**KDA’s Livestock Brand Guidelines**

Kansas brand laws state that a registered livestock brand is the personal property of the recorded owner(s) and is handled the same as other personal property. K.S.A. 47-422. Please keep in mind that the owner(s) of a registered brand may assign use rights at their own discretion. To make any change in ownership of a livestock brand, a bill of sale should be executed by ALL present owners, notarized by a notary public, and submitted to KDA along with the transfer fee for processing.

**Registering Ownership Brand by a Person or Persons**

Brands need to be owned by a person(s) or legally established business entity. If you chose to register your brand with ownership by multiple persons, KDA requires that either:

* ALL owners listed on the brand must sign in acknowledgment of any application, name change, or transfer;
OR
* ALL owners listed on the brand must sign a legal document designating one owner to act on behalf of all owners (see “Designated Authority” below).

**Registering Ownership Brand by a Business Entity**

Brands need to be owned by a person(s) or legally established business entity. When registering a brand in the name of a company or companies, such as an LLC or Corporation, the company must be registered to do business in the State of incorporation. The company name submitted on the application needs to match the business entity name as it appears on the Annual Report filed with Kansas Secretary of State (KSOS) for that organization or on similar documentation from any out of State registering agency. For further information, please contact the KSOS at 785-296-4564.

*If a livestock operation or ranch conducts business under a company name but is not licensed as a valid business entity in good standing with the KSOS or out of State registering entity,* *KDA will automatically register the brand under the name of the individual person or persons that submitted the registration application, transfer, or renewal to KDA*.

Please note that those operating as a General Partnership or a Sole Proprietorship may submit a Doing Business As (DBA) registration or any other legal document to KDA showing that the business is a legally established business entity, as DBAs will not be listed with the KSOS.

For out of State businesses, please submit proof of documentation for the legally established business entity to KDA. The names of ALL principals and/or agents having the authority to bind the company or companies need to be listed on the application as well.

If Brand is owned by multiple business entities, ALL owners listed on the brand must sign a legal document designating one owner to act on behalf of all owners (see “Designated Authority” below).

**Designated Authority**

If obtaining signatures from ALL co-executors, owners, or trustees is too burdensome, KDA will accept a power of attorney or other legally binding document authorizing one executor, owner, or trustee to act on behalf of all other owners, co-executors, or trustees. This document must be signed by ALL co-executors, owners, or trustees, witnessed by a notary, and submitted to KDA.

**Examples of Official Documentation Accepted for Name Changes or Transfers:**

The following documents are examples of official documentation accepted by KDA in the event of a name change or transfer.

* Marriage
	+ A copy of the marriage license clearly showing the legal names of both spouses.
* Divorce
	+ A copy of the final divorce decree stamped by a district court and a copy of any divorce papers indicating who received the brand, livestock entities, or similar forms of personal property.
* Death
	+ A copy of the owner’s death certificate, and either (1) documentation from the district court closing the estate in the event of probate proceedings, or (2) a copy of the owner’s Last Will and Testament, Letter of Testamentary, or other documentation indicating who received the brand, cattle or livestock entities, similar forms of personal property, or the general estate.
* Sale or Transfer
	+ A properly executed Bill of Sale. A copy of the Bill of Sale is located at the bottom of your brand certificate. Please contact our office or see our website for additional copies of a Bill of Sale.
		- Please ensure that ALL current brand owners sign the Bill of Sale and that the document is properly notarized.

**Signature Guidelines:**

The following list provides guidance on who should sign the renewal form and any subsequent document submitted to KDA.

* Minors
	+ If a minor is the brand’s owner, please include both the minor’s signature and a parent’s or legal guardian’s signature.
* Co-Executors
	+ ALL executors must sign acknowledging any name change or transfer.
* Brands with One or More Owners
	+ ALL owners listed on the brand must sign acknowledging any name change or transfer.
* Brands with a Trust as Owner
	+ ALL Trustees must sign acknowledging any name change or transfer.
* Business Entities
	+ Must be signed by a person with authority to bind the business entity.
		- Please note that ALL principals and/or agents having authority to bind the company or companies needs to be listed on the brand. If all principals and/or agents are not currently listed on the brand, we recommend that you add their names as part of the renewal process.

**Check Policy:**

* KDA will hold a check for a maximum of 6 months after receiving the transfer paperwork. If KDA does not receive proper documentation within 6 months, your transfer paperwork will be rejected, and we will return your transfer paperwork and check via mail to the address on file.
* Additionally, KDA will not accept a check for more than the amount stated on the renewal form. Failure to comply with this rule will result in your renewal or transfer being rejected and your submitted paperwork and check being returned via mailed to the address on file.
* All Checks should be made payable to “***KDA Brands****”* and mailed to the address below:

Kansas Department of Agriculture

Brands Program

1320 Research Park Drive

Manhattan KS 66502