Only Auction Summit is planned for Feb. 5-6 in Nashville, Tenn.

## Bright future

Dick Whittington, CAI, MPPA, from North Carolina knows the value of these programs. In August, Dick recruited eight new NAA members, and he says it's easy when you believe in something like he believes in the NAA. He says all we have to do is get people to attend one Conference and Show or one educational event, and they will be believers like he is.

I agree with Dick, and I see a bright future for the NAA as an organization. As 2012 Hall of Famer Sandy Alderfer, CAI, MPPA, says, "We are all flying on one flagpole under the NAA flag." Unity always brings strength and with the NAF's help and with the Auxiliary's support and with the Trustee's educational leadership, the auction professional will be ready to meet whatever the future holds.

We are the NAA — you, me — all of us. And it is up to us to make sure that everyone flies the flag proudly. Because we add to the numbers; we add to the strength.

Be sure to read about the foundation's leadership on Page 28. Support them like you support the NAA. We are all in this together.

*JJ Dower*



# Auctioneer

SEPTEMBER 2012 VOLUME 64 NUMBER 8

www.auctioneers.org

The official publication of the National Auctioneers Association

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**Auctioneer** issue 8 September 2012 (ISSN 1070-0137) is published the first of every month, with the exception of combined issues in June/July and December/January, which are published in mid-June and mid-December, respectively, by the National Auctioneers Association, 8880 Ballentine St., Overland Park, KS, 66214-1900. There are 10 issues printed annually. **Auctioneer** is a means of exchanging ideas that will serve to promote the Auctioneer and the auction method of marketing. The views expressed by columnists do not necessarily reflect the opinions of the National Auctioneers Association. Periodicals Postage paid at Shawnee Mission, KS, and at an additional mailing office (USPS 019-504). POSTMASTER: Send address changes to Auctioneer magazine (NAA), 8880 Ballentine St., Overland Park, KS 66214-1900. Copyright © 2012 by the National Auctioneers Association. Materials may not be reproduced without permission.



Rob Doyle, CAI, CES, presents Sandy Alderfer, CAI, MPPA (right), with the NAA's Hall of Fame award during the 63rd annual International Auctioneers Conference and Show on July 19 in Spokane, Wash. Alderfer's wife, Gail, was alongside her husband during his acceptance speech. Photo by Peterson's Portrait Gallery

# Highly admired Hall of Fame member prepares to train next generation of auction professionals

By Sarah Bahari  
contributing writer

**S**andy Alderfer did not plan to become an Auctioneer.

At age 7, he watched his father, Sanford Alderfer, quit his steady job in 1959 as a meat salesman in rural Pennsylvania to fulfill a longtime dream of becoming an Auctioneer.

When the elder Alderfer's business grew,

he moved his work from the family's dining room table to the back porch in search of a little more space.

But the younger Alderfer had other plans and moved to the West Coast: Oregon and later California, where he worked in construction and as a truck driver. When he married and started a family, though, his plans changed.

In 1983, Sandy Alderfer returned to Hatfield, Penn., and joined the family business,

Sanford Alderfer Auction & Appraisal.

The National Auctioneers Association recognized Alderfer in July as a Hall of Fame member for his service to, and leadership in, the profession.

"I was shocked, honored and humbled," says Alderfer, 59, CAI, MPPA. "I was really blown away. Never did I think this was possible."

Alderfer served as President for the

Pennsylvania Auctioneers Association in 1998 and is now the Vice President of the National Auctioneers Foundation. In 2005, the state association named him Auctioneer of the Year.

## Strong ethics

Much has changed in the industry in the past 53 years, Alderfer says, but his company has maintained its mission statement to “ethically and creatively guide people through transition.” That can mean divorce, death, bankruptcy and any other life changes.

The company, which employs about 25 full-time workers, sells everything from farm equipment to jewelry, but it is known mostly for its work in fine arts and decorative accessories.

*“This industry has to be driven by passion. You have to love it.”*

**Sandy Alderfer, CAI, MPPA**

*Hampton, N.H.*

Alderfer was instrumental in establishing the Alderfer Auction Center in Hatfield. Meanwhile, he has worked to weave the Internet into the company’s operations.

Tom Saturley, CAI, a friend and business partner, says Alderfer and his family have built a reputation as ethical and principled leaders.

“Why is Sandy a new member of the Hall of Fame? Because of his professionalism, the team he has created, the ball he picked up from his father and took further down the field,” says Saturley, of Tranzon Auction Properties in Portland, Maine.

“But even bigger than that, they have set the highest ethical standards for this profession, and it is a challenge for all of us to try to meet those standards.”

While business is booming, Alderfer says meeting sellers’ expectations is among the

most significant challenges in the industry.

## Doing things right

“You have to be brutally honest,” Alderfer says. “You have to have a conversation about what they hope to accomplish and what you know you can accomplish.”

Rob Doyle, CAI, CES, of United Country — Absolute Auction & Realty Inc. in Pleasant Valley, New York, says Alderfer exemplifies many fine qualities, including honesty, compassion and innovation, making him one of the most admired Auctioneers in Pennsylvania and beyond.

“He has contributed so much to the auction industry, his community, church and business,” says Doyle, who presented Alderfer’s

award. “He has always been forward thinking (and) a sharing, caring person that puts the needs of others above those of himself.”

Alderfer pays tribute to his father, who at 89 is still active in the day-to-day operations of Sanford Alderfer Auction & Appraisal. His father instilled in him and the company the virtues of hard work and perseverance.

“My dad always told us to do anything half right is all wrong,” Alderfer says. “That stuck with me.”

Now, the Hall of Fame inductee is preparing to train and grow the next generation of Auctioneers who will run his family’s business.

“This industry has to be driven by passion. You have to love it,” Alderfer says. “And you have to love helping people. We’re about helping people solve their problems.” ❖

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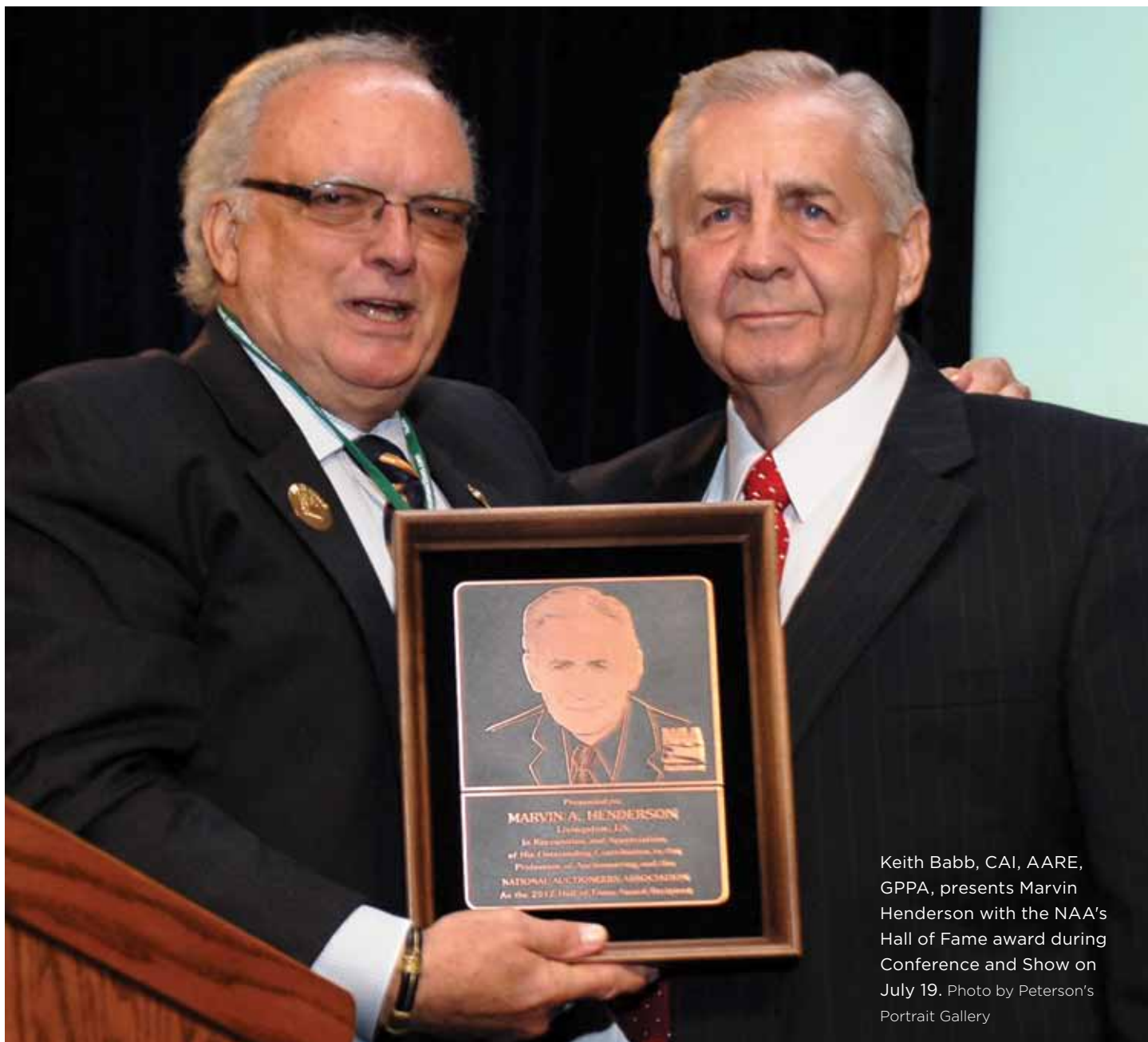
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Keith Babb, CAI, AARE, GPPA, presents Marvin Henderson with the NAA's Hall of Fame award during Conference and Show on July 19. Photo by Peterson's Portrait Gallery

# Hall of Famer puts people first as business continues to boom

By Nancy Hull Rigdon  
contributing writer

**M**arvin Henderson was on the phone, talking about his National Auctioneers Association Hall of Fame induction, when one of his employees entered his office.

The tone was urgent.

“Will \$6,000 take care of it?” Henderson

responded to the employee at JAH Enterprises Inc. in Livingston, La.

The problem: A man who purchased a machine at one of the company's auctions discovered the machine had twice as many hours on it as stated at auction.

The consignor had provided the hours information but didn't take the blame. So Henderson stepped up to right the wrong.

## All about trust

“I know a lot of Auctioneers would say, ‘Sorry, tough is tough.’ But I feel a moral responsibility to make this customer happy,” Henderson says of the issue.

“I've been in this business for 55 years, and if a man can't take what I say in the microphone as gospel, I need to quit. We've built this business up around people trusting us.”



**“I’ve been in this business for 55 years, and if a man can’t take what I say in the microphone as gospel, I need to quit. We’ve built this business up around people trusting us.”**

### Marvin Henderson

Livingston, La.

In part for this type of integrity, the NAA inducted Henderson into its Hall of Fame this July.

“Not only is Marvin a good businessman, he is one of the most upright people I have ever met,” says Jack Hines, CAI, AARE, GPPA, of Hines Auction Service Inc., Ellsworth, Wis. Hines serves with Henderson as a Trustee for the National Auctioneers Foundation.

Hines says Henderson, a first-generation Auctioneer, built up one of the nation’s leading construction equipment auction businesses from scratch.

Family roots in the automotive industry introduced Henderson to auctioneering. His father was in the car business, and as a boy, Henderson tagged along at car auctions in the Deep South.

After graduating from the Reppert School of Auctioneering in 1957, he started his own auction business and quickly became a general merchandise auction pioneer.

### Family time

Quality family time included Monday night auctions. His mother, wife and brothers all attended.

While his wife, Audrey, has died, more than 10 of Henderson’s family members now work for his company.

Henderson went on to do liquidations from coast to coast.

By the 1980s, Henderson was well known for his farm machinery and heavy equipment auctions.

Henderson considers many auctions through the decades as memorable. He was fascinated with the history of a New York shipyard — built in 1865 — that he sold.

An offshore marine equipment auction had an exciting location: the hotel formerly known as the Las Vegas Hilton. Auction highlights include selling seven lift cranes for \$3.6 million in 2004, including a Manitowoc 7000 that brought \$1 million against a \$600,000 presale estimate.

“My first auction grossed \$800, and that’s grown to \$20 million. We’re doing \$100 million a year in gross sales now,” Henderson says.

### Selfless Auctioneer

Throughout his career, a line Henderson heard in auction school stuck in his mind: Late to bed,

early to rise, work like hell, and advertise.

“And then I’d add to treat people fairly,” he says.

Henderson has been involved in many civic efforts and has made significant donations to community and auctioneering causes. His generous gifts to the NAF earned him the foundation’s Diamond Gavel Award.

Henderson’s willingness to help others has always stood out to Keith Babb, CAI, AARE, GPPA, of Keith Babb & Associates Inc., Monroe, La.

Henderson was a mentor to Babb, who specializes in horse auctions, when he entered the auction business in 1971.

Today, Henderson supports Babb professionally and personally.

“When I had a rough time with my health a few years ago, Marvin called me regularly to check on me,” Babb says. “That’s just how he is — always seeing what he can do for everybody else.” ❖



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Lori and Mike Jones, CAI, BAS, GPPA, pause for a photo following the NAA's presentation of its Hall of Fame award to Mike Jones during Conference and Show on July 19. Photo by Peterson's Portrait Gallery

# Relationship skills, knowledge of industry help Hall of Fame member surpass expectations

By Nancy Hull Rigdon  
contributing writer

**E**arly in Mike Jones' auction career, he called his Western Auto contact once a month.

"Please give me a shot," he would say. "No," he would hear in return.

After six months of persistence, though, Jones got an offer to auction a Van, Texas, store with less than \$16,000 in merchan-

dise. Jones brought in more than \$20,000.

Years later, his Western Auto auctions were netting \$80,000 a piece. In all, he spent 20 years liquidating hundreds of the auto parts stores, often doing one sale a week.

*“We didn’t sit around watching TV. Watching auctions was our fun.”*

**Mike Jones, CAI, BAS, GPPA**

Dallas

“I was like the kid playing baseball asking for the coach to put me in the game. He put me in, and I made a career out of it,” Jones, CAI, BAS, GPPA, who owns Mike Jones Auction Group in Dallas, says with a laugh. “It was a dream come true.”

But his career only got better from there.

Almost six years ago, United Country Real Estate recruited Jones to build an auction division. Today, United Country Auction Services, based in Kansas City, Mo., claims itself as the largest land auction company in the country.

His success in the auction business, at United Country and his contributions to the industry helped land 53-year-old Jones, President of United Country Auction Services, into the National Auctioneers Association’s Hall of Fame in July.

### Building trust

Throughout Jones’ career — securing the first Western Auto sale to running United Country Auction Services — those who know him well say his people skills, knowledge of the business and ability to surpass expectations set him apart.

Shawn Terrel, CAI, AARE, Vice President of United Country Auction Services, says that while Jones focuses on operations, he is “the relationship guy.”

“He’s used more than 30 years worth of relationships to build up United Country,” Terrel says. “A lot of Auctioneers joined United Country because they trusted Mike. He has so much credibility.”

United Country Auction Services is now 300 Auctioneers strong nationwide.

Growing up in Texas in the 1960s, Jones attended general merchandise auctions with his grandfather.

“We didn’t sit around watching TV. Watching auctions was our fun,” he says.

His mother was an antique collector, and his first “real job” was unloading high-end antique furniture shipped from overseas.

He attended Missouri Auction School in Kansas City, and with advice from his businessman father and other family support, he opened his own auction business after graduation.

He started with consignment sales, which led to Western Auto liquidations, followed by sales of department stores, lumber yards, real estate and industrial plants.

Jones has conducted more than 3,000 auctions in his career.

Twenty years ago, he and his wife, Lori, opened Texas Auction Academy in Dallas. The school has trained 2,000 Auctioneers.

Jones emphasizes that not only are his students trained by champion Auctioneers, they also receive instruction from successful business professionals.

### Triple Crown

While he lives in Dallas, Jones commutes weekly to Kansas City and looks forward to the continued growth of United Country Auction Services.

His NAA Hall of Fame induction makes him the first NAA member to attain what’s known as the Triple Crown, as he is a past International Auctioneer Championship winner, NAA President and now Hall of Famer.

Of the success, he says “You work hard, and you treat people reasonably. And you try to live by the Golden Rule. People see that, and you are rewarded for it.”

Jones has used his success to give back. He conducts more than 100 benefit auctions a year for nonprofit organizations, fundraises for a Dallas organization that steers at-risk teenagers back on track and supports St. Jude Children’s Research Hospital and Texas Scottish Rite Hospital for Children.

Lori Jones says her husband never forgets those who helped him get where he is today.

“For that, he feels a debt of gratitude and obligation to always give back,” she says. ❖

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Bob Massart, CAI, AARE, CES, MPPA, holds the Hall of Fame award presented by the NAA posthumously to his wife, Pat Massart, CAI, during Conference and Show on July 19. Photo by Peterson's Portrait Gallery

## Hall of Fame inductee valued education, but most of all, friends and family

By Sarah Bahari  
contributing writer

Not long before the 2003 Certified Auctioneers Institute, Steve Schofield called

a friend with a plea.

The institute needed volunteers to serve as advisers. The hours would be long, and the pay zilch. Only lunch and a room to sleep

in would be provided.

The friend did not hesitate. "I'm in," she said. "What do you want me to do today?"

Friends and family say that willingness to volunteer perfectly captures Pat Massart's dedication to CAI and the auction industry. In honor of her unwavering commitment, Massart, who died of pancreatic cancer in 2008, was recently inducted into the National Auctioneers Association Hall of Fame.

"Pat was such an integral part of CAI. She never hesitated to help out," says Schofield, CAI, BAS, of Centennial Auctions in North Conway, N.H. "You didn't have to bring her up to speed. She knew all the ins and outs."

## Entry into the business

Massart fell into auctioneering by chance.

While working as an X-ray technician, she occasionally filled in as a cashier or assistant at the auctions conducted by her husband, Bob, CAI, AARE, CES, MPPA. At one event in Stevens Point, Wis., her husband had worked a long day with no food, and the lunch wagon was about to leave.

Massart told him to get something to eat, stepped up to the auction block and sold a few paint cans.

"She was hooked," says Massart's son, Damien Massart, CAI, BAS, GPPA, of United Country — Massart Auctioneers Inc., Green Bay, Wis. "That was all it took."

Pat Massart went on to graduate from the World Wide College of Auctioneering in Mason City, Iowa, and she joined her husband in the business.

In 1974, Pat and Bob founded Massart Auctioneers Inc., converting an old dairy building into an auction house, where weekly Thursday auctions continue today.

## Dedication to education

In 1988, Massart earned her CAI designation and began devoting countless hours to education efforts, serving two consecutive three-year terms on the Auction Marketing Institute Board of Governors. During her tenure, she read and evaluated thousands of pages of auction summary reports.

The CAI later honored Massart by starting an award in her name, the Pat Massart Award, which is given each year to the CAI II student with the best auction proposal.

"Pat thought teaching others not only helped them, but it also made you a better professional," Schofield says. "You met other people and expanded your networking capabilities tremendously. It was good for the entire industry."

Over the years, Massart became one of the most well-known and liked Auctioneers in the business, developing a wide circle of friends, says Mark Manley, of Rowell Auctions in Moultrie, Ga., who met Massart through CAI.

## Support from Auctioneers

"It was unbelievable the number of lives Pat touched. She was really, truly one of a kind," says Manley, CAI, AARE, CES, MPPA. "I never heard her say an unkind word. She was always there for everyone."

In February 2007, Massart received devastating news. A lingering pain in her side led to a diagnosis of Stage 4 pancreatic cancer. Without treatment, Massart was given only a few weeks to live.

When the family discovered their insurance did not cover chemotherapy, Auctioneers around the country rallied around the family, helping to organize a benefit in May 2007 that raised nearly \$100,000.

Even after her diagnosis, Massart continued to attend CAI and raise money for St. Jude Children's Research Hospital.

At the Hall of Fame induction ceremony, Damien Massart sold a baseball autographed by his mother.

Fellow 2012 Hall of Fame inductee Mike Jones, CAI, BAS, GPPA, purchased the ball for \$4,200, which is being donated to St. Jude. Since 1997, the Massart family has helped raise nearly \$100,000 for the children's hospital.

"I thought there would be no better way to honor my mom," Damien Massart says. "She would have loved that."

Massart died on Dec. 31, 2008, nearly two years after her diagnosis.

Schofield recalled Massart, a well-known lover of ice cream, addressing the crowd of 1,200 that gathered at her May 2007 benefit auction.

"When eating ice cream, savor the flavor," Massart told friends and family, "but savor and remember those you are sharing the ice cream with even more." ❖

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# Getting personal

Many of today's buyers at estate auctions look to buy back memories



*Auctioneers must establish trust to keep customers coming back*

By Tom Burfield  
contributing writer

**P**ersonal property auctions can be win-win-win situations for buyers, sellers and Auctioneers — if they're handled correctly.

"When you're selling personal property, you're biting a lot off," says Tom Giroux, CAI, AARE, ATS, BAS, CES, MPPA, who, with his wife, Sandra, also an Auctioneer, runs Barrett Street Auction Center, Virginia Beach, Va.

Personal property can range from pots and pans to fine jewelry to anything you might find in or around a house, including furniture, appliances or even cars.

Giroux, whose company conducts up to 650 estate sales a year, is a certified appraiser who evaluates every item at a sale to determine whether it should go to charity, be disposed of, sold at a live auction or put online for nationwide sale.

Giroux once found three Civil War ambrotypes in a drawer, one of which brought in \$800, and he sold a stein collection for more than \$90,000.

The value of an estate is determined by its cumulative value, he emphasizes, not the worth of individual items.

## Venues vary

Although Auctioneers conduct auctions onsite or at an auction gallery, Steve Brodi, owner of Bridge Street Auction Service, Plattsburgh, N.Y., says appliances sell best at the location where they are used. He says potential bidders can see that they're in working condition.

But sometimes onsite estate sales aren't practical for logistical reasons, such as lack of parking.

Bridge Street conducts about 100 consignment or estate auctions a year, Brodi says.

While contemporary furniture is especially popular, you can find a buyer for just about anything.

Brodi once sold a pair of coffin handles for \$25. The buyer needed them for a Halloween prop.

Many of today's buyers at estate auctions are in the 40- to 50-year-old range — people seeking to buy back memories — says Tim McCulloch, GPPA, of Scheerer McCulloch Auctioneers Inc., Fort Wayne, Ind.

He conducts an average of two auctions a week that include personal property.

"Jewelry is hot," he says, along with gold, silver, precious metals, firearms and old toys.



He once sold a Sevres vase for \$15,000 and a sterling silver pitcher for \$10,000.

### Booming business

Business is good thanks to increased awareness of auctions and because there's no stigma associated with attending auctions or estate sales, Giroux says.

To ensure a lucrative auction, you must draw a large crowd and have a variety of items for sale, he adds.

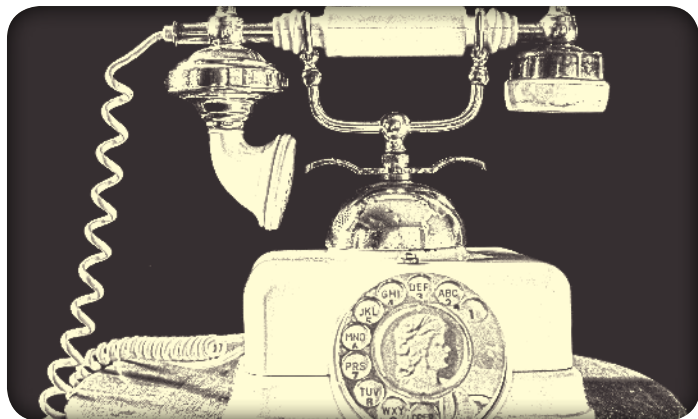
He advertises online, in the phone book, through e-mails and on fence signs, and he mails postcards to about 5,000 regular buyers. On auction day, he provides coffee and donuts or a complimentary buffet.

Brodi spreads the word about his company and upcoming auctions by advertising in local newspapers as well as on his website, which receives about 3,500 hits per week.

McCulloch uses a variety of methods to market his auctions, including TV, radio, specialty publications and websites.

Much of his business results from referrals. Reputation plays a big role in attracting business, he says.

Buyers will come "if they know and trust you, if they like you, and if you have good business practices." ❖



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Photo illustration by Nathan Brunzie

*continued »*



Attendees of the 63rd annual International Auctioneers Conference and Show in Spokane, Wash., gather in a park just outside the Spokane Convention Center for the Welcome Party on July 17. Auction professionals, their friends and families enjoy a Pacific Northwest barbecue and country/rock performance by the Chris Ward Band. Photos by Bryan Scribner





Booker Auction Co., Eltopia, Wash., was one of the largest contributors to Conference and Show this year with its generous gift of several types of meats and side items for the Pacific Northwest barbecue during the Welcome Party on July 17. Along with members of the Washington Auctioneers Association, the Booker family, auction staff and friends volunteered to cook and serve the meal for Conference and Show attendees. Merle Booker, CAI, GPPA (right), welcomed guests to the cookout along with his wife, Judy. Booker said it was a pleasure to have his “auction friends” in Washington for the 63rd-annual event. Pictured at a grill below is Austin Booker, and in the picture to his right is his sister, Chantel Booker. Photos by Peterson’s Portrait Gallery





NAA members visit with Conference and Show exhibitors and check out the new products, services and features on the trade show floor in Spokane, Wash., during the event's opening day July 18. Photos by Bryan Scribner





Joseph Mast, CAI, of Millersburg, Ohio, and Joff Van Reenen, CAI, AARE, of Johannesburg, South Africa, pause for a photo during a networking event at Conference and Show in Spokane, Wash. Photo by Peterson's Portrait Gallery

(Bottom left) Rex Schrader and Nick Cummings, CAI, accept an award on behalf of Schrader Real Estate & Auction Co. Inc., Columbia City, Ind., which had several NAA members who won awards, including Auction Marketing Campaign of the Year, in the 2012 NAA/USA TODAY Marketing Competition. Toussaint Hutchinson, Account Manager for USA TODAY, presents the award July 19. Photo by Peterson's Portrait Gallery

(Bottom right) On behalf of the National Auctioneers Foundation, David Helmer, CAI, CES, GPPA, accepts pledges for the group's 12x12 program from NAA members Larry Theurer, CAI, GPPA, and Walter Driggers, CAI, AARE. The initiative is designed to provide members with an easy, affordable way to give back to the auction industry and National Auctioneers Association. The NAF emphasized its commitment to supporting NAA educational programming during Conference and Show. Photo by Bryan Scribner



Terry Canfield, of Citywide CPR Inc., teaches “How to Use a Cardiac Defibrillator & CPR” on July 20 during Conference and Show. Photo by Peterson’s Portrait Gallery



Randy Ehli, CAI, GPPA, holds a “chicken that laid a golden egg,” which Tonya K.B. Miller-Turczyn, CES, sold during the Conference and Show Fun Auction on July 18. Photo by Peterson’s Portrait Gallery





The NAA's Past President Christie King, CAI, AARE, BAS, presents outgoing Past President Mark Rogers, CAI, AARE, with a plaque recognizing his leadership on the NAA Board of Directors. (Below) King presents the Presidential Gavel to incoming NAA President J.J. Dower, CAI, AARE, ATS, during the President's Gala of the National Auctioneers Association's Conference and Show on July 19. Photos by Peterson's Portrait Gallery



Finalists in the International Junior Auctioneer Championship Cherlyn Sutton, Jacqueline Musser and the 2012 winner, Julia Sparks (second from right), pause for a photo with their parents Cheri Boots-Sutton; Scott Musser, CAI, BAS; and Amy and Spanky Assiter, CAI, AARE, the morning of the event. Photo by Peterson's Portrait Gallery



International Auctioneer Championship finalists in the women's division, Rose Backs, who took second; Beth Rose, CAI, who took third; winner, Lynne Zink, CAI, BAS, CES; IAC men's division winner, Justin Ochs; Andy White, who took second; and Dustin Rogers, who took third, pause for a photo following the July 20 event. The NAA is planning special recognition for past IAC winners during the 2013 Conference and Show in Indianapolis. Photo by Peterson's Portrait Gallery







During the International Auctioneer Championship finals, Kathy Kingston, CAI, BAS (center), won the Chuck Cumberlin Sportsmanship Award. The honor recognizes IAC competitors who do not make it into the finals but exemplify outstanding sportsmanship and support for fellow Auctioneers and NAA members. Last year's IAC winners Camille Booker, CAI, CES, and Joseph Mast, CAI, presented the award. Photo by Peterson's Portrait Gallery



The National Auctioneers Foundation Children's Auction took place July 21 during Conference and Show in Spokane, Wash. Children of all ages worked on their bid-calling skills with the help of Auctioneer champions before a crowd of professional Auctioneers, family members and friends. Photo by Peterson's Portrait Gallery

# VIDEO FROM CONFERENCE AND SHOW



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# Foundation support helps improve educational programs for all members



**By Randy Ruhter**  
*Hastings, Neb.*

I like what National Auctioneers Association President J.J. Dower, CAI, AARE, ATS, has in his Page 4 column about how the NAA, National Auctioneers Foundation, Education Institute and NAA Auxiliary are all headed in the same direction. The NAF Board of Trustees certainly feels the same way.

The foundation understands its role. It's really simple. It is the fundraising organization for the NAA. It exists to support the NAA and specifically to support education. In order to be successful, we need you: the NAA member.

At Conference and Show in Spokane, Wash., NAF Chairman Benny Fisher, CAI, led us through a successful Opening Session during which more than 300 of those in attendance agreed to donate through the 12x12 program, one of Fisher's initiatives.

The donation is simple, as about everyone can give \$12 a month. We ask that you give us your credit card number, and we promise to bill it for \$12 a month — no more, no less (unless you tell us to!). It is a very easy way to give \$144 a year to an organization that supports the auction profession.

## Where the money goes

But why should you give the foundation any money? What do we do with it?

We support the NAA's educational programs. In almost every membership survey the NAA conducts, members say they join the NAA because of the networking opportunities. The second reason, but sometimes the first, is because of the educational opportunities.

The NAA's designation classes are being redesigned, and there are increased costs associated with those improvements. Many members question the costs of registration and designation renewals,

but it is expensive to create and offer those classes.

Hotels are expensive, coffee is expensive ... and then there are instructors to pay, flights to purchase ... well, you get the idea.

The NAF is committed to the NAA, and therefore it is committed to NAA members and their success. We know the importance of keeping our industry educated and updated.

Several years ago, we played host to the most successful fundraising campaign in history. The money went toward collecting data, purchasing public relations tools and maintaining the NAA headquarters in a way that would make all of us proud.

## A new direction

Last spring, donors to this campaign received a letter indicating that what was left of the campaign funding would be transferred to an endowment that supports education. We couldn't continue on the data, public relations and maintenance, as there simply wasn't enough money to continue the projects.

So, the NAF is reassessing its support for, and following the lead of, the NAA.

We will continue to ask NAA members for help. Many responded to our request at Conference and Show. If you weren't there, that's OK, as it's never too late to help. We still need you, and we hope you can show your support with \$12 a month.

Please contact NAF Administrator Lois Zielinski at [lzielinski@auctioneers.org](mailto:lzielinski@auctioneers.org), and she will help you make a difference with your pledge.

It's a gift that will provide you a tax break and one you will directly benefit from in the form of improved educational offerings from the NAA.

Please join me in supporting the auction industry's future. ❖



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The men's division winner of the 2012 International Auctioneer Championship, Justin Ochs, says he wants the public to understand the importance of the bid call, which is a modern and highly effective sales method. Photo by Peterson's Portrait Gallery

A man in a light-colored suit and glasses is speaking into a microphone. He is gesturing with his left hand. In the background, a large silver trophy is visible. The background is dark blue.

# CHANGING PERCEPTIONS

IAC winner says he wants the public to have a better understanding of the auction profession

By Bryan Scribner

editor

**I**n the past decade, Justin Ochs has earned two college degrees, entered three professions, started his own business, won state bid-calling competitions and worked as a contract Auctioneer for Barrett-Jackson Auction Co. and Ritchie Bros. Auctioneers.

But that seems like just a start for the men's division winner of the 2012 International Auctioneer Championship. He says the title is just another building block that will present new opportunities for representing the profession and furthering his career.

In only his third year of competition, he says he didn't expect to win the IAC in Spokane, Wash., during the International Auctioneers Conference and Show. This was the 25th IAC competition.

*He also has a passion to prove to the industry and world that auction emulates professionalism and integrity."*

**Joseph Mast, CAI**

Millersberg, Ohio

"I knew it was not only an issue of putting together the right performance and having the right stage presence but also having the ability to network with those gentlemen and have a presence within the association," says Ochs, of Diamond Ochs Enterprises LLC, Hendersonville, Tenn.

"If you made the finals you just had to be overwhelmed because there was so much talent on that stage that night that any one of the gentlemen could have stepped forward in the finals and been a great representative for the industry."

The win, though, was a little bittersweet for Ochs. His wife, Kelly, and their 19-month-old child, Weston, could not make it to Spokane.

"My wife had told me before I left that I'm not allowed to win unless she's there," he says. "Thankfully she forgave me when I got back home."

## First generation

Ochs did not grow up in the auction industry. The first-generation Auctioneer graduated from Kansas State University in 2002 and became a professional announcer in 2004.

He then got into the real estate industry in 2005 and earned a master's degree from Middle Tennessee State University in 2007, the same year he became an Auctioneer.

In 2008 he became the Tennessee Auctioneers Association's Rookie bid-calling champion, and the next year he became the State Champion Auctioneer. He also started Diamond Ochs, which auctions real estate, purebred cattle and horses, in 2009.

His relationship with Barrett-Jackson began in 2009, as well, and that with Ritchie Bros. started in 2011.

lic speaking situations.

"He has the ability to think quickly on his feet and adapt to any situation," Nicholls says. "He has the uncanny ability not to show nervousness or get rattled."

Last year's IAC winner in the men's division, Joseph Mast, CAI, of Real Estate Showcase Auction Co., Millersburg, Ohio, agrees that Ochs' way with words will benefit the industry and the NAA.

"He also has a passion to prove to the industry and world that auction emulates professionalism and integrity," Mast says. "This will make him a perfect ambassador for the NAA."

## Auction advantage

The live bid call of an Auctioneer might be a tradition, but Ochs says it's a modern, highly effective sales method. Bid callers have to exhibit control and good stage presence as they engage buyers, and it takes time and education for Auctioneers to develop those important skills.

He says he loves being an Auctioneer because he can sell purebred cattle one weekend and real estate the next. He also enjoys serving clients who find themselves in myriad financial situations.

"It fits in with my personality type of wanting to do something different every day," he says. "This industry provides that opportunity to not only see different places but deal with all kinds of different people and different assets." ❖

## NAA Ambassador

Now that he has the IAC title, he says he's looking forward to becoming an ambassador for the National Auctioneers Association and the profession.

He says he would like to change the public's perception of auctions, as he believes many people don't realize auction professionals are savvy businesspeople who are well versed in technology and marketing.

John Nicholls, of Nicholls Auction Marketing Group, Fredericksburg, Va., says Ochs' public speaking abilities will be an asset for him as he represents the NAA in interviews and pub-

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In the next year, the women's division winner of the 2012 International Auctioneer Championship, Lynne Zink, CAI, BAS, CES, says she will encourage Auctioneers to improve their public speaking abilities and become more involved in their state associations and the NAA. Photo by Peterson's Portrait Gallery



# THE SKY IS THE LIMIT

Champion plans to encourage auction professionals to get involved

By Bryan Scribner  
*editor*

**A**uctioneers are often placed in situations outside of their comfort zones, and that's why Lynne Zink, CAI, BAS, CES, says she chose to compete in her fifth International Auctioneer Championship in Spokane, Wash.

It was all about personal growth, overcoming nerves, putting her skills to the test and, ultimately, becoming a better Auctioneer during the 25th IAC competition.

Following her win in the women's division of the 2012 IAC, Zink, who made the IAC finals each of the past three years, now wants to pass on to fellow auction professionals some of what she's learned throughout her career as an Auctioneer.

The former school teacher has already outlined curriculum she plans to use as a representative of the National Auctioneers Association at state Auctioneer association events. The courses include "Train the Trainer," "Effective Communication Strategies" and "The Whole Show."

She says she is excited to represent the NAA as one of its Ambassadors.

"I want to motivate others to pursue their dreams and work on improving their skills," she says. "The sky is the limit; why not pursue it?"

## Advice for Auctioneers

She first advises Auctioneers to consider improving their public speaking skills through organizations such as Toastmasters International. She describes herself



*Lynne serves as an inspiration to other Auctioneers to achieve their dreams with her passion and extreme knowledge of the auction industry.”*

### Kathy Kingston, CAI, BAS

Hampton, N.H.

as an energetic person who learned how to control her enthusiasm on stage, as well as improve her leadership skills, with feedback from members of Toastmasters.

Next, she says during her year as an NAA Ambassador she plans to encourage new Auctioneers to join their state associations and the NAA. One of the most important things she did early in her career was get involved in the Auctioneers Association of Maryland.

A former English teacher, Zink has helped write and edit the Maryland association's newsletter. Her work on the newsletter, she says, has been a boon to her career because it has helped her network with members from across the state.

She is the Maryland association's President this year, and she says she would like to contribute to NAA education in the future through work with its Education Institute.

### Auction success

She attributes much of her success as an auction professional to NAA education and networking.

One of her mentors, Kathy Kingston, CAI, BAS, of Kingston Auction Co., Hampton, N.H., agrees that Zink's involvement as a student, volunteer and trainer has made her a successful first-generation Auctioneer.

“Lynne Zink has a rare combination of expertise in the

auction profession, a mastery of teaching others, astute business acumen — all the while inspiring everyone around her with her positive, contagious enthusiasm,” Kingston says.

“Lynne serves as an inspiration to other Auctioneers to achieve their dreams with her passion and extreme knowledge of the auction industry.”

Another mentor, former IAC winner Eli Detweiler Jr., CAI, of Detweilers Auction Service, Ruffin, N.C., says Zink's victory in the IAC was just a matter of time.

“Lynne Zink has always been a true professional who has great energy, personality, enthusiasm and genuine heart that shows in her stage presence as well as bid calling,” he says.

### Good transition

Zink, who operates LynneZink.com, Joppa, Md., got into the business about 10 years ago after leaving the teaching profession.

Her husband, Bill, had tried to convince her to become an Auctioneer for many years before she attended auction school in 2001. He believed early on that the effort she put into lesson plans and grading papers would translate into a successful auction career.

“He kept telling me ‘Lynne, if you put this much energy into auctioning, you could be a full-time professional,’” Zink, who married Bill in 1985, says. She entered the profession full

time in 2003.

She says her background in the arts, English and theater made auctioneering — particularly benefit auctions — a good transition.

“When we're running a business we need to understand all of the behind-the-scenes efforts,” she says. “Even though I have that artsy side, I am a very detail-oriented bookkeeper.”

Zink says she works about 90 auctions per year on a contract basis selling real estate, personal property and building supplies, and she conducts

benefit auctions under LynneZink.com for about 29 clients.

She and her husband have a daughter, Anna, 24, who is working on her doctorate in physical therapy; and a son, Jake, 23, who is working toward a career as a master electrician. Her daughter works as her bid assistant at benefit auctions and all three of them help out at estate auctions.

The family spends a lot of its time together outdoors, enjoying activities such as boating, camping, hiking, fishing and hunting. ❖

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**What Will Your Picture Look Like?**

# The hardest item to sell in the IAC

## Former champion, judge provides tips for competitors



By JillMarie Wiles,  
CAI, BAS

**A**mazingly, most contestants never prepare for the hardest item to sell in the International Auctioneer Championship. It's the "7th item," which is the first item a winner sells after being announced as champion.

There are three items in the preliminaries and three items in the finals. Then, there is the often forgotten "7th item."

Why is this item so hard to sell?

It's because bid calling is even more difficult when it's coupled with a pounding chest and a dry mouth. When your name is called as champion, there is a sense of light headedness that is hard to explain. Your emotions are being projected on dual jumbo screens in a crowded ballroom as well as being broadcast live over the Internet.

Add to that deafening applause, photographers, videographers and an acceptance speech. In the blur of winning, you're asked to sell your first item as champion. There's no preview, only a brief description and a room full of excited bidders. This experience is compounded by a long, stressful, 12- to 16-hour day.

Scott Musser, CAI, BAS, who won the men's division in 2001, sums up the feeling best with this quote: "It's about getting

your butterflies to fly in formation."

So, how does an IAC competitor prepare to get to the "7th item?"

### The preliminaries

Begin first by walking through the entire competition. Just as Olympic athletes, mountain climbers and motivational speakers would prepare mentally, IAC competitors can visualize the order of the day. The more you can make the event real in your mind, the more prepared you'll be to compete.

Practice for the preliminaries. Introduce yourself, introduce your items, sell three preliminary items and give a concluding comment. A short, personable introduction that is to the point will showcase command and poise. The scorecard gives a possible 20 points in presentation in both preliminaries and finals. The judges will appreciate a professional introduction over a long-winded, unprepared rambling statement. This applies to concluding comments as well.

The preliminaries have a heavy focus on bid calling. The judges are looking for a chant and a glimmer of who you would be as an industry ambassador. The judges pick those contestants with chants they like best, advancing those they want to hear more from to the interview portion of the contest. Looking at the scorecard, there's a potential of 80 points given for having a balance of clarity, speed, rhythm and salesmanship.

Practice by moving your body to incor-

porate stage presence and body language, which will punctuate your chant. Nervousness can make you stiff and uncomfortable. Have fun. It's a real auction. Most importantly, practicing will remove fear, allowing you to be yourself naturally. This year's men's division winner, Justin Ochs, is a perfect example of how being prepared allowed him to be himself, despite pressure. His championship preliminary performance set the precursor for the rest of the day.

### The interview

Next, prepare for the interview. Visualize introducing yourself while standing and answering three questions with a concluding comment. How will you use your eye contact, body language, facial expressions and hands to communicate as well as connect with the audience?

For contestants going on to the finals, the interview is used as a leveler. The majority of points on the interview scorecard are for "substance of answers" and if the "contestant would make a good NAA Ambassador."

Beyond having a champion chant, you need to be a well-rounded professional who knows the industry and is passionate about representing the auction profession. The judges want to see if you can handle the media, be well spoken at industry appearances and serve as a speaker for state Auctioneer association events.

IAC Chairman and 2006 winner John Nicholls says "Contestants need to pay attention to all the happenings in the auc-

tion world throughout the year. Talk to past champions and heed their advice.”

This year’s women’s division winner, Lynne Zink, CAI, BAS, CES, recommends Toastmasters International, reading *Auctioneer* every month, Auction Enews and NAA news releases. There are no “trick questions” in the IAC interviews. Being informed about the association you’ll be representing and being confident with public speaking is what it takes to do well in the interview.

### The finals

Next, practice for the finals. Introduce yourself, introduce your items, sell three items and give a concluding comment. In the finals, the judges have narrowed down who has the right combination of chant and ambassador qualities, and they want to see one final run of stage presence, body language, command and chant.

Even though adrenaline is high, can you stay poised and engage the crowd without going overboard? Let your microphone do the work for you. Be smooth and engage the crowd without shouting. The amount of exuberance and enthusiasm you give in your salesmanship in the finals is up to you.

Last year’s IAC winner in the men’s division, Joseph Mast, CAI, was a great example of feeling the pressure but not letting it get the best of him. His “champion” state of mind showed through to the judges in all his nonverbal communication, enhancing his already dynamic and crowd-pleasing chant.

Also, practice your acceptance speech. As 1991 IAC winner Spanky Assiter, CAI, AARE, would say, “Why wouldn’t ya?” Assiter advises that “It is better to be prepared for an opportunity and not have one than it is to have an opportunity and not be prepared.”

Having an acceptance speech prepared doesn’t mean you’re arrogant, but rather is another way to be prepared and to tell your brain you’re confident and ready to win.

### The last item

Finally, visualize how you will sell the “7th item.”

The best way to prepare to sell that item is to arrive a champion and go home a champion, regardless of what seven judges say on one day. Compete with the mindset that you’re in the IAC to make the day a great competition.

A true champion competes to test their personal best and learn in the process. With that outlook combined with visualization, preparation and practice, when your name is called as the IAC winner, you’ll be ready to sell the “7th item.”

*Wiles has been an Auctioneer since 1994. She holds the title of 2001 IAC women’s division winner and has served on the NAA’s IAC Committee for many years. She has served twice as an IAC Judge. Wiles also has conducted auction industry seminars nationwide, is an NAA Education Institute Trustee and an instructor for the World Wide College of Auctioneering. ❖*

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Julia Sparks, who became the International Junior Auctioneer Championship's first female winner at Conference and Show in July, says she will continue to stay involved in the auction business while she attends Oklahoma State University. Photo by Peterson's Portrait Gallery

# PREPARING FOR THE FUTURE

## Daughter of well-known Auctioneers becomes first female to win junior competition

By Bryan Scribner  
*editor*

**J**ulia Sparks first started selling at auction when she was seven years old.

That was back in 2001 during the National Auctioneers Foundation's Children's Auction at the International Auctioneers Conference and Show in Boise, Idaho.

Eleven years later, the daughter of Amy and Spanky Assiter, CAI, AARE, was in Spokane, Wash., to put her skills to the test as a competitor in the International Junior Auctioneer Championship.

Sparks, who competed along with other finalists Cherlyn Sutton, who came in second, and Jacqueline Musser, who came in third, became the contest's first female winner.

She had competed once before at the 2010 Conference and Show in Greensboro, N.C., just a month after having graduated from auction school. She says she was more prepared for the 2012 event.

### Training

Her parents helped her train harder than in the past. She sold items for them in the living room of their home, practiced giving

her answer to the IJAC interview question and even went through a dress rehearsal a few days before the event.

With practice came confidence, she says.

She also had some bid-calling experience selling automobiles for Barrett-Jackson Auction Co., for which former International Auctioneer Championship winners Spanky and Amy Assiter work. She says she was competing for herself and her parents.

“The first thing I did was I looked to my left and mom and Spanky had jumped up and were hugging each other,” she says, describing the moment she learned she had won the IJAC. “That was awesome for me ... just to know they were that proud.”

**Future plans**

This year also was a little different for her as she says she felt more a part of the National Auctioneers Association family. She had enough experience to feel comfortable communicating with other NAA members about the auction business, and camaraderie was high among IJAC competitors, she says.

*“The first thing I did was I looked to my left and mom and Spanky had jumped up and were hugging each other.”*

**Julia Sparks**  
Canyon, Texas

Sparks, who plans to study strategic communications at Oklahoma State University this year, says she will continue honing her auctioneering skills while attending college.

She also says she plans to compete in the International Auctioneer Championship in years to come.

She has spent many years attending the IAC Breakfast of Champions with her parents the Saturday morning after the competition. IJAC winners are allowed to attend the breakfast with current and past IAC winners the year of their victories; however, Auctioneers must win the IAC in the future to get a seat at one of the breakfast tables.

“You get a taste of what it’s like and then it gets taken away from you ... now I even have more of a push to win ... you know some of the good things that come out of it,” she says, referring to the camaraderie and networking during the breakfast.

**Auction business**

If she does enter the auction business following college, Sparks says she pictures herself as a benefit auction professional. She also is interested in staying involved in her parent’s business, Canyon, Texas-based Assiter Auctioneers, which sells real estate, construction and farm equipment, personal property and other assets.

Sparks says her favorite thing about being an auction professional is showing compassion for clients who might be in

tough financial or personal situations. Empathy is an important part of the business, especially when it comes to benefit auctions, she says.

As an Auctioneer in her late teens, Sparks says she believes the auction industry will only get more popular as auction marketers focus on the adrenaline rush of the competitive bidding process. Social media advertising, fan pages and conversations, she says, are especially important for attracting younger buyers. ❖



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By Ryan George

Ryan George, through Biplane Productions, has helped Auctioneers market more than 2,300 auctions across 43 states. For the past five years, George has built an average of more than 1,000 print ads and more than 600 pages of direct mail each year, in addition to consulting, writing news releases, building proposals and coordinating online marketing. George has written articles for multiple publications, including trade magazines, lifestyle tabloids and newspapers. In 2004, he published his first book and began speaking at Auctioneer events on the state and national stage. Since March 2007, he has published a biweekly article related to auction and/or small business marketing. The articles are distributed to hundreds of subscribers via e-mail.

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# Four things every auction proposal should say

Even if you haven't watched reality TV or romantic comedy movies, you know some of the standard visual and verbal ingredients of a marriage proposal. There's a guy (or sometimes a gal) on one knee. At some point, he goes through an awkward narrative around the following four basic points:

1. "I love you."
2. "I want to spend my life with you."
3. "I got you this ring." (usually nonverbally communicated)
4. "Will you marry me?"

These steps prove so common, they smell of cliché, but there aren't too many ways around that outline. That's just how marriage proposals work.

Believe it or not, those same four steps work well for business proposals, especially auction proposals given to sellers.

## "I love you"

*Translation: "I value what you bring to this relationship."*

Sellers know we want a commission and that we wouldn't be offering our services without a price tag. What they're hoping is that we care about their assets — and not just another pay check — and that we'll handle their sale with the care we would give our own sale.

One way to communicate this is to discuss the attributes of their assets that will interest buyers — what makes them unique or valuable. Follow this with explaining what part of your plan is connected to these attributes. Here are some examples:

"Due to the location of your property, signs will be more critical to the advertising campaign than our typical campaign. We recommend spending a higher percentage of the budget on banners that cover your building to attract attention."

"Because of how new your restaurant equipment is, we will reach out to our list of restaurant chain developers in addition to our recent bidder lists of three similar restaurant auctions that we held last year."

"Not all auctions are newsworthy, but with your recent interstate Powerball win and now famous tweet about your move to a private island, the human interest part of this auction's story can be leveraged for maximum exposure. We're going to bring in a public relations consultant to help us craft a press release that will attract members of the media."





## “I want to spend my life with you”

*Translation: “This could be an ongoing, mutually-beneficial reality.”*

Clients, like spouses, crave long-term security. Sellers want to know that we’ll stay attentive to their project amidst our others during the marketing campaign — especially for absolute/no-reserve auctions.

Put them at ease by describing all the expectations to which you’re willing to be held. Show them a detailed timeline of what you’ll do and when. Note

when or how often you will communicate with them about market response and the progress of the campaign. Explain specific actions you will take to make their situation less stressful, less complicated or less prolonged.

Empathy is huge for trust. That means letting people know that we realize that this is their treasured collection, their lifetime achievement or their financial security that’s at stake. Each situation will determine what is professionally appropriate to say. This doesn’t have to be a verbose section of a proposal, but intentionally moving into this perspective for even one sentence can be enough to separate ourselves from the competition.

## “I got you this ring”

*Translation: “Here’s my indicative deposit on good things to come.”*

I remember a guy in college going room to room in our dorm building, asking for donations to help him buy a \$500 engagement ring. He must have gotten enough donations. She said, “Yes,” and he’s still married to her more than a decade later. But it wasn’t the ring that sold her on life with him. Sometimes, we get the auction despite the proposal.

If our proposals look like cheap and easy templates — especially Word documents with a few variable data mentions bolded like a mail merge letter — we communicate to sellers that they are just a number, a transaction. The amount of time and effort and even financial investment our proposal connotes (whether real or assumed) reflects on the level of individuality, creativity and professionalism we’ll bring to marketing their assets.

One sentence that regularly makes its way into my clients’ proposals reads something along the lines of “We hope this proposal illustrates our level of commitment not only to book your auction but also to get you the most bidders and highest sale proceeds possible for your asset.” Would you be confident enough to make that statement in your cover letter?

## “Will you marry me?”

*Translation: “Does this look like a good deal to you?”*

A difficult reality of business proposals is that we’re asking a seller to marry us on a first, second, or even blind date. Because a history with us can’t inform the future with us, we need to build the case that it will be a good deal. By using graphs of past

results, samples of advertising from similar auctions and quotes from people you have served in the past, you can establish a track record that casts for them a vision for the future.

Unlike a résumé, though, this all needs to be framed for their benefit. Only a fool would drop to his knee and tell his girlfriend, “I was voted ‘Least Likely to Divorce’ in high school. I graduated from college with both academic and humanitarian honors and got the lone internship offered by Mark Zuckerberg this year. I have written over 450 love letters in my dating career and have attended the Certified Lover Institute. I’m a member of the National Association of Romantic Beaus. You can trust your married life in my hands.”

How many times do auction proposals read like that?

If we talk about what we bring to the table, we need to do so in a way that gives them more confidence than it gives us. For instance: “Our membership in (national franchise/alliance/affiliate network) connects us with more industrial real estate investors and the collaboration of multiple Auctioneers who have sold paper production plants like yours.” Or: “Our hundreds of state and national marketing awards mean that our sellers get the best advertising available. We want our clients not only to get the biggest possible settlement checks but also to be proud of how their assets are shown to their peers and the general public.”

Yes, all of this means more work, but that extra work on this end might just be the difference between you getting the work on the other end of the proposal. ❖



Steve Proffitt

Steve Proffitt is general counsel of J. P. King Auction Company, Inc. ([www.jpking.com](http://www.jpking.com)). He is also an Auctioneer and instructor at Mendenhall School of Auctioneering in High Point, N.C., and Reppert School of Auctioneering in Indiana. He welcomes questions from readers about auctions and auctioneering. Readers' communications may be edited and revised. Proffitt will answer selected questions, but he cannot provide personal answers. His answers do not represent legal advice or the formation of an attorney-client relationship and readers should seek advice from their own attorneys on all matters. Please submit questions to [sproffitt@jpking.com](mailto:sproffitt@jpking.com) or c/o J. P. King Auction Company, Inc., 108 Fountain Avenue, Gadsden, AL 35901.

# Message in a bottle

## Contract should include provision on notice

I have been writing about some terms that Auctioneers should use in their contracts with sellers and explaining the value of these provisions. Last time, I focused on a party (either seller or Auctioneer) giving the other early notice in the event of any unhappiness with the other's performance.

A Party must immediately notify the other Party by both telephone and written notice should the Party have a concern, complaint, issue or problem with the other Party's performance under this agreement, so the other Party has an early opportunity to address and remedy any such matter.

This provision can be extremely important because friction of any sort between the parties can lead to dissatisfaction ... which can lead to upset ... which can lead to anger ... which can lead to trouble. This early notice provision places the burden on the unhappy party to promptly notify the other of an issue's existence to give the other party an early chance to defuse the matter before it gets worse and maybe causes even more harm.

This month we are going to answer a question that term raises: How does a party give notice to the other party?

A possible scenario:

"I told you about that a month ago!" exclaims the seller.

"You never mentioned it," answers the Auctioneer.

"I did, too, and you know it!" the seller shoots back with growing anger.

We have all seen people disagree. This illustration shows how an informal, oral communication about some issue can lead to a dispute.

If every party to a contract were competent,

honest, certain not to die or become disabled during the effective term, possessed with perfect attention and an equally good memory, and fully understanding of the agreement and committed to performing it no matter what, most of the written contracts that are used would be unnecessary. Since this is not the case, written contracts are needed to memorialize important business agreements, and the same is true for notices given under these contracts.

A party to a contract could give the other notice about some point by talking, telephoning, sending a smoke signal, putting a message in a bottle, or any other means that would enable that party to send information to the other. Smart businesspeople, though, do not leave something as important as notice to chance and dispute. This is why a good contract will include a provision that specifically defines when and how notice should be given.

### Purpose of notice

Five purposes underlie a party giving notice to the other:

1. To define the subject of the notice
2. To explain the significance of the subject in the context of the terms of the contract
3. To advise what, if any, action is requested or required from the other
4. To provide any time requirement involved
5. To state any consequences of the other's failure to cure or otherwise perform

Here is a notice provision that I often use in drafting commercial contracts:

Any notice between the Parties permitted, required or associated with this Agreement will be given in writing, including, but not limited to, an approval, complaint, consent, objection, option, or exercise of right. Notice will be deemed given and effective on the date when personally delivered to a Party, or addressed to a Party and deposited with the U.S. Postal



Service and sent by certified mail with a receipt retained, or sent by a nationally recognized delivery service with a receipt retained.

Each Party's address appears at the close of this Agreement. A Party will give notice of a change in address within five (5) business days after a new address becomes effective.

### Provision requirements

Let us briefly consider the chief requirements within this provision.

In what form is notice given? The term requires that it be in writing. The reason is that anything important should have a degree of formality to it, as well as be documented. A good writing achieves both objectives.

When should notice be given? A notice should be sent to communicate a party's approval of something where required, or to register a complaint, or to consent

to something, or to state an objection, or to exercise an option or a right. These are significant matters and deserving of this level of communication.

How is notice sent? Since notice is typically given about points that matter, it would not be appropriate to leave such communication to fortuity. Consequently, the mechanics for addressing and transmitting notice are detailed to make it reasonably likely that the communication will be received by the other party.

Now here is a key point: Notice is "deemed given and effective" when it is delivered to the other party "or" when it is sent in one of the two methods specified — mail or delivery service. Do not make the mistake of having the effectiveness of a notice be contingent upon the other party's actual receipt. It is common that certain steps and remedies within a contract's terms will not become available until one party has given the other notice. If you cannot take the next step that you need to take once notice

has been given, until you can establish the other party actually received the notice, you may find locating that party to deliver notice to be a challenge. Sometimes opposite parties do not want to be found to receive notice and they make deliberate efforts to avoid receipt. This is why you should use a reasonable provision that is likely to result in a notice being delivered, but not guaranteeing it.

While a contract is a fixed agreement between parties, that does not mean everything about it remains in concrete. Movement can occur as a result of what the parties do, or do not do, during the agreement's effective term. Sometimes a matter arises and makes it desirable or necessary for one to give notice to the other about some aspect of the contract. When that happens, the agreement should include a term that assists this process. Auctioneers should understand the importance of a good notice provision and include one in their auction contracts. ❖



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## Regardless of intention, certain statements could create legally binding warranties

**Q:** “What is an express warranty?”

**A:** *An express warranty is a statement or promise made by a seller to a buyer that a property or good has certain characteristics and that representation may be relied upon by the buyer and becomes the part of the bargain. In other words, an express warranty is a verbal or written statement that guarantees that a product is of a certain quality or will work in a certain way or for a certain amount of time. Express warranties can be verbal — they do not need to be in writing. An express warranty can be intentionally included in the sale contract or made in an advertisement or oral description. If a seller represents that the good being sold has certain qualities, i.e., durability, productivity, efficiency, etc., depending upon the exact statements made, those statements could create express warranties.*

**U**nder the Uniform Commercial Code (UCC), express warranties are created by sellers when they make any promise of fact, provide a description of the goods, or provide a model or sample of the goods. The seller expressly warrants that the goods shall conform to the seller's promise, description of the goods or the model or sample of goods provided. Unlike implied warranties, which address merchantability and fitness for a particular purpose, express warranties address the goods conformance to the representations made by a seller or his or her agent.

### No special language

For example, an Auctioneer potentially provides two express warranties with the statement: “Lot five is a widget stamping machine that produces uniform widgets. It can stamp 500 widgets per hour.” The first warranty could relate to the uniformity of the widgets stamped

by the machine. The second warranty could be concerning the rate of the machine's production. No special language is necessary to create an express warranty. It is not necessary for a seller to use formal words such as “warrant” or “guarantee.” UCC § 2-313(2). In addition, it is not necessary for a seller to intend to create an express warranty.

The UCC does not make a seller's statements of opinion about the goods being sold an express warranty. In fact, the UCC provides that a seller's “affirmation merely of the value of the goods or statement merely purporting the seller's opinion or commendation of the goods does not create a warranty.” UCC § 2-313(2). For instance, a seller may say, “This is the best widget stamping machine in the world.” This is simply the seller's statement of his or her opinion concerning the widget stamping machine. It is different from a more factual statement, such as the “widget stamping machine cuts

500 widgets per hour.” This statement potentially creates an express warranty because it is a promise that creates a reasonable expectation.

**Real estate**

Express warranties exist in a majority of real estate transactions. Real estate is usually conveyed by a deed, which can be either a warranty deed, limited warranty deed or a quitclaim deed. A warranty deed generally contains some express warranties, such as marketability and assuring possession, but the specific warranties given

will depend upon the law of the state where the real estate is located. A quitclaim deed, though, is intended to pass title without making any express warranties. There can also be express warranties relating to the size of the parcel, the current zoning, environmental issues, the condition of the soil or its suitability for building.

Again, statements of opinion made by the seller concerning real estate do not generally create an express warranty. For instance, the seller may say, “This is the most beautiful and unique piece of real estate.”

This type of statement usually would not create an express warranty for a few reasons: First, the expression is an opinion of the seller. Second, the statement by the seller is not about the value or condition of the property. Third, it is very general, and there are no standards for measuring beauty and uniqueness. The seller is simply stating his opinion concerning the real estate.

Express warranties are generally valuable and helpful to buyers. It helps a buyer be more confident in the decision-making process. A buyer can

file a lawsuit against a seller seeking damages for a breach of warranty. Auctioneers and sellers must be aware that their statements regarding goods or real estate could create an express warranty. If there is any questions regarding whether a representation creates an express warranty, Auctioneers should contact an attorney licensed in their respective state in order to address any issues this might create between the Auctioneer, seller and buyer. Look for the October issue to see whether an Auctioneer has authority to make express warranties. ❖



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# Real estate auction nearly triples assessment

**JJ** Manning Auctioneers, Yarmouthport, Mass., sold 9-9A Charter Street in Boston at an absolute auction Aug. 2 for more than \$2.4 million, according to a news release.

The property is a circa 1900 yellow-brick, five-story mixed-use building with about 7,300 square feet of finished area, a full basement and about seven one-bedroom apartments.

More than 100 spectators crowded the street to watch the auction, which had 25 registered bidders representing many of the area's top real estate investment and management firms. Each had \$75,000 in certified deposit funds.



Justin Manning, CAI, AARE (above), started the action with a series of broker pre-registration opening bids leading into an active round of live bidding. The final price almost tripled the real estate tax assessment of \$831,000. ❖

## Art, furniture make good showing

**K**aminski Auctions, Beverly, Mass., sold a gouache on paper work by Diego Rivera, titled "Mercado de Flores," and signed 1927 for \$9,700 during a 20th-century art auction in July, according to a news release.

The company also sold several pieces by Rhode Island-based artist Dennis Aker-  
vik Coelho, including oil on canvas work, "Puffer Fish," which got \$9,000. A work

by David Alfaro Siquerios depicting an abstract tree achieved \$7,000, and a harbor scene by artist Bernard Buffet achieved \$4,100.

Kaminski featured another artist with local prominence in its modern sale. A bronze plaque by David Aronson went for \$3,630.

Among the many decorative items in the sale, a Handel Table Lamp achieved \$2,450, and a Le Verre Français Cameo

Glass Table Lamp received \$2,400.

Kaminski Auctions highlighted several pieces of Hans Wegner furniture, as well. A set of six side chairs sold for \$2,040, and a two-piece hutch sold for \$1,920. The featured piece of the auction was a pair of armchairs, nicknamed "The Chair," which sold for \$1,800. Used in the Sept. 26, 1960, Kennedy-Nixon debate, the chairs have become an icon of the era. ❖



\$9,900



\$8,250



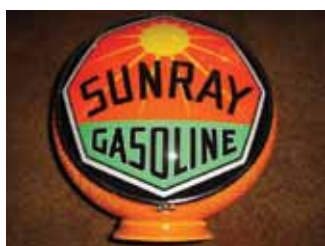
\$6,050



\$4,675



\$3,960



\$6,875



\$10,450

## Buyers continue to show interest in signs

**M**atthews Auctions LLC, Nokomis, Ill., got \$10,450 for an Empire Gasoline double-sided porcelain sign Aug. 3, the day after the Iowa Gas Show, according to a news release.

About 150 people attended the auction.

Additional highlights include the following (with 10 percent buyer's premiums):

- A Texaco Marine Lubricants single-sided porcelain sign with ships graphics soared to \$9,900
- An original Ford Service canopy-mounted globe with Ford's "The Universal Car" logo hit \$8,250
- A pair of Sunray Gasoline lenses in an original orange ripple globe body breezed to \$6,875
- A Guide Lighthouse Service Station tin three-dimensional display with light made \$6,050
- A Santa Fe Trail single-sided oval sign rose to \$4,675
- An AC Spark Plugs tin thermometer with "Sparky the Donkey" graphics commanded \$3,960 ❖



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# Auto auction beats last year's sales

Thousands of people congregated Aug. 16-18 on the grounds of the Del Monte Golf Course in Monterey, Calif., for Mecum Auctions' 4th-annual Daytime Auction, according to a news release.

The auction featured 364 vehicles, with a 1972 Can-Am Champion L&M Porsche 917/10 Spyder going for \$5.5 million.

Throughout the three-day event, Mecum sold 30 Porsches, which contributed more than \$10 million to the weekend totals. Other notable sales included a 1908 Simplex Speedcar that went for \$1.9 million and a 1972 Ferrari 365 GTB/4 Daytona Spyder that changed hands for more than \$1 million.

Mecum expects total sales to exceed \$34 million, an increase of more than 65 percent over last year's figures.

Mecum Monterey Auction 2012 top five results are as follows:

1. 1972 Porsche L&M 917/10 Spyder at \$5.5 million
2. 1908 Simplex 50 Speedcar Roadster at \$1.9 million
3. 1972 Ferrari 365 GTB/4 Daytona Spyder at \$1,050,000
4. 1974 Porsche 911 RSR IROC at \$875,000
5. 1987 Porsche 962 at \$825,000 ❖



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# “Famous” Auctioneer served several organizations

**L**ongtime National Auctioneers Association member David Norton, 63, of Coldwater, Mich., died Aug. 18 at his home, according to his obituary.

A lifelong resident of Coldwater, he graduated from Reppert School of Auctioneering in 1966. He owned Norton Auctioneers in Coldwater for more than 40 years.

The obituary calls him a “world famous Auctioneer” who conducted more than 4,000 auctions in 44 states and several countries. He helped raise more than \$3 million in benefit auctions throughout his life.

He was Past President of the Michigan State Auctioneers Association, National Past President of the Showmen League of America and 10-year Director of the Outdoor Amusement Business Association.

He belonged to American Coaster Enthusiast, the National Carousel Association, the International Association of Fairs & Exposition, the International Association of Amusement Parks, the Circus Fans of America and Tampa Showmen’s Club.

Norton also was an active member of the Coldwater Elks No. 1023 and a former Elk of the Year. He was supportive of the Tibbits Opera House and had served as a former Director of the Tibbits Foundation. He also belonged to the Coldwater Rotary, Lions Club and Optimist Club.

He is survived by his wife, Christine; his daughter, Catherine (Gary) Lams; his step sons, W. Samuel Davenport III and Eric (Staci) Davenport; his sisters, Candee (Jeff) Arnold, Denise (Wes) Kinsey and Kelly (Cameron) Otto; and grandchildren.

Memorials may be directed to the Tibbits Restoration Fund. ❖

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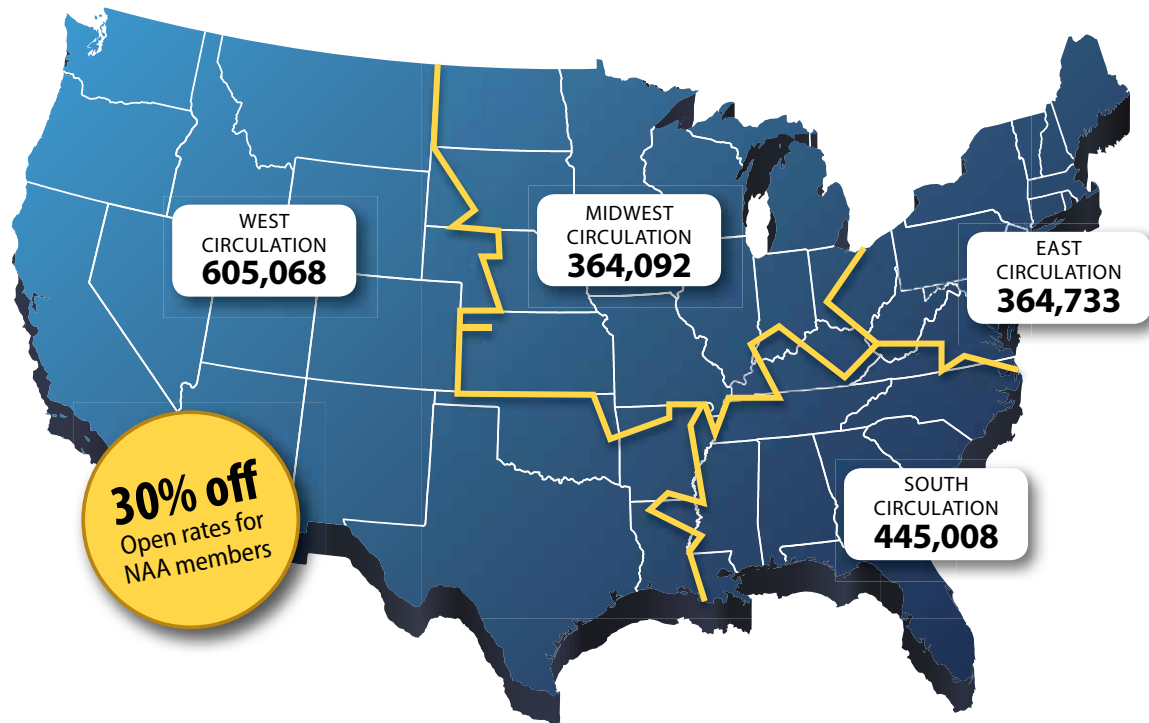

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# Hall of Famer wins state championship

Keith Jones, of Sayre & Jones Auctioneers, Arlington Heights, Ill., won the State Champion Auctioneer Contest at the Illinois State Fair on Aug. 14, according to a news release.

A second-generation Auctioneer specializing in benefit auctions, Jones now plans to compete in the International Auctioneer Championship at the National Auctioneers Association Conference and Show in July 2013.

Jones served as President of the Indiana Auctioneers Association in 2004 and won its Champion Bid-caller contest in 1997.

He was inducted into the Indiana Auctioneers Hall of Fame in 2011.

The event's first runner-up was Van Adkisson, of Roseville, Ill.; and Alex Belcher, of Joe Ollis Auction Service LLC, Buncombe, Ill., made the top six. ❖

## Ohio Auctioneer Championships



Seth Andrews (left), of Seth Andrews Auctioneer, Wooster, Ohio, won the Ohio Auctioneer Championships at the Ohio State Fair in Columbus, Ohio, on July 30, according to a news release. Reserve Champion was Tim Lile, CAI, of National Commercial Auctioneers, Dayton, Ohio; Second runner-up was Peter D. Gehres, CAI, CES, of Gryphon Auction Group, Lewis Center, Ohio; and Mark Bachus, of Bachus/White Auctioneers LLC, Wooster, Ohio, was a finalist. James Mast (right), of Orrville, Ohio, won the junior division. Second runner-up was Matt Bowers, of Matthew Bowers Auctioneer, Fort Jennings, Ohio. The Ohio Auctioneers Association played host to the contest, which was funded in part by the Ohio Auction Education Fund.

Submitted photos

# Chaplain enters Texas Hall of Fame

The Texas Auctioneers Association named Alvin Kaddatz, of Kaddatz Auctioneering, Hillsboro, Texas, to its Hall of Fame in June, according to a news release.



Kaddatz

The Hall of Fame recognizes Texas Auctioneers Association members of at least 15 years who have shown a dedication to the organization and are well respected in their communities and by their peers.

Kaddatz has been a TAA member since 1983, when he started in the auction business following graduation from Missouri Auction School. He has served on the TAA Board of Directors and as the TAA Chaplain. In 2009, the TAA gave him its Leadership Award.

Kaddatz also serves as a member, Chaplain and co-treasurer for the Fellowship of Christian Auctioneers International.

His oldest son, National Auctioneers Association member Travis Kaddatz, also is an accomplished Auctioneer and a member of the TAA Board. His youngest son, David, also works in the business; and his grandson, Carson, sells items in the TAA Fun Auctions. ❖

# Support the kids of St. Jude by participating in Auction for Hope.

Alexis colors quietly alongside her little sister, patiently listening to her chatter on about her drawing. Her sister loves to talk, but Alexis is shy. Their mom, Bridgette, loves watching them play together. "They're like best friends," she said. "Alexis is a good big sister. She's very patient."

The calm demeanor belies the fact that Alexis has been battling neuroblastoma for more than half of her life. "I admire Alexis' strength," said Bridgette.

Alexis was just 2 years old when she first walked through the doors of St. Jude Children's Research Hospital®, Treatment for neuroblastoma is complicated. Alexis has undergone chemotherapy, radiation, a bone marrow transplant and multiple surgeries. Her cancer has come back twice, and each time St. Jude has been there for her family.

Alexis is grateful for everything St. Jude has done for her. "There isn't just one set way of treating a child," Bridgette said. "Because of the research they do at St. Jude, there's always something new to try."

Today, Alexis is home and doing well. She loves board games and drawing. Alexis visits St. Jude for regular checkups.

For more information about St. Jude and The Auction for Hope, visit [stjude.org/naa](http://stjude.org/naa).

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Alexis  
7 years old  
neuroblastoma



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## **Fellowship of Christian Auctioneers International**

The Fellowship of Christian Auctioneers International (FCAI) met in Spokane, Wash., at Conference and Show. FCAI Officers, Directors: President O.C. Mangold, CAI, AARE, CES; 1st Vice President Don Shearer, CAI, BAS, CES, GPPA; 2nd Vice President Don Kirkland; Secretary Joani Mangold, CAI, CES, GPPA; Treasurers Alvin Kaddatz and John Sisk, CAI; Board Directors Brenda Stone, Travis Kaddatz, Marty Higgenbotham, CAI, CES, Denise Rinaldi and Dennis Kruse, CAI.

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Heartland Communications Group for over 47 years has served the auction industry with marketing products that work. Heartland's grassroots relationship with the auction industries' end users provides the basis for straightforward, trustworthy delivery of an Auctioneer's message. Our promise is to continue to provide high-quality service to the auction industry.

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### NAA Auxiliary

The Auxiliary is the source for promotion and advancement of the auction team through our mission. Our mission is to embrace the entire auction team, to maintain high ethical standards and to serve as a catalyst, creating education and networking opportunities associated with the auction method of marketing.

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AmeriBid is the premier global real estate auction leader specializing in the sale of commercial and residential real estate, land properties and other assets for lenders, servicers, receivers, bankruptcy attorneys, estates, private owners, investment companies and local, state and federal government agencies.

**AuctionZip**

As a Gold Sponsor, AuctionZip proudly supports the NAA. With an all-star lineup of AuctionZip staff at the 2012 Conference and Show, including CEO Adam Kirsch, the team returned home with a sense of renewed purpose and excitement for the future. Thank you, NAA!

**Hall and Hall**

Hall and Hall has been an industry leader in the real estate business since 1946. During that time they have offered exceptional services to both buyers and sellers through their private treaty sales, financing and management divisions. In November 2010, Hall and Hall Auctions was established to allow for another tool to liquidate properties effectively.

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**MarkNet Alliance**

MarkNet Alliance was honored to be able to sponsor the President's Gala at this year's Conference and Show and to be able to thank past leadership and celebrate new leadership in the NAA. MarkNet Alliance was founded with the primary goal of helping established auction companies grow their businesses.

**NAA Auxiliary**

The Auxiliary is committed to supporting the NAA through scholarships and education programs. We have awarded 56 scholarships for children and grandchildren of Auxiliary Members totaling \$88,220, supported the National Auctioneers Foundation with \$9,200 over the past four years and sponsored the Auction Manager Course at Conference and Show 2012.

**National Auctioneers Foundation**

The NAF thanks all who donated at Conference and Show in Spokane, Wash., either through the 12x12 program or through the raffle. If you weren't in Spokane, you can still help us with a \$12 donation each month for a year. Call Lois Zielinski at (913) 563-5427 for more information.

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# MEMBERS' CORNER

Mike Jones, CAI, BAS, GPPA (center), purchased "Auction Treasures" for \$3,300 during the Conference and Show Fun Auction on July 18 in Spokane, Wash. The new painting is by Joani Mangold, CAI, CES, GPPA (second from left). Also in the picture is NAA Past President Christie King, CAI, AARE, BAS; Lori Jones; NAA CEO Hannes Combest, CAE; and Mangold's husband, O.C. Mangold, CAI, AARE, CES.

Submitted photo



# IN THE RING

**PAGE 13** *"I thought there would be no better way to honor my mom. She would have loved that."*  
 Damien Massart, CAI, BAS, GPPA

**PAGE 31** *"My wife had told me before I left that I'm not allowed to win unless she's there. Thankfully she forgave me when I got back home."*  
 Justin Ochs

**PAGE 32** *"I want to motivate others to pursue their dreams and work on improving their skills. The sky is the limit; why not pursue it?"*  
 Lynne Zink, CAI, BAS, CES

**PAGE 37** *"You get a taste of what it's like and then it gets taken away from you ... now I even have more of a push to win ... you know some of the good things that come out of it."*  
 Julia Sparks



INDUSTRY SPOTLIGHT

## NAA creates Task Force to evaluate online services

The National Auctioneers Association Board of Directors has established a Task Force to examine the products offered by providers of online auction services.

Rich Schur, CAI, BAS, MPPA, is Chairman, and members are Peter Gehres, CAI, CES; Robert Mayo, CAI, AARE, ATS, GPPA; Tom Saturley, CAI; John Schultz, ATS; and Robert Weiman, CAI, CES.

The charge is to investigate, explore and understand online auction industry trends, the quality of products and services offered and then potentially to recommend standards of practice to the Board on behalf of NAA members. Schur says he hopes the Task Force

will provide a tool that will help NAA members make educated decisions when it comes to choosing a vendor or vendors for respective services.

Schur says the Task Force's goal is to be fair and consistent in its examination of online auction products and services. Members of the Task Force will be contacting vendors directly for information, allowing each vendor equal time.

Schur also says that as research proceeds, he and others in the group will provide NAA members with updates on the companies the Task Force is researching.

➤ United Country Auction Services reports strong sales volume across all sectors in July, according to a news release. Land was up 59 percent, commercial real estate increased 99 percent and personal property was up 81 percent. The release says that in another good sign for the auction method of marketing in real estate, **average sales prices at auction had increased 53 percent over the same time last year.**

➤ *CEO Communications* magazine presented Kim Faclier, of GoIndustry DoveBid S.A., Cape Town, South Africa, with the Property Award at the **11th annual South Africa's Most Influential Women in Business and Government Awards**, according to a news release. The award, presented July 26, recognizes inspirational women for leadership and for how they contribute to business and government.



Faclier

➤ Proxibid Inc., Omaha, Neb., has entered into a partnership with WeGoLook, an online verification company that provides personalized reports from certified inspectors nationwide. According to a news release, the service gives buyers more confidence about their online purchases, as sellers in **Proxibid's marketplace are now able to provide certified inspections of auction items from WeGoLook representatives.**

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Bennett

“ I decided to join the NAA for a handful of reasons, but collectively I did so in an effort to better myself as an Auctioneer and in the auction profession. Being new to the auction industry, there is so much to learn and so many people to meet, and the NAA is a great tool in accomplishing both. Furthermore, I hope to use the NAA to pass on the knowledge I have to others.”

**Nick Bennett**

Bozeman, Mont.

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**“** *I joined NAA because it is the world's largest professional association dedicated to professional Auctioneers, and as a member, I have access to information to help me and my business to grow.* **”**

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*continued »*



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New members compiled by Brandi McGrath



Tyberg

**“** I looked at joining the NAA as a natural step in building our business. The NAA is an incredible resource of information and service. I can't imagine being in our industry and not being a part of the NAA. **”**

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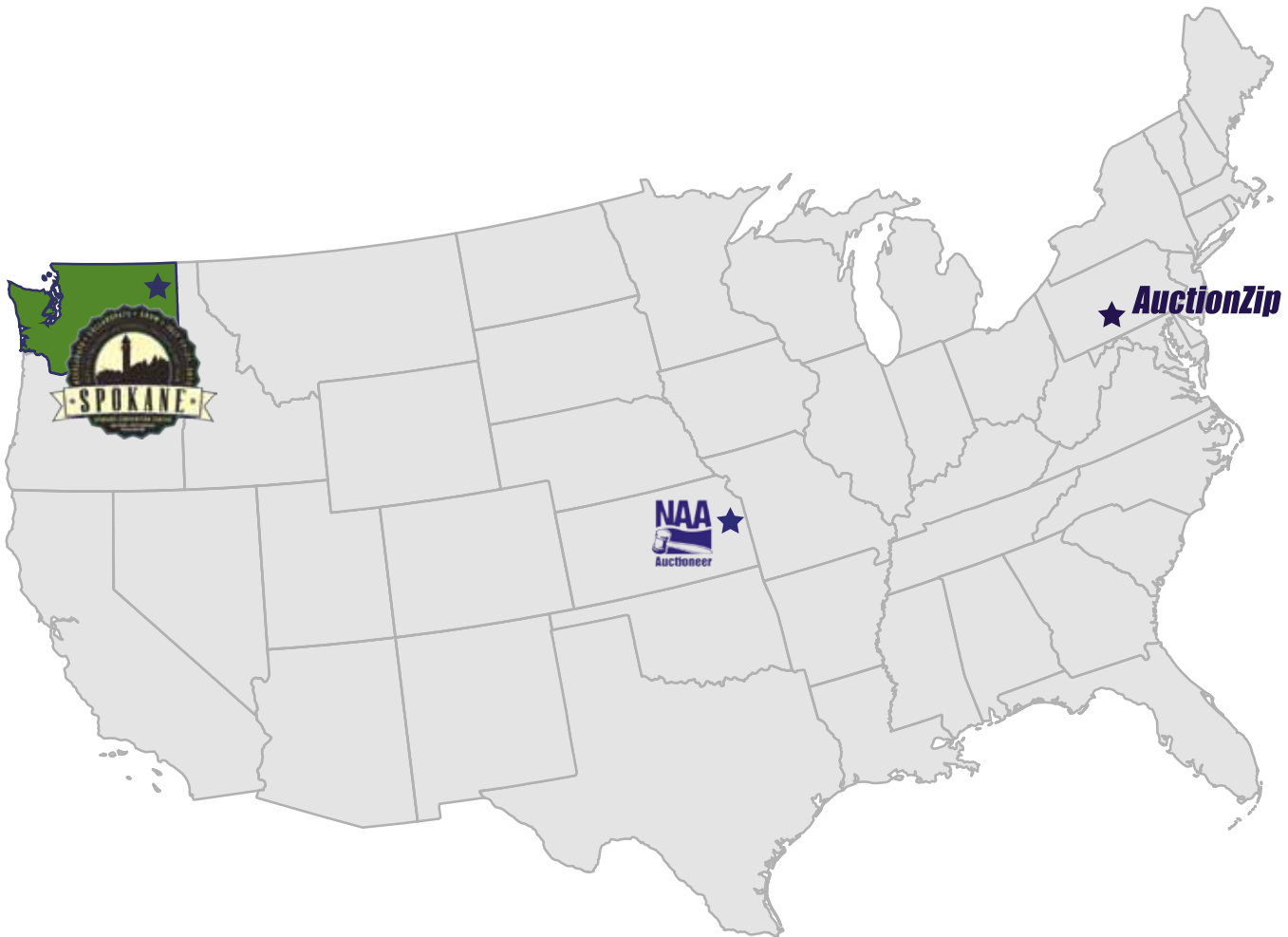


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