



# **American DEVON Cattle Association**

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*Breeder Guidelines*

# **Guidance for Devon Breeders**

AMERICAN DEVON CATTLE ASSOCIATION

# Breeder Guidelines

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# Table of Contents

*Introduction .....pg 3*

## **CHAPTER 1: ARTICLES OF INCORPORATION AND BYLAWS**

*Articles of Incorporation ..... pg 4-5*

*Bylaw's Table of contents .....pg 5*

*ADCA Bylaws..... pg 6-9*

## **CHAPTER 2: ADCA RULES**

*ADCA Rules Table of Contents ..... pg 10*

*ADCA Rules..... pg 11-17*

## **CHAPTER 3: ADCA BREEDER REFERENCE**

*Naming Registered Devons and Permanent ID ..... pg 18-19*

*Registering Devons and ADCA Year Codes..... pg 19*

*Transferring Devons ..... pg 19-20*

*Standards of Excellence ..... pg 21-22*

*ADCA Work Order and Fee Schedule  
and Registration Form..... Insert*

# Introduction



*The American Devon Cattle Association has compiled this set of “Breeder Guidelines” to help guide its members in the raising and registering of Devon cattle. The ADCA Board of Directors has adopted these guidelines pursuant to the authority of the Association’s Bylaws. This book contains our Articles of Incorporation, our association Bylaws, our association rules as well as some valuable reference material. All ADCA members are compelled to understand, apply and abide by these rules in order to help promote the Devon breed and assure its purity.*



# American DEVON Cattle Association Articles of Incorporation and Bylaws

**Articles of Incorporation or the American Devon Cattle Association** I, the undersigned natural person, hereby associate to form a non-stock corporation under the provision of Chapter of Title 13.1 of the Code of Virginia (1950), as amended, for the purpose of forming a non-stock, non-profit corporation, and thereupon state:

## Article I - Name

The name of the Corporation shall be American Devon Cattle Association.

## Article II - Purposes

A. To encourage the breeding and marketing of Devon cattle.

B. To educate the cattle industry and the public on the benefits and advantages of Devon cattle.

C. To engage in, assist and contribute to the support of exclusively educational, scientific, literary and charitable activities and projects.

D. To dispose of any and all of the corporations assets and property to or for the benefit of any corporation, organization, fund or foundation operated exclusively for charitable purposes.

E. To make and award, without limitation as to amount to anyone recipient or to all recipients, donations, gifts, contributions, scholarships, grants, fellowships and loans

from the income, assets and property exclusively for educational, scientific, literary and charitable purposes.

F. To continue as a corporation under its corporate name in perpetuity. In connection with the foregoing objectives and purposes, the corporation shall receive, administer, maintain, use and employ its funds, net earnings and property, real and personal, exclusively for educational, scientific, literary and charitable purposes as such purposes are used and defined in or in connection with §170(c)(2) of said Code, (or in corresponding provisions of any later U. S. Internal Revenue Law), and the Regulations thereto as they now exist or hereinafter may be amended; to pursue such objectives or purposes, either directly or by contribution to organizations which qualify as exempt pursuant to said Code, Regulations and Sections thereof, respectively. The objectives, purposes and powers of the corporation are each and subject to the limitation that:

1. The Corporation is organized exclusively for charitable, educational, or scientific purposes within the meaning of §501(c)(3) of the Internal Revenue Code of 1986. More specifically, the purpose of the Corporation as set forth in Article II.

2. The Corporation shall neither have nor exercise any power,

nor shall it directly or indirectly engage in any activity that would (1) prevent it from obtaining exemption from federal income taxation as a corporation described in §501(c)(3) of the Internal Revenue Code of 1986, or (2) cause it to lose such exempt status.

3. The Corporation shall not be operated for the primary purpose of carrying on trade or business for profit.

4. No substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation nor shall it in any manner or to any extent participate in or intervene in, (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office; nor shall the Corporation engage in any activities that are unlawful under the applicable federal, state or local laws.

5. References to provisions of the Internal Revenue Code of 1986 shall be deemed to include corresponding provisions of any statutes which succeed such provisions.

6. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributed to, any private person except the Corporation shall be authorized to pay reasonable compensation for services rendered and to make payment and

# ARTICLES OF INCORPORATION AND BYLAWS

distributions in further of the purposes set forth in this Article above.

7. The Corporation shall indemnify, to the fullest extent permitted and required by the Virginia Nonstock Corporation Act, as such Act exists now or may hereafter be amended, its Directors and Officers who are made a party to any proceeding by reason of their office for acts or omissions performed in their official. There shall be no liability for the acts or omissions of an Officer or Director of the Corporation in any proceeding brought by or in the right of the Corporation or brought by or on behalf of the members (or member) of the Corporation, if any, unless otherwise provided by the laws of the Commonwealth of Virginia, arising out of any single transaction, occurrence, or course conduct pursuant to §13.1-870.1 of the Code of Virginia, as may be amended from time to time. Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of §501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Circuit Court of the County in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

## Article III - Membership

The Corporation is to have members the categories, qualifications, and rights of the members shall be as set forth in the Bylaws and conferring, limited or denying the right to vote shall also be set forth in the Bylaws.

## Article IV- Board of Directors

The policies and financial obligations of this corporation shall be supervised by a Board of Directors. There shall be seven (7) members of the Board of the Corporation. The number of directors may be increased or decreased from time to time as provided by the By-Laws. Members of the Board serve for a three (3) year term, unless the Bylaws provide otherwise.

The initial Board members are as follows:

Gearld Fry  
193 Fry Road  
Rose Bud. Arizona 72137

Jeremy Engh  
9272 Big Horn Road  
Remington, VA 22734

Martha Trantham  
43 Lenoir Lane  
Canton, NC 28716

Bob Grant  
1536 Franklin Road,  
PO Box 100  
Jackson Center, PA 16133

Bobbie Womack  
2276 Rhoner Road  
Greensburg, LA 70441

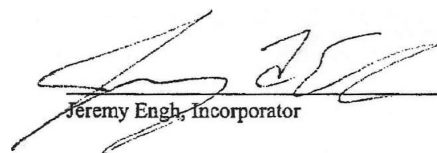
Virginia Fortenbeny- Whitworth  
7206 Foxworth  
Dallas, TX 75662

Charles Trantham  
43 Lenoir Lane  
Canton, NC 28716

## Article V - Registered Agent

The post office address, with street and number, if any, of the corporation registered office is 31 South Second Street, Town of Warrenton, County of Fauquier, Commonwealth of Virginia. The corporation's registered agent is PATRICIA A. WOODWARD who is a resident of Virginia and whose business address is the same as the address of the registered office, and who is duly licensed to practice law in the Commonwealth of Virginia as a member of the Virginia State Bar.

Dated: 9-16-05



Jeremy Engh, Incorporator

## Bylaws Table of Contents

### Article I: Offices, Records, Seal

Section 1.1 Registered Office.....	6
Section 1.2 Records.....	6
Section 1.3 Seal.....	6

### Article II: Purposes

Section 2.1 Purposes .....	6
----------------------------	---

### Article III: Membership

Section 3.1 Membership .....	6
Section 3.2 Classes .....	6
Section 3.2 (a) Standard Membership.....	6
Section 3.2 (b) Associate Membership.....	6
Section 3.2 (c) Junior Membership.....	6
Section 3.2 (e) Membership Termination..	6
Section 3.2 (d) Honorary Membership .....	6
Suspension 3.3 Voting .....	6
Section 3.4 Registry Services .....	6

### Article IV: Meetings of Members

Section 4.1 Place of Annual Meeting .....	6
Section 4.2	
Time/Purpose of Annual Meeting.....	7
Section 4.3 Special Meetings .....	7
Section 4.4	
Consent of Members in Lieu of Meeting ....	7
Section 4.5 Notice.....	7
Section 4.6 Waiver of Notice .....	7
Section 4.7 Quorum.....	7

### Article V: Directors

Section 5.1 In General .....	7
Section 5.2 Number .....	7
Section 5.3	
Election and Terms of Office .....	7
Section 5.4	
Commencement of Term of Office .....	7
Section 5.5 Vacancies .....	7
Section 5.6 Compensation .....	7
Section 5.7 Indemnification/Liability	
of Directors/Officers .....	8
Section 5.8 Meetings .....	8
Section 5.9 Annual Meetings.....	8
Section 5.10 Regular Meetings.....	8
Section 5.11 Special Meetings.....	8
Section 5.12 Waiver of Notice .....	8
Section 5.13 Quorum.....	8
Section 5.14	
Action Without a Meeting .....	8
Section 5.15 Resignation .....	8
Section 5.16	
Absence of Personal Liability.....	8

### Article VI: Officers

Section 6.1 General.....	8
Section 6.2 Removal.....	8
Section 6.3 Compensation .....	8
Section 6.4 Vacancies .....	8
Section 6.5 Delegation of Authority .....	9
Section 6.6 President .....	9
Section 6.7 Vice President .....	9
Section 6.8 Executive Secretary.....	9
Section 6.9 Treasurer.....	9
Section 6.10 Registrar .....	9

### Article VII: Committees

Section 7.1 General.....	9
Section 7.2 Nominating Committee .....	9

### Article VIII: Financials

Section 8.1 Depository and Checks.....	9
Section 8.2 Bond .....	9
Section 8.2 Fiscal Year .....	9

### Article IX: Amendments

Section 9.1 Amendments.....	9
-----------------------------	---

### Article X: Effective Date

Section 10.1 Effective Date.....	9
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## **Bylaws of the American Devon Cattle Association, Inc.**

The following Bylaws were adopted January 1, 2008, unless otherwise noted.

### **Article I - Offices, Records, Seal**

1. Registered Office and Registered Agent. The corporation shall have and continuously maintain a registered office and registered agent in the Commonwealth of Virginia. The location of the registered office and the name of the registered agent in the Commonwealth of Virginia shall be such as are stated in the Articles of Incorporation and as may be changed and determined from time to time by the Board of Directors pursuant to the applicable provisions of law.

2. Records. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors and each committee having any of the authority of the Board of Directors. The corporation shall keep at its registered office or principal office a record of the name and address of each director and of each member entitled to vote. All books and records of the corporation may be inspected by any members, or his agent or attorney, for any proper purpose at any reasonable time.

3. Seal. The Board of Directors shall adopt, and may alter at pleasure, a corporate seal, which shall have inscribed thereon the name of the corporation and the words: Corporate Seal –Virginia. The corporate seal may be used by causing it, or a facsimile thereof, to be impressed or affixed or to be in any other manner reproduced.

### **Article II - Purposes**

The purpose of the American Devon Cattle Association is to maintain an accurate pureblood Devon registry, to preserve the purity of the breed, to disseminate general information to the membership, and to recruit new members through general promotional activities. The purposes of this corporation shall be those nonprofit purposes stated in the articles of incorporation, as may be amended.

### **Article III - Membership**

1. General. The membership of the corporation shall be unlimited in number, and shall be open to all persons, associations, corporations, partnerships, or other entities interested in American Devon Cattle.

2. Classes. The membership of the corporation shall be divided into the

following classes, each with the qualifications and rights herein set forth, and such other classes as may be established from time to time by the board of directors.

(a) Standard Membership. Any person interested in American Devon cattle may qualify for membership in this corporation by delivered to the offices of the corporation a letter of application and a \$100.00 fee for membership. Members shall be Voting Members of the corporation and shall be eligible to vote in meetings of members and to qualify for becoming an officer or director of the corporation by having paid \$25.00 or more for registry services in the previous calendar year, or by having paid or prepaid \$25.00 of registry fees within the current calendar year, provided however that new standard members during their first calendar year of membership need not have paid any registry fees in order to be voting members of the corporation. Should a standard member fail to communicate with the corporation office for a period of Twenty-four (24) consecutive months, their membership shall be considered to be in abeyance and the corporation shall be under no obligation to provide them with any notice or other service, provided however, any such life member whose membership is in abeyance may reactivate their membership by so informing the corporation in writing.

(b) Associate Membership. Any person interest in American Devon cattle, but not owning any interest in any American Devon cattle, may qualify for Associate Membership in this corporation by delivering to the offices of the corporation a letter of application, along with a \$30.00 annual fee, and shall remain in good standing for so long as he pays an annual fee of \$30.00 per year on or before the anniversary date of his membership. Associate members shall be non-voting members and shall be ineligible to serve as officers or directors of the corporation.

(c) Junior Membership. Any person under the age of eighteen (18) years, interested in American Devon cattle may qualify for junior membership in this corporation by delivering to the offices of the corporation a letter of application and a \$25.00 fee for junior membership. Any junior member may convert his junior membership into a life membership between his eighteenth and nineteenth birth dates by delivering to the offices of the corporation a letter requesting such conversion and a \$25.00 fee constituting the remainder of the lifetime membership fee. Junior mem-

bers shall have all rights and privileges of lifetime members with the exceptions that they shall be nonvoting members and shall be ineligible to serve as an officer or director of the corporation.

(d) Honorary Membership. The board of directors may confer a lifetime honorary membership upon any person who, in the opinion of the board, has rendered distinguished service in the promotion or improvement of American Devon cattle. Honorary members shall be nonvoting members.

(e) Membership Termination / Suspension. The board of directors may choose with a majority vote to suspend or terminate the privileges of any member if it is decided that that member has knowingly falsified data, practiced business in any manner deemed unethical by the board of directors, been in violation of registry policy, or failed to pay dues or fees to the association.

3. Voting. Each voting member shall be entitled to one vote on each matter submitted to the members, and one vote for Board of Director appointment. A voting member may vote either in person or by proxy executed in writing by said member or his duly authorized attorney in fact. No proxy shall be valid after eleven months from the date of its execution.

4. Registry Services. Members in good standing are expected to maintain accurate records and provide registrations on all Devon Cattle used for breeding purposes. Members doing this shall be referred to as, "In good Standing". Breeders guilty of the following infractions will have their registry privileges suspended or terminated and be subject to a \$100.00 fine per infraction,(subject to review by board of directors), and shall be referred to as,"suspended".

a. Registering animals not meeting the breed standards.

b. Falsification of records.

c. Not adhering to the Associations genome policy. (must have DNA on file for Devons used in A.I. and Embryo transfer work)

d. Not transferring animals within 60 days of sale.

e. Selling impure stock as, "purebred" or, "register able"

### **Article IV - Meetings of Members**

1. Place of Annual Meeting. The annual meeting of the members shall be held at such place within or without the Commonwealth of Virginia as may from time to time be designated by resolution of the President of the corporation.

# ARTICLES OF INCORPORATION AND BYLAWS

2. Time and Purpose of Annual Meeting. The annual meeting of the members shall be held at a time designated by the board of directors at which meeting the members shall elect a board of directors and transact such other business as may properly be brought before the meeting.

3. Special meetings of the members may be held at any time and for any purpose or purposes at such place within or without the Commonwealth of Virginia as may be designated from time to time by resolutions of the board of directors. Special meetings may be called by the president or by the board of directors or by one-third of all of the members of the corporation. The "call" and the "notice" of any such meeting shall be deemed to be synonymous.

4. Consent of Members in Lieu of Meeting. Any action required to be taken or which may be taken at a meeting of the members may be taken without a meeting if consents in writing, setting forth the action so taken, shall be signed by two-thirds of the members entitled to vote with respect to the subject matter thereof. The Executive Secretary shall file such consents with the minutes of the meetings of the members.

5. Notice. Written or printed notice of all meetings stating the place, day and hour of the meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called shall be delivered not less than five nor more than forty days before the date of the meeting, either personally or by mail, by or at the direction of the President, or Executive Secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

6. Waiver of Notice. Whenever any notice is required to be given under the provisions of these bylaws, or of the articles of incorporation or of any law, a waiver thereof in writing signed by the person or person entitled to such notice, whether before or after the time stated therein, shall be deemed the equivalent to the giving of such notice. To the extent permitted by law, attendance of a member at any meeting shall constitute a waiver of notice of such meeting.

7. Quorum. Except as otherwise may be provided by law or by the articles of incorporation, a majority of the members entitled to vote there at,

present in person or by proxy, shall constitute a quorum for the transaction of business at all meetings of the members. Every decision of a majority of such quorum shall be valid as a corporate act, except in those specific instances in which a larger vote is required by law, by the articles of incorporation or by these bylaws. If, however, such quorum should not be present at any meeting, the members present and entitled to vote shall have power successively to adjourn the meeting, without notice to any member other than announcement at the meeting to a specified date not longer than ninety (90) days after such adjournment. At any subsequent session of the meeting at which a quorum is present in person or by proxy any business may be transacted which could have been transacted at the initial session of the meeting if a quorum had been present.

## Article V - Directors

1. In General. The property and affairs of the corporation shall be managed by the board of directors of the corporation. The board of directors shall have and is invested with all and unlimited powers and authorities, except as it may be expressly limited by law, the articles of incorporation or these bylaws, to manage the business and affairs of the corporation, to do or cause to be done any and all lawful things for and on behalf of the corporation, to exercise or cause to be exercised any or all of its powers, privileges or franchises, and to seek the effectuation of its objects and purposes; provided, however, that the board of directors shall not authorize or permit the corporation to engage in any activity not permitted to be transacted by the articles of incorporation or by a not-for-profit corporation organized under the laws of the Commonwealth of Virginia, and all income and property of the corporation shall be applied exclusively for its not-for-profit purposes. No part of the net earnings or other assets of the corporation shall inure to the benefit of any director, officer, contributor, or other private individual, having, directly or indirectly, a personal or private interest in the activities of the corporation.

2. Number; Qualifications. The directors of the corporation shall be seven (7) in number. The number of directors may be increased or decreased by amendment to the bylaws, in accordance with the articles of incorporation and the applicable laws of the Commonwealth of Virginia. Directors shall be selected on the following criteria: (a)

past active participation as a member (1 YEAR MINIMUM) and the desire and ability to participate in activities as a director and breeder; (b) Listed as, "in good standing" with the Association for not less than one year; (c) the ability to represent the standards of breed excellence to the public.

3. Election and Terms of Office. The directors in office on the date of the adoption of these bylaws shall continue in office for the remainder of their present terms unless sooner removed in the manner provided by law. At the first annual meeting of the members of this corporation next following the adoption of these bylaws and at each annual meeting thereafter, the membership shall elect from among their members a number of directors equal to one-third the number of directors constituting the entire board of directors, to replace the directors whose terms of office expire on the occurrence of said annual meeting of the membership. Each director so elected shall hold office for a period of one (1) to three (3) years and until his successor is duly elected and commences his term of office.

4. Commencement of Term of Office. A director shall be deemed to be elected at the time of his election by the members but he shall not be deemed to have commenced his term of office or to have any of the powers or responsibilities of a director until the time he accepts the office of director either by a written acceptance or by participating in the affairs of the board of directors at a meeting thereof or otherwise.

5. Vacancies. Vacancies in the membership of the board of directors resulting from any cause, including an increase in the number of members of the board of directors, shall be filled by a majority vote of the remaining members of the board of directors at their next regular meeting or at a special meeting called for that purpose. A member appointed to fill the vacancy created by any reason other than an increase in the number of members of the board of directors shall serve for the unexpired term of his predecessor in office and until his successor has been elected and qualified. A member appointed because of an increase in the number of the board of directors shall serve for the term for which appointed, and until his successor shall have been elected and qualified.

6. Compensation. No member of the board of directors shall receive compensation for any service he may perform as a member of the board of directors of the corporation.

7. Indemnification and Liability of Directors and Officers. Each person who is or was a director or officer of the corporation or is or was serving at the request of the corporation as a director or officer of another corporation (including the heirs, executors, administrators, or estate of such person) shall be indemnified by the corporation as of right to the full extent permitted or authorized by the laws of the Commonwealth of Virginia, as now in effect and as hereafter amended, against any liability, judgment, fine, amount paid in settlement, cost and expense (including attorney's fees) asserted or threatened against and incurred by such person in his capacity as or arising out of his status as a director or officer of the corporation or, if serving at the request of the corporation, as a director or officer of another corporation. The indemnification provided by this bylaw provision shall not be exclusive of any other bylaw or under any agreement, vote of stockholders or disinterested directors or otherwise, and shall not limit in any way any right which the corporation may have to make different or further indemnifications with respect to the same or different person or classes of persons.

No person shall be liable to the corporation for any loss, damage, liability or expense suffered by it on account of any action taken or omitted to be taken by him as a director or officer of the corporation or of any other corporation which he serves as a director or officer at the request of the corporation, if such person (i) exercised the same degree of care and skill as a prudent man would have exercised under the circumstances in the conduct of his own affairs, or (ii) took or omitted to take such action in reliance upon advice of counsel for the corporation, or for such other corporation, or upon statements made or information furnished by directors, officers, employees or agents of the corporation, or of such other corporation, which he had no reasonable grounds to disbelieve.

8. Meetings. All meetings of the board of directors may be held at any place within or without the Commonwealth of Virginia, as designated in the call or notice of said meeting.

9. Annual Meetings. The annual meeting of the board of directors shall be held in such location as, on the same date as, and immediately following the annual meeting of the membership of the corporation.

10. Regular Meetings - Notice. Regular meetings of the board of directors, if held, shall be with or without notice at such time or times and place or places

either within or without the Commonwealth of Virginia as shall from time to time be fixed by resolution of the board of directors. Any business may be transacted at a regular meeting.

11. Special Meetings. Special meetings of the board of directors may be called by the president, or upon the written request of any three (3) members of the board of directors, by giving five (50) days' notice of such meeting to each member of the board of directors, either personally or by mail, stating the time, place and purposes of any such meeting.

12. Waiver of Notice. Any notice required to be given to the members of the board of directors under the provisions of these bylaws, the articles of incorporation of the corporation or of any law may be waived in writing by any of them whether before, at or after the time stated therein. Attendance of any member at any meeting of the board of directors shall constitute a waiver of notice of such meeting except where a member attends for the express purpose, and so states at the opening of the meeting, of objecting to the transaction of any business thereat because the meeting is not lawfully called or convened.

13. Quorum. At all meetings of the board of directors, a majority of the whole board shall constitute a quorum for the transaction of business, and the act of the majority of the members present at any meeting at which there is a quorum, except as may be otherwise specifically provided by law, by the articles of incorporation or by these bylaws, shall be the act of the board of directors.

14. Action without a Meeting. Any action which is required to be or may be taken at a meeting of the directors may be taken without a meeting if consents in writing, setting forth the action so taken, are signed by all of the directors. The consents shall have the same force and effect as a unanimous vote of the directors at a meeting duly held. The Executive Secretary shall file such consents with the minutes of the meetings of the board of directors.

15. Resignation. Any member of the board of directors may resign at any time by giving written notice thereof to the remaining members of the board of directors. Such resignation shall take effect at the time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

16. Absence of Personal Liability. The directors of the corporation are not

individually or personally liable for the debts, liabilities or obligations of the corporation.

## Article VI - Officers

1. General. The officers of the corporation shall consist of a President, a Vice-President, an Executive Secretary, and a Treasurer and may include one or more assistant secretaries or assistant treasurers. A person must own Devon cattle and have all their dues paid in full to qualify for office. No two persons from the same organization shall serve together on the board of directors. The president and vice-president shall be members of the board of directors and shall be elected each year by the members of the board of directors at the annual meeting thereof. To qualify for the position of President or Vice-President a member must have served on the board of Directors for no less than one year. No person may serve more than two consecutive terms as president of the corporation. The Executive Secretary, Treasurer and any assistant secretaries or assistant treasurers may be, but need not be, members of the board of directors. All officers shall be elected by the vote of the board of directors at the annual meeting thereof.

2. Removal. Any officer so elected by the board of directors may be removed by a majority vote of said board at any regular meeting or special meeting called for that purpose, at which a quorum is present, provided that such removal shall be without prejudice to the contract rights, if any, of the person so removed.

3. Compensation. No officer shall receive compensation for any services that he may render to the corporation in his capacity as such officer. Salaries and compensation of all agents and employees of the corporation may be fixed, increased or decreased by the board of directors, but until action is taken with respect thereto by the board of directors, the same may be fixed, increased or decreased by the president or such other officer or officers as may be empowered by the board of directors to do so.

4. Vacancies. Vacancies caused by the death, resignation, incapacity, removal or disqualification of an officer of the corporation shall be filled by a majority vote of the board of directors at any regular or special meeting thereof, and such person so elected to fill any such vacancy shall serve at the pleasure of the board for the unexpired term of his predecessor in office, and until his successor is duly elected and qualified.

# ARTICLES OF INCORPORATION AND BYLAWS

5. Delegation of Authority. The board of directors may from time to time delegate the functions, duties and responsibilities of any officer to any other officer or to any agent or employee of the corporation or other responsible person; provided, that in the event of such delegation the officer from whom such responsibility has been transferred shall be thereafter relieved of all responsibility for the proper performance of such function or duty or the proper exercise of such power or responsibility.

6. President. The president shall be the chief executive officer of the corporation and shall have general and active management of the affairs of the corporation, subject to the directions of the board of directors, and shall preside at all meetings of the members and the board of directors. He may execute all bonds, notes, debentures, mortgages and other contracts requiring a seal, under the seal of the corporation, and he may cause the seal to be affixed thereto and may execute all other instruments for, in the name of and on behalf of this corporation. He shall sign all certificates of membership. The president shall submit to the members annually at their annual meeting a report of the status of the corporation and of its activities during the preceding year. The president shall have such other and further duties and authority as may be prescribed elsewhere in these bylaws or from time to time by the board of directors. The President shall serve to more than 2 consecutive terms.

7. Vice-President. The vice-president shall, in the absence, disability or inability, to act of the president, perform the duties and exercise the powers of the president, and shall perform such other duties as the board of directors or the president shall from time to time prescribed.

8. Executive Secretary. The Executive Secretary shall attend all meetings of the members and of the board of directors, and shall record or cause to be recorded all votes taken and the minutes of all proceedings in a minute book of the corporation to be kept for that purpose. He shall perform like duties for the standing committees and special committees when requested by such committees to do so. He shall keep in safe custody the seal of the corporation and when authorized to do so shall affix the same to any instrument requiring the seal, and when so affixed, he shall attest the same by his signature. It shall be the principal responsibility of the Executive Secretary to give or cause to be given notice of all meetings of the board

of directors and the members, but this shall not lessen the authority of others to give such notice as provided in these bylaws. The Executive Secretary shall have the general duties, powers and responsibilities of a secretary of a corporation and shall have and perform such other duties, authorities and responsibilities as may be prescribed from time to time by the board of directors or the president.

9. Treasurer. The treasurer shall have the ultimate responsibility for the safekeeping of the funds and securities of the corporation, and shall keep or cause to be kept a full and accurate account of all receipts and disbursements in books belonging to the corporation. He shall keep or cause to be kept all other books of account and accounting records of the corporation as shall be necessary, and shall deposit or cause to be deposited all moneys and other valuable effects in the name and to the credit of the corporation in such depositories as may be designated by the board of directors. The treasurer shall collect, or cause to be collected, all registration, transfer and membership fees and shall disburse, or cause to be disbursed, the funds of the corporation, as may be ordered or authorized generally, by the board of directors, and shall render to the president of the corporation and the board of directors, whenever requested, an account of all transactions as treasurer and of those under his jurisdiction and the financial condition of the corporation. In addition, the treasurer shall make an annual report to the membership. The treasurer shall have the general duties, powers and responsibilities of a treasurer of a Corporation, shall be the chief financial and accounting officer of the corporation, and shall have and perform such other duties, responsibilities and authority as may be prescribed from time to time by the board of directors or the president.

10. Registrar. The registrar shall perform all the duties of maintaining accurate records on the breed. The registrar shall be responsible for storing, billing, and mailing registration paperwork to the members, holding members to the breed standards, registration policies, and genome policy set forth by the association, and keeping the board of directors informed with monthly reports.

## Article VII - Committees

1. General. The board of directors or the president of the corporation may from time to time appoint and designate such committees, and the members thereof, as may be necessary or appropriate properly to administer any

activities and program of the corporation. The terms of all committee members shall expire as of the date of the first meeting of the board of directors following the annual meeting of the members. The committees shall have such powers and authorities as may be granted to them by the board of directors.

2. Nominating Committee. The president shall appoint a nominating committee from among the voting members of the corporation at least sixty (60) days prior to the date of the annual meeting of the members of the corporation and said committee shall select from among the voting members of the corporation a slate of nominees for the directorships whose incumbents' terms expire at said annual meeting of the membership. Said slate of nominees shall be submitted to the membership of the corporation at the annual meeting thereof for their consideration, along with nominations from the floor, in electing members to membership on the board of directors. The nominating committee must approve any nominations from the floor before the voting begins.

## Article VIII - Financials

1. Depository and Checks. The moneys of the corporation shall be deposited in such manner, in such banks or trust companies, and may be withdrawn in such manner, as the board of directors may direct or designate.

2. Bond. Any officer or employee handling money or securities of the corporation may be bonded at the corporation's expense in such amount as may be determined by the board of directors.

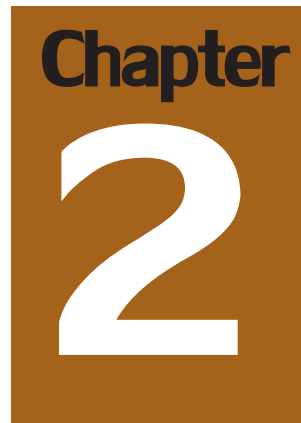
3. Fiscal Year. The fiscal year of the corporation shall be such as may be designated from time to time by the board of directors. Until so changed by the board of directors, the fiscal year of the corporation shall be the calendar year.

## Article IX - Amendments

The bylaws of the corporation may from time to time be altered or amended in any respect or repealed in whole or in part by the majority vote of the whole board of directors in person or by proxy. In like manner the bylaws may be amended by the majority vote of those present at any annual or special meeting of the members at which not less than one half of all members are present.

## Article X - Effective Date

These by-laws shall become effective immediately upon adoption by a majority vote of the members of the Board of Directors.



# American DEVON Cattle Association Rules

## Rules Table of Contents

Introduction to the Rules of the Assn..... 11  
 Important Definitions ..... 11

**Rule 100:**  
**Registrations Rules** ..... 11

Rule 101: Privileges of Registrations ..... 11  
 Rule 102: Registration Form,  
 Content and Methods ..... 11-12  
 Rule 103: Registration Categories..... 12  
 Rule 104:  
 Animals Ineligible for Registration ..... 12  
 Rule 105:  
 Animals Eligible for Registration... 12-13  
 Rule 106:  
 Permanent Identification Marks..... 13  
 Rule 107: Registration For the  
 Estate of a Deceased Person..... 13  
 Rule 108: Name Change..... 13  
 Rule 109:  
 Duplicate Registration Certificate.. 13-14  
 Rule 110: Correction Of Errors in  
 Registration Certificates/Transfers ..... 14  
 Rule 111: Surrender of  
 Registration Certificate ..... 14

**Rule 200: Registration of  
 Imported Animals**..... 14

Rule 201: Export Certificate ..... 14  
 Rule 202: Registration of Calves  
 Imported in Dam (while pregnant) ..... 14  
 Rule 203: Registration of Calf  
 Imported at Dams side..... 14

**Rule 300: Transfer Rules**..... 14

Rule 301: Content of  
 Application for Transfer ..... 14  
 Rule 302: Errors in Recording Transfer... 14  
 Rule 303: Transfer of Registration..... 14

Rule 304: Transfer of Cow with  
 Calf at Side ..... 14  
 Rule 305: Adjustment Transfers..... 14  
 Rule 306: Transfer Affidavit..... 14-15  
 Rule 307: Transfer of  
 Exported Animals..... 15  
 Rule 308: Transfer from the  
 Estate of a Deceased Person..... 15  
 Rule 309: Responsibility for Legal Title... 15

**Rule 400: Artificial Insemination  
 and Embryo Transfer with  
 DNA Marker Typing**..... 15

Rule 401: Labeling of Semen ..... 15

**Rule 500: Duty to Comply**..... 15

Rule 501: Maintenance and Verification of  
 Accurate Breeding,  
 Herd and Program Records..... 15  
 Rule 502: Maintenance of  
 Accurate Records..... 15  
 Rule 503: Submission of Accurate  
 Information to the Association..... 15  
 Rule 504: Questionable Submission to the  
 Assn: Cooperative Resolution..... 15  
 Rule 505: Unwillingness to Cooperate with  
 the Association to Clarify or Resolve  
 Questionable Submissions..... 15  
 Rule 506: Elimination of Questionable  
 Submissions from the Data Base ..... 15

**Rule 600: DNA Marker and  
 Blood Type Testing**..... 15-16

**Rule 700: Show Rules**..... 16

Rule 701: Ownership of Animals  
 Presented for Exhibition ..... 16  
 Rule 702: Age Classification of  
 Animals Presented for Exhibition..... 16  
 Rule 703: Identification of Animals  
 Presented for Exhibition ..... 16

Rule 704: Conformation and Structure of  
 Animals Presented for Exhibition..... 16  
 Rule 705: Alteration of Animals  
 Presented for Exhibition ..... 16  
 Rule 706: Submission of  
 Cattle for Inspection..... 16  
 Rule 707: Enforcement of Association Rules  
 at Association Approved Events ..... 16  
 Rule 708: Exhibitor Conduct ..... 17  
 Rule 709: Relationship Between Association  
 Rules and Show-Specific Rules ..... 17

**Rule 800: Sale Guarantees**..... 17

**Rule 900: Association Fees**..... 17

**Rule 1000: Compliance with  
 These Rules** ..... 17

Rule 1001: Submission of  
 Information to the Association..... 17

**Rule 1100: Failure to  
 Comply with these Rules**..... 17

Rule 1101: Failure of  
 Members to Comply ..... 17  
 Rule 1102: Failure of  
 Affiliates to Comply ..... 17  
 Rule 1103: Failure of  
 Non-members to Comply ..... 17  
 Rule 1104: Notice to  
 Members of Disciplinary Action ..... 17

**Rule 1200: Litigation Forum and  
 Expenses: Agreement of  
 All Members** ..... 17

# RULES

## Introduction to the Rules of the American Devon Cattle Association

The following rules, drafted to promote the best interests of the Devon breed, were adopted by resolution of the Board of Directors of the American Devon Cattle Association pursuant to Article IX of the Association's Bylaws.

The Association Rules apply to all members and affiliates of the American Devon Cattle Association. All members and affiliates continue to be required to know and observe them.

## Definitions

The following definitions or descriptions shall apply when used in the Association Rules. Words, phrases or terms not defined here shall be given their normal meaning in the purebred cattle industry.

**American Devon Herd Book** — the official record of animals registered by the Association.

**Association-Approved Livestock Show** — any Fair, Association, Livestock Show or Exposition approved by the ADCA.

**Association-Approved Testing** — refers to any test or tests that may be approved by the Board of Directors of the Association from time to time.

**Breeder** — a member who is the owner of record of a calf's dam on the date of service.

**ADCA Breeder Guidelines** — refers to the guide published for members of the Association and posted on the Association's web site that contains an operational guide for members, the Association's Rules, the Association's Articles of Incorporation and Bylaws.

**Date of Sale** — the date on which an animal was offered for sale at public auction or, in the case of private transactions, the date on which a bona fide change of ownership took place.

**First Owner** — the owner of record or one of not more than three (3) co-owners of record of a calf's dam on the date of birth of the calf except in the case of embryo calves as provided for in Rule 104 (d)(6).

**Member of the Immediate Family** — limited to the husband, wife, sons and daughters, mothers and fathers of the Owner(s) of Record of an animal.

**Owner of Record** — the member (an individual, partnership, corporation, limited liability company, limited liability partnership, or other legal entity) in whose name an animal is registered.

**Permanent Identification** — ear tattoo marks, freeze-branded marks or hot-branded marks.

**Prohibited Structure and/or Unethical Fitting** shall be defined as any of the following:

(i) the injection, use, or administration of any drug that is prohibited by Federal, State or Local Law or any drug that is used in a manner prohibited by Federal, State or Local Law;

(ii) the injection or internal or external administration of any product or material — whether gas, solid, or liquid — to an animal for the purpose of deception, including concealing, enhancing, or transforming the true conformation, configuration, color, breed or age;

(iii) tissue manipulation, removal, surgical attachment or otherwise to change, conceal, enhance, or transform the true conformation or configuration of the animal;

(iv) attaching to the hide any foreign objects, including hair or hair substitutes, cloth or fiber for the purpose of deception; and

(v) any other physical or physiological attempt to alter the musculature or weight of an animal by use of injections or ingested material not conducive to the continued health or marketability of the animal or for purposes of deception.

**Regular Employee** — a person whose principal occupation is full-time employment in connection with the agricultural or livestock business of the Owner(s) of Record of an animal.

## Rules

### Rule 100: Registration Rules

The official record of animal registrations of the Association shall be known as the American Devon Herd Book. It shall be kept in such form as the Board of Directors determines.

The registration of any animal which does not conform with the requirements set forth in these Rules shall become null and void and, in such cases, the Certificate of Registration shall be surrendered to the Association for official cancellation.

Whenever the accuracy of data contained in a registration application is challenged, the matter may be referred to the Board of Directors for investigation.

### Rule 101: Privileges of Registration

All Life, Standard, Junior and Non-resident are eligible to register cattle with the American Devon Association. Associate members of the Association shall not be entitled to the privileges of registration.

### Rule 102: Registration Form, Content and Methods

The sire and the dam of any domestically bred animal, for which application for registration is made, must be registered with the American Devon Cattle Association.

a. Form of application. A registration application must contain the following information:

- Sex of animal to be registered.
- Date of birth.
- Name of the animal.
- Indication of whether or not the animal is the product of Artificial Insemination.
  - Permanent identification marks.
  - Registration number of the Sire.
  - Registration number of the Dam.
  - Name, location and herd code of the First Owner.
  - Indication of whether the animal is a twin or of other multiple birth.
  - AI Service Certificate, if required.
  - Indication of whether the animal is a result of an embryo transplant.
    - Completion date of embryo removal if the calf is the result of an embryo transplant, as well as indication of whether the calf resulted from split or cloned embryos.

Each registration with the Association shall be assigned a registration number.

b. Incomplete application. Whenever an application for registration is incomplete, and the applicant has failed to provide all of the information required by the Association's Rules within four (4) months of the date the Association receives the application, such application shall be considered null and void. An application shall also be considered incomplete if not accompanied by the required fee.

c. Registration by affidavit.

1. Registration may be applied for by affidavit setting forth the facts and sworn to or affirmed before a Notary Public in the event that a member shall neglect or refuse (i) to apply for registration of a calf sold at foot or (ii)

to complete an application to register a calf which is the result of a service offered by the seller of the dam or undertaken by agreement between the owners of the sire and the dam.

2. Each affidavit must be accompanied by:

A. Proof of sale and payment in full of the purchase price, or evidence of an agreement to sell, purchase or transfer the dam and/or the calf;

B. Evidence of agreement to breed the dam; and

C. Details of any understanding or contractual obligation relating to the artificial insemination of females owned by a member of the immediate family or an employee of the owner(s) of the sire.

3. After considering the evidence submitted, the Chief Executive Officer of the Association may approve an application to register by affidavit provided the animal is otherwise eligible for registration in accordance with the provisions of the Rules of the Association.

d. Miscellaneous

1. Name. All letters must be in English, and numerals may be Arabic and/or Roman. Names may include any or all of the following symbols: ampersand (&), apostrophe ('), hyphen (-) or forward slash (/). Joint letters, brands, or other unusual marks or symbols will not be accepted. The Association reserves the right to change the name assigned to an animal on an application for registry.

2. First owner. The first owner must apply for registration of the calf, and the dam must be officially entered on the records of the Association under the exact same name as the first owner's membership on the date of birth of the calf, except in cases of embryo calves as provided for in Rule 105(d)(6).

3. Cow serviced prior to sale. When a cow has been transferred subsequent to being served but prior to the birth of her calf, the breeder (owner of record of the dam at the time of service) must submit the application for registration of the calf.

#### **Rule 103: Registration Categories**

**Pure Blood:** An animal containing 100% Devon blood with no disqualifying features.

**Full Blood:** A heifer containing 93.75% Devon blood or 15/16ths blood. A bull containing 96.88% Devon blood or 31/32nds. Both of which shall have no disqualifying features.

**Category A:** An animal containing 87.5% Devon blood or 7/8ths with no disqualifying features.

**Category B:** An animal containing 75% Devon blood or 3/4 .

**Category C:** An animal containing 50% Devon blood or 1/2 .

**Category D:** An animal containing no Devon blood.

All animal in any other category than Pure Blood shall have their category indicated as the last digit/s in their registration number. For example a category "FB" animal would have registration number of P12345FB. Their progeny shall also continue to have their own category label affixed to their registration number as they can not move into the "Pure Registry".

#### **Rule 104:**

##### **Animals Ineligible for Registration**

a. Date of birth issue. A calf born less than two hundred eighty-three (283) days after birth of its dam's last previous calf shall not be eligible for registration except in the case of embryo calves as provided for in Rule 105(d).

b. Uncertain or unknown parentage. Whenever the eligibility for registration of any animal is in doubt because of uncertain or unknown parentage, DNA-marker-typing or blood-typing by the Association shall be required. If through DNA-marker-typing or blood-typing the animal is found to have incorrectly listed parentage, the animal will not be eligible for registration unless parentage is confirmed.

c. Skin color. The skin color of all animals for which application for registration is made must be RED, except that animals having birthmarks or white hairs. An animal with white hair above the underline, in front of the navel or on leg or foot shall not be eligible for registration. In the event that a registered animal is discovered to have ineligible white hair, its registration shall be null and void, and the Certificate of Registration must be returned to the Association for cancellation.

Progeny of any animal determined to have a genetic defect. When a bull or cow is determined to possess a genetic defect, progeny of such affected animals shall be ineligible for registration unless such progeny are tested and it is determined to be free of the genetic defect.

#### **Rule 105:**

##### **Animals Eligible for Registration**

a. Generally. Calves resulting from pasture breeding are eligible for registration. Calves resulting from Artificial Insemination are also eligible for registration, in accordance with Rule 600.

b. Steers. Steers are eligible for registration providing all other requirements of the Association Rules are met. Steers may have white skin in front of the navel. Steers born with white skin above the underline or on the leg or foot shall not be eligible for registration.

c. Calves of multiple birth. Twins or calves of other multiple births are eligible for registration, if other eligibility requirements are met, provided that the application for registry states that the calf is a twin, or of other multiple birth, and that the sex of the other twin or calf of multiple birth is stated. If one such calf is registered without such statement, another calf of the same gestation cannot subsequently be registered unless a letter of explanation accompanies the registration application.

d. Calves produced by embryo transplant. For calves resulting from an embryo transplant:

1. The Sire must be DNA-marker-typed.

2. The Embryo Transfer Donor Dam must be DNA-marker-typed.

3. Embryo calves resulting from the mixing of semen must be DNA-marker-typed.

4. If the DNA-marker-typing analysis of the calf indicates an inconsistency, DNA-marker-typing of recipient dams may be required by the Association. If the recipient cow is DNA-marker-typed and cannot be excluded as the dam, the determination of eligibility for registration shall be made by the Association after considering DNA-marker-typing data, as well as other available information. The owner of record of the Donor Dam shall be responsible for all DNA-marker-typing fees.

5. The owner of record of the Donor Dam at the time of conception must be identified as the breeder.

6. The owner of record of the Donor Dam on the date of embryo removal will be identified as the first owner, unless the calf is a result of a purchased embryo (fresh or frozen) or pregnant recipient, in which case the owner of the embryo or pregnant recipient may be identified as the first owner.

# RULES

7. Registration of embryo transplant offspring shall be made on a regular form at the regular fee, plus an additional fee as determined by the Board of Directors.

8. Each application for entry must be accompanied by an AI Service Certificate if required.

9. Registration of embryo transplant offspring resulting from the mixing of semen shall require that semen from not more than two bulls be used and that the two possible sires have distinctly different DNA-type markers, as determined in advance of insemination with the approval of the Association.

10. Calves conceived after the death of the Donor cow shall be eligible for registration under the same conditions and provisions governing the eligibility of embryo calves prior to the death of said female.

11. Registration certificates issued for offspring from embryo transplants shall be so designated. The Association may request information from the owners from time to time relating to embryo transplant animals.

e. Calves resulting from cell-cloned transplants.

1. Only replication cell-cloned animals shall be eligible for registration. Genetically modified animals shall not be eligible for registration.

2. The cell-donor animal and the cell-cloned animal must be DNA-marker-typed.

3. The breeder of the cell-donor animal must be identified as the breeder of the cell-cloned offspring.

4. The owner of record of the cell-donor, on the date of biopsy removal, will be identified as the first owner, unless the calf is a result of a pregnant recipient, purchased embryo, fresh or frozen, in which case the purchaser may be identified as the first owner.

5. DNA-marker-typing of the recipient dam may be required by the Association.

6. Calves conceived after death of cell-donor animals shall be eligible for registration under the same conditions and provisions governing the eligibility of calves prior to the death of said animal.

7. Registration of cell-cloned transplants shall be made on a special form, provided by the Association, at the regular fee, plus an additional fee as determined by the Board of Directors.

8. Registration certificates issued for cell-cloned transplants shall be so designated. The registration

number of the animal, which is being cell cloned, shall also be stated on the certificate of registration. Nothing set forth in this Rule 105(e) should be construed as an indication that the Association takes any position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for discussion or negotiation between the buyer and seller.

## **Rule 106:**

### **Permanent Identification Marks**

a. Application and method of permanent identification. Each breeder shall be responsible for ensuring that the animals they register bear a form of permanent identification prior to application for registration.

b. Composition of permanent identification marks. Each breeder shall devise a plan or system of permanent identification, utilizing a series of numbers, a series of letters or a combination of both, provided however that permanent identification marks shall be limited to a maximum of five (5) characters per animal with the year code for the animal's birth year being the first digit. In connection with the arrangement of those five characters, breeders may use only Arabic numbers and capital letters. The use of any other characters, including joined letters, reversed letters, bars, punctuation marks and other types of symbols shall not be recognized as or part of identification numbers under these Rules.

c. Prohibition on use of identical permanent identification marks in a calendar year. No two animals of the same sex, born in the same calendar year and registered under the name of the first owner, shall be given identical permanent identification marks in the same calendar year.

d. Locations of permanent identification marks. In the event that a breeder utilizes tattoos as a permanent identification mark, the breeder's herd code shall be placed in the right ear and the identification number shall be placed in the left ear of each individual animal. In the event a breeder utilizes freeze-brand marks as a permanent identification mark, only the identification number mark shall be required to be placed once on either side of each individual animal. In the event that a breeder utilizes a hot-branded mark as a permanent identification mark, only the identification number mark shall be required to be placed once on either side of each individual animal.

e. Illegible permanent identification marks. In the event that a permanent identification mark on an animal becomes illegible or unreadable, the same marking shall be placed in a new and separate location from the original permanent mark. In no event, however, shall the breeder attempt to alter, or overprint the original permanent identification mark.

f. Inspection of permanent identification marks. In the event the results of an inspection of permanent identification marks by an authorized representative of the Association reveals that permanent identification marks are absent, illegible or not in conformity with registration, the following action may also be taken by that representative:

1. In instances where a registered animal is inspected with permanent identification marks absent, the first owner shall be required to document accuracy to the Association. DNA-marker-typing may be required before registration is validated and new permanent identification marks are recognized.

2. In instances where a registered animal is inspected with two or more sets of conflicting permanent identification, DNA-marker-typing may be required in order to validate registration.

3. In instances where a registered animal is inspected with permanent identification not in agreement with registration, the first owner shall be required to document accuracy to the Association. DNA-marker-typing may be required to validate registration.

## **Rule 107: Registration for the Estate of a Deceased Person**

In the event of the death of one who normally would apply for registration of cattle, the Association requires that there shall be filed in its office all papers and documents necessary to show that the person requesting registration is legally authorized and entitled to request such registration.

## **Rule 108: Name Change**

a. The name of a registered animal may not be changed once the animal has been recorded in the herd book.

## **Rule 109: Duplicate Registration Certificates**

The existence of more than one registration certificate per animal shall not be permitted. However, a dupli-

cate Certificate of Registration may be issued:

a. In the event of loss or destruction of the original, upon application of the owner of record made on an approved form obtained from the Association;

b. In connection with a transfer by affidavit as provided in Rule 306; or

c. As a replacement Certificate of Registration as provided for in Rule 303(a).

**Rule 110: Correction of Errors in Registration Certificates and Transfers**

a. Errors in Registrations or Transfers committed by the Association of-fice shall be corrected free of charge.

b. Inadvertent errors committed by applicants for Registrations or Transfers shall be corrected at fees as established by the Board of Directors. It is the responsibility of the breeder, first owner, subsequent owners and current owner(s) of record participating in the sale of any animal, semen, embryos or progeny of any animal to notify any purchaser thereof regarding a change in parentage, as represented by the Certificate of Registration.

**Rule 111: Surrender of Registration Certificate**

Whenever a registered animal is lost by death, destruction, or other means, or is disposed of for slaughter or as a common grade animal, it shall be the obligation of the holder of the Certificate of Registration to notify the Association for cancellation of certificate.

**Rule 200: Registration of Imported Animals**

Registration may be applied for only by a member of the Association entitled to registration privilege who imported the animal.

**Rule 201: Export Certificate**

Registration of an animal originally recorded in a Herd Book recognized by the American Devon Cattle Association and imported into the United States shall be accepted, subject to the discretion of the Association's Chief Executive Officer, only if a Certificate of Registration containing at least five generations issued by the recognized registry organization of the country from which the animal is actually exported has been received by the American Devon Cattle Association and the animal otherwise conforms to the requirements set forth in these Rules.

**Rule 202: Registration of Calves Imported in Dam (while pregnant)**

If a cow was bred prior to importation and a record of service does not appear on the export certificate, the owner of the bull on the date of service must certify to the particulars of service through the recognized registry organization of the country from which the animal was exported.

**Rule 203: Registration of Calves Imported at Side**

a. Registration of a calf imported at side of a cow recorded in the recognized registry organization of the country from which the animal was exported shall be accepted only if the calf is also registered in the same recognized registry organization and an export certificate has been received by the American Devon Cattle Association.

b. A separate registration fee shall be required for each calf imported at side.

**Rule 300: Transfer Rules**

Every change of ownership of record of an animal used for registered breeding purposes must be recorded with the Association by official transfer.

**Rule 301: Content of Application for Transfer**

a. An Application for Transfer must state:

1. Name of parties involved.
2. Date of sale.
3. Natural or artificial service and registration number of bull, if animal being transferred has been served.

b. Transfer applications will not be processed if any of the required data is omitted, except as otherwise. Transfer applications will also be considered incomplete if not accompanied by the required fee.

**Rule 302: Errors in Recording of Transfers**

The Association shall not be bound by errors in its recording of transfers.

**Rule 303: Transfer of Registration**

a. It is the duty of the transferor to apply for transfer and to pay the transfer fee unless it is otherwise specifically agreed between transferor and transferee, in which case the transferor must execute an application for transfer in favor of the transferee.

b. A seller and his sales agent (if any) who fail to furnish a buyer of a registered animal with a transferred

Certificate of Registration, within forty-five (45) days of date of sale or receipt of full payment, will be contacted by the Association for a written statement on fifteen (15) days' notice as to the basis for the failure. If the seller and said sales agent do not timely respond to the Association's request, the rights and privileges of their membership(s) in the Association will automatically be temporarily suspended. The temporary suspension(s) will expire on the Association's receipt of the transferred Certificate of Registration or the written statement. During the temporary suspension(s), the Association will not process any registration or transfer applications executed by seller or said agent until the Association's receipt of the transferred Certification or the written statement.

c. It shall be the duty of the transferor before offering a registered animal for sale, or applying for transfer, to verify that the animal carries legible permanent identification marks, corresponding to the permanent identification marks entered on its certificate.

d. Transfer entries of jointly owned animals shall not exceed three (3) owners of record.

**Rule 304: Transfer of Cow with Calf at Side**

If a cow is transferred with a calf at side, the calf must be registered by the individual whose name the cow was registered on the date of birth of the calf, and a separate transfer of the calf is required.

**Rule 305: Adjustment Transfers**

The following types of transfers not classified as transfers in the ordinary usage of the term may be made at fees established by the Board of Directors.

a. Transfers for the purpose of correcting certificate records in accordance with Rules 801 and 802.

b. Transfers from estates to heirs under terms of wills or court orders.

c. Transfers to individuals of partnerships.

d. Transfers to stockholders upon the dissolution of corporations or to members or stakeholders of other legal entities upon the dissolution of such entities.

**Rule 306: Transfers by Affidavit**

In case of neglect or refusal of a member or nonmember of the Association to apply for transfer of registration, transfer may be recorded, if approved by the Association's Chief Executive Officer, on the basis of the

# RULES

transferee's affidavit setting forth the facts and sworn to or affirmed before a Notary Public. Each such affidavit must be accompanied by proof of sale and payment in full of the purchase price of the animal or by evidence of an agreement to sell, purchase or transfer including the terms and conditions of service, if any, in the case of females.

## **Rule 307: Transfer of Exported Animals**

Application for transfer of an animal exported to another country shall be made with a regular Transfer Application.

## **Rule 308: Transfer from the Estate of a Deceased Person**

In the event of the death of a transferor, all papers and documents necessary to show that the person requesting transfer is legally authorized and entitled to request such transfer must be filed with the Association.

## **Rule 309: Responsibility for Legal Title**

A transfer of registration entered on an application or a Certificate of Registration, or on the records of the Association, shall not be construed as the conveyance of legal title by the Association. The Association shall in no way be involved in or assume liability for the purchase, sale, or terms of sale of registered animals, or the passage of legal title thereto.

## **Rule 400: Artificial Insemination and Embryo Transfer with DNA Marker Typing**

All bulls that are the source of semen used for the purpose of Artificial Insemination or Embryo Transfer work must be DNA-marker-typed.

A record of the DNA-marker type of all bulls that are the source of semen for the purpose of Artificial Insemination or Embryo Transfer work must be filed with the Association before calves that are sired artificially by such bulls shall be eligible for registration.

All cows producing calves from artificial service or being flushed for embryos shall have a record of the DNA-marker that must be filed with the Association before calves that are sired artificially or products of Embryo Transfer will be eligible for registration.

## **Rule 401: Labeling of Semen**

a. It shall be the responsibility of the owner of record or each individual co-owner of record of a bull used ar-

tificially to require each person or organization collecting, processing, and freezing semen to identify the semen and permanently label it before freezing. Identity must include the registered name and registration number of the bull and date of collection for the resulting calves to be eligible for registration.

b. When semen is not properly identified by name and registration number of the bull and/or date of collection, the seller of the semen shall immediately inform the buyer(s) of the semen of the error.

c. Bulls collected prior to the adoption of these rules may still be used for A.I. service only if:

1. A registration certificate is provided to the association.

2. The bull's semen is DNA marker typed.

## **Rule 500: Duty to Comply**

It is the duty of every member, affiliate, their employees, agents and others acting on their behalf to comply with all policies or guidelines related to any program of the Association.

## **Rule 501: Maintenance and Verification of Accurate Breeding, Herd and Program Records**

It is the responsibility of every breeder to have and maintain accurately kept records by which, if necessary, the Association can verify any information or data submitted to it in connection with any activity or program of the Association, including but not limited to the breeding, showing, registration, purchase or sale of Devon cattle or any program sponsored by the Association.

## **Rule 502: Maintenance of Accurate Records**

Every breeder shall maintain accurate verifiable records, including any records established or required separately under these rules or any program of the Association.

## **Rule 503: Submission of Accurate Information to the Association**

All members who apply for registration or transfer of animals in the American Devon Herd Book and all members participating in any Devon program shall submit only accurate information, based upon properly maintained and verifiable records.

## **Rule 504: Questionable Submissions of Information to the Association: Cooperative Resolution**

Whenever the accuracy of any information (including data) submitted to the Association in connection with the registration or transfer process or any Devon program is deemed questionable by Association staff, the Association staff may attempt to resolve the matter informally in accordance with this rule or it may refer the matter to the Board of Directors. Subject to the prior approval of the Board of Directors, Association staff may request that the submitting member resolve such concerns by cooperating with Association staff and, upon written request, agreeing to any reasonable request of the Association, which may include one or more of the following:

a. the member's consent to allow an on-site examination of all relevant animals,

b. the member's consent to an on-site examination of all breeding and herd records,

c. the member's consent to the on-site DNA marker-type or blood-type testing of all relevant animals.

## **Rule 505: Unwillingness to Cooperate with the Association to Clarify or Resolve Questionable Submissions**

If a member is unwilling or refuses to cooperate with the Association staff in response to a written request to do so, the Chief Executive Officer shall notify the Board of Directors of such fact in writing and they may, in their own discretion, take action.

## **Rule 506: Elimination of Questionable Submissions from the Database**

Notwithstanding any provision of these Rules, the Board of Directors may, in its discretion, direct the Association's staff to eliminate from a database any questionable submissions that it determines impact the integrity of any Devon program. Such elimination may take place only after the Association has provided written notice to the submitting member of its intent to do so. Such notice shall contain an explanation for the action taken and afford the impacted member a subsequent opportunity to be heard.

## **Rule 600: DNA-Marker and Blood-Type Testing**

a. Each animal for which a Registration or Transfer application is or has been received by the Association and each animal owned by a member par-

participating in any Association program may be subjected to a DNA-marker-type test to verify accuracy of parentage.

b. The Board of Directors may require that a DNA-marker test be made, by such agencies as it may designate, of any animal the purported sire or dam of which has been alleged to have been incorrectly recorded.

c. The owner or owners of record of any animal in question and the owner or owners of record of the purported sire and dam shall afford representatives of the Association reasonable opportunity to secure blood or other DNA material from the animals involved in any such investigation, including granting such representatives the right to enter their property.

d. The Chief Executive Officer of the Association may determine who shall pay the costs of any such investigation, including laboratory fees, undertaken pursuant to the provisions of Rule 600(b).

e. If a member of the Association or an owner of record refuses reasonable opportunity to representatives of the Association, or its designated agents, to secure blood or other DNA material as set forth in this Rule, the Board of Directors, may in their discretion take action.

**Rule 700: Show Rules**

The Association has established these Show Rules. Simply stated, these rules have been drafted to ensure that all animals presented for exhibition at Association-approved livestock shows shall be in their natural conformation and structure, free of any alteration or modification by injection or internal or external administration of any Prohibited substance or by any involvement in Unethical Fitting.

**Rule 701: Ownership of Animals Presented for Exhibition**

a. Each registered animal entered for competition at any Association-approved livestock show must:

1. be exhibited in the name of the member owner of record of the animal at the time it is presented for exhibition; and in the event that there is more than one owner of record, in the name of at least one of such owners of record, who is a member of the Association; and,

2. be exhibited in compliance with the Rules or Regulations governing the ownership of animals at the Fair, Livestock Show or Exposition at which the animal was exhibited.

b. The exhibition of any animal, the legal title to which has passed by public or private sale subject to a reservation of the privileges of exhibiting such animal subsequent to its sale and prior to its transfer on the records of the Association, shall not be deemed a violation of the provisions of paragraph (a) (1), of this Rule.

**Rule 702: Age Classification of Animals Presented for Exhibition**

Each member exhibitor or member owner is responsible for having each animal entered in the proper class or classes in which it belongs according to the birth date of such animal.

**Rule 703: Identification of Animals Presented for Exhibition**

a. Each member exhibitor or member owner is responsible for having each animal identifiable at check-in time by legible permanent identification marks corresponding to the Certificate of Registration of such animal, the original of which must be available for inspection prior to exhibition at each such show.

b. If inspection of permanent identification marks by an authorized representative of the Association reveals that permanent identification marks are absent, illegible or not in conformity with registration, the animal shall be barred from exhibition at the show where examined.

1. In instances where a purchased animal is presented for exhibition with permanent identification marks absent, DNA-marker-typing may be required before registration is validated and the new identification marks are recognized.

2. In instances where a registered animal is presented for exhibition by the original member owner with permanent identification marks absent, a written statement may be required to be filed with the Association office documenting proper identity and confirming the fact that re-application of permanent identification marks has been accomplished.

3. In instances where a registered animal is presented for exhibition with two or more sets of permanent identification marks, DNA-marker-typing may be required in order to validate registration.

4. In instances where a registered animal is presented for exhibition with permanent identification marks not in agreement with registration, the original owner may be required to document accuracy to the

Association. DNA-marker-typing may be required to validate registration.

**Rule 704: Conformation and Structure of Animals Presented for Exhibition**

Each member exhibitor or member owner is responsible for having each animal fitted and presented in the show ring in its natural conformation and structure without improper alteration.

**Rule 705: Alteration of Conformation and Structure by Use of Prohibited Substance or Unethical Fitting**

a. Each member exhibitor or member owner is prohibited from altering the conformation or the structure of an animal by injection or internal or external administration of any Prohibited Substance or by involvement in an Unethical Fitting. The member exhibitor and/or member owner is responsible for the acts of any non-member fitter found to have altered an animal in violation of these Rules or the Rules and Regulations of any Association-approved livestock show.

**Rule 706: Submission of Cattle for Inspection**

Each member exhibitor or owner shall: (1) submit any registered Devon cattle to such tests and examinations by authorized representatives of the Association or of the relevant Association-approved livestock show as may be requested thereby; (2) release the Association, its officers, directors, employees and agents from any and all claims for damages arising in connection with the administration of any such test or examination and any and all decisions based upon or otherwise using or incorporating the results thereof; and (3) in the event such member exhibitor or member owner desires to dispute or challenge the results of any such test or examination applied to his animals, do so only in accordance with the procedures established by the Rules of the Association.

**Rule 707: Enforcement of Association Rules at Association-Approved Events**

Authorized representatives of the Association have the authority to enforce the rules set forth herein, including barring a registered animal from a livestock show at which it is to be shown, if there are reasonable grounds to a violation has occurred.

# RULES

## **Rule 708: Exhibitor Conduct**

Member exhibitors and member owners, as well as their representatives and employees, shall act in a sportsmanlike and professional manner in the show ring. Judges and show officials shall be treated with courtesy and respect. Exhibitors shall not engage in or direct any abusive, threatening or obscene conduct toward judges, show officials or other exhibitors.

## **Rule 709: Relationship between These Rules and Show-Specific Rules**

These Rules supersede the Show Rules published by an Association-approved livestock show, to the extent that there is a conflict.

## **Rule 800: Sale Guarantees**

The American Devon Cattle Association is not liable for any warranties made by the seller of cattle.

## **Rule 900: Association Fees**

a. All fees of whatever nature due the Association shall be paid in advance, accompanying requests for services.

b. Nonpayment of fees is sufficient cause for:

1. Withholding the processing of registrations or transfers, performance data or other types of work being performed by the Association;

2. Cancellation of registrations or transfers which have been processed but not paid for, removal of performance data from the Association's database; and/or,

3. Temporarily suspending a member's rights and privileges of membership in the Association until such time as the fees are paid.

## **Rule 1000: Compliance with These Rules**

It is the duty of every member, affiliate, their employees, agents and others acting on their behalf to comply with these Rules.

## **Rule 1001: Submissions of Information to the Association**

Whenever under these Rules there is a duty or requirement for a member to submit or provide information to the Association, such submission shall be truthful, accurate and verifiable.

## **Rule 1101: Failure of Members to Comply**

a. The failure of any Life, Regular or Junior Member of this Association to comply with its Rules shall be grounds for discipline, including sus-

pension of some or all privileges and rights of membership or expulsion, in accordance with the provisions of Article III of the Bylaws of the Association and subject to the discretion of the Board of Directors.

b. Any suspension shall set forth a specific time period for such suspension, following which the Board of Directors may entertain a request for reinstatement to the full rights and privileges of membership.

## **Rule 1102: Failure of Affiliates to Comply**

a. The failure of any Affiliate Member of this Association to comply with its Rules shall be grounds for suspension of some or all privileges and rights of such membership or expulsion.

b. Any suspension shall set forth a specific time period for such suspension, following which the Board of Directors may entertain a request for reinstatement to the full rights and privileges of membership.

## **Rule 1103: Failure of Non-members to Comply**

The failure of any nonmembers to comply with the Rules of this Association shall be grounds for prohibiting such individuals from participation in any event or program sanctioned, funded or authorized by the Association or taking any other action, which, in its discretion, the Board of Directors may take.

## **Rule 1200: Litigation Forum and Expenses: Agreement of All Members**

a. All members shall not commence any civil action, whether in law or in equity, against the Association in any courts other than those Federal or State courts located in the State of Virginia.

b. Following judicial review of any final decision, action or Rule of the Association contested by said member, whereby the member fails to have the Association's decision, action or rule reversed or overturned, said member shall reimburse the Association for the reasonable attorney's fees, court costs and other expenses incurred by the Association in defense of the lawsuit.

## American DEVON Cattle Association Breeder Reference

### Naming Registered Devons and Permanent ID's

All Life, Standard, Junior and Nonresident are eligible to register cattle with the Association. Rules that govern the process are included in Rule 100-110: Registration Rules in the previous chapter.

An important step in registering cattle is providing a name. Names are important, and a study of their use is time well-spent. The name of a registered animal is important for numerous reasons.

1. A name designates the character of the animal.
2. A name describes the nature of the animal.
3. A name adds luster or honor to the animal.
4. A name reflects the attitude of the one who gives the name.
5. A name can reveal the ancestry of an animal with known parents.

#### Registering the name

There should always be two aspects to the name of every registered Devon:

- 1) the identity of an animal, and
- 2) the relationship of the animal to other animals sired by the same bull, produced by the same cow, or bred in the same herd. The names of registered Devon have usefulness beyond the herd that produced them, because names are part of the breed

itself. This becomes evident when a name appears in a pedigree.

A Devon family name comes from the dam (and that dam got it from her dam). This system has two basic advantages. First, it is possible to call attention to a strain of females that are noted for their productivity within a herd. An established family name should only be used for an animal that is a member of that family. Cross-naming only adds confusion. Masculine names are used for bulls and feminine names for heifers.

Names of bulls are often distinctive and emphasize the individuality of the animal. Some bull names carry the idea of "junior," implying a likeness of the sire. For instance, the first son of "Guardman" would be "Guardman 2". When naming a female, you should add a number designation to a daughter who has the same family name as her mother. For instance, the first daughter of "Effingham Red" would be "Effingham Red 2".

As an identification aid, many breeders use the animal's permanent identification (ID) mark included in the ear tattoo or branded ID mark in the registered name. For example, if all the calves recorded in a given calendar year were to have permanent ID marks starting with "A," it would be useful to name a heifer "Effingham A89", with "A" designating the year of birth and

the "89" designating the calf's individual identity. See the ADCA year code table on page 19 for a list of Association accepted codes.

Some breeders use their own initials, or the initials of their farm, etc., to give names a personalized identity they wish to promote, as a sort of written "brand." For example: Pitt Creek PCR "Miss Congeniality" is a Miss Congeniality bred by Pitt Creek Ranch.

### Simple, Effective Permanent ID System

A registered breeder should plan his or her permanent ID system carefully when beginning a Devon herd. A well-planned system will simplify recordkeeping and individual animal ID. Animals must bear a form of permanent ID prior to application for registration (See Rule 1056 for requirements of permanent ID marks).

Remember permanent ID marks must be limited to a maximum of five units beginning with the year code applied to locations on the animal according to Rule 105(d). Special brand marks, joined letters, backward letters, bars, diagonals, punctuation marks or symbols are not acceptable. Helpful management tips:

- Calves should be identified at birth with an ear tag. Incorporate sire and dam ID either by code or color of tag. Some breeders experience

## BREEDER REFERENCE

more satisfactory results by waiting until the calf is at least 3 months old before tattooing.

- An Devon tattoo or brand ID is composed of not more than five characters beginning with the year code (the shorter, the better), is applied on a single line in the right ear along with the herd code applied in the left ear or the ID will be located on one side of the animal if branded. A system using numbers, letters or a combination of them may be used.

- No two animals of the same sex born in the same year can have the same permanent ID within a herd under one membership. Purchased animals with permanent ID numbers that duplicate those of an animal in your herd should have other special identification (freeze brand, ear tag, etc.).

- To guarantee animal ID, marks should be checked at weaning and at any other convenient times. Always read ID marks for accuracy and legibility before delivery to a buyer either at auction or private treaty or before leaving for a show. This will prevent problems before they happen.

- Buyers should check legibility and verify ID marks with registration certificates before making payment or accepting delivery.

- If any ID is unreadable and you are the breeder, re-tattoo the animal in a different lobe or re-brand. If you put the wrong mark on an animal, don't alter it. Send the registration certificate to the Association for correction. If any ID mark on a purchased animal is not legible, or does not agree with the certificate, contact the registrar for instructions.

## REGISTRATION OF DEVONS

### Application for Registration

Applying for the registration of your calves is the basic step you take in keeping accurate records of your Devons. Extra care in completing applications ensures accuracy. Applying for registry of your calves when they are still young is important for two reasons:

1. It reduces the risk of error; and
2. It saves you both time and money.

### Preparing Registration Applications

You should check to make sure you fill in every space on application forms. Paper application forms must be signed by the applicant. Almost all delays in processing applications are the result of errors or incomplete information. All persons applying for registration of Devons must be members of the Association.

### Raising Registered Devons

The Association's Rules require that each member maintain complete and adequate permanent records of his or her Devon herd. Your records are to include a list of all animals registered in your membership name. The list is to include each animal's registered name, registration number, date of birth and permanent identification (ID) marks. Further records will include ear tag number, dates of breeding, and the registration number and name of all service sires. Failure to keep accurate records is a violation of the Association's Rules. The Association's records are maintained by registration number, not by the names of animals.

### Year Codes for Registrations

W	1988	L	2001	A	2013
X	1989	M	2002	B	2014
Z	1990	N	2003	C	2015
A	1991	P	2004	D	2016
B	1992	Q	2005	E	2017
C	1993	R	2006	F	2018
D	1994	S	2007	G	2019
E	1995	T	2008	H	2020
F	1996	U	2009	J	2021
G	1997	W	2010	K	2022
H	1998	X	2011	L	2023
J	1999	Z	2012		
K	2000				

## TRANSFER OF DEVONS

### Application for Transfer of Animal

You should complete all transfers of registrations as soon as possible after each sale of an animal is made, just as every other up-to-date sales business does. When you buy an auto, you expect the title to be transferred promptly. Completing transfers quickly saves time and keeps the transfer fee as low as possible. It also tells buyers you care about them and you manage your herd efficiently. This builds repeat business.

Every change of ownership of record of an animal used for registered breeding purposes must be recorded with the Association by official transfer. Rules 300-409 detail the transfer rules.

It is your duty as the seller to apply for the transfer and to pay the transfer fee. Even when the buyer agrees to pay the transfer fee, the back of the paper must be completed and signed by the seller. You are responsible for the legibility of the animal's tattoo.

### Preparing Transfer Applications

When you apply for transfer, make sure you fill in every space. Incomplete papers can result in delays. The Association approves the certificate each time a registration is transferred.

If you sell a cow with a calf at side and the calf has not been registered, you may transfer the cow and register and transfer the calf at the same time. The owner of record of the cow on the date the calf was born, with the exception of embryo calves, must register the calf.

### Transfer of Part Interest in Animal

Whenever you sell an interest in an animal, list the names of all the new co-owners including yourself. Address on paper can be to whom-ever will keep the paper. The Association will record ownership to an account with all names listed. The Association is not involved in any way in agreements between the co-owners of animals.

### Service Information on Females to be Transferred

When you transfer a bred female, either settled (safe in calf) or presumed to be, the name and registration number of the service bull must be indicated on the application

for registration of the calf. If she was pasture-exposed and the exact date of service is unknown, write or type "pasture" instead of the date. Be sure to indicate whether the service was natural or artificial.

### **New Owner's Responsibilities**

When you buy a registered Devon privately or at auction, you have responsibilities involving the records of your purchase. A calf born from an inaccurately transferred female, for instance, cannot be registered until the transfer is corrected. This may require an additional transfer or correction fee.

### **Check Every Certificate**

When you receive registration certificates for animals you have registered, or purchased, check the following 3 points immediately:

1. Is the animal's name recorded correctly?

2. Do the tattoo or permanent identification (ID) marks on the animal agree with the marks listed on the certificate? Read tattoos or ID marks to be sure.

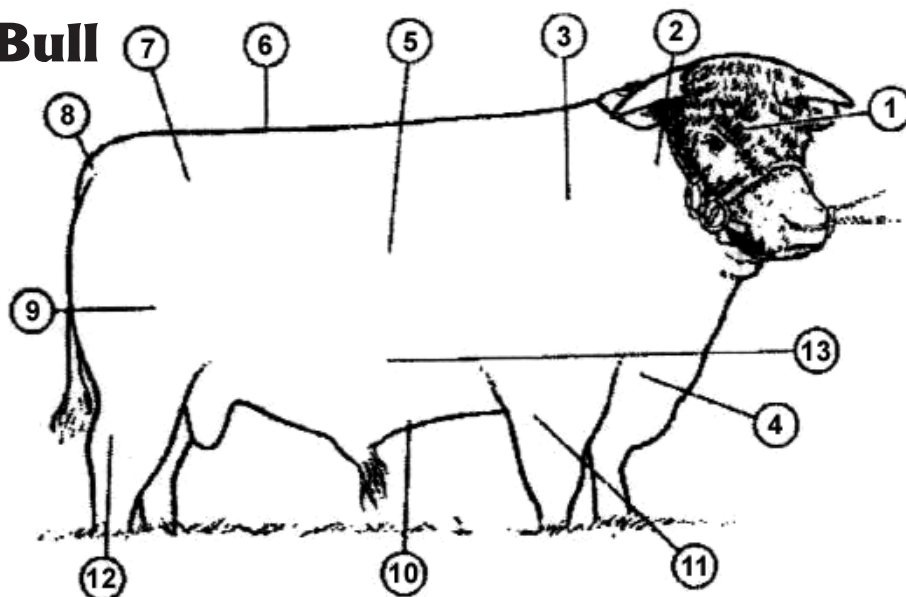
6. Is the sex of the animal listed correctly?

Each of these 3 points has an important bearing on the registration eligibility of expected calves. If you have any questions about any purchased animal, contact the seller immediately. Next, return the certificate to the seller for a proper adjustment. Many calves are found to be ineligible for registration because of careless paperwork.

The Association does not involve itself in disputes between members regarding price of and payment for cattle. When disagreements arise they must be settled by mutual agreement or court action.

# Standard of Excellence

## Devon Bull



**1. HEAD** masculine, forehead broad from eyes to nostril, strong at bridge of nose, nostrils high and open, muzzle broad and clean, free from blue and black; eyes full and placid, ears medium size and thickness fringed with hair; Horns matching, placed at right angles from head and curving downward, waxy at the base, tipped with a darker shade but not black; cheek full and broad at the root of the tongue.

**2. NECK** of medium length and muscular, with good crest; throat clean.

**3. SHOULDERS** broad and flat on top and well covered, not prominent at the points and well blended behind shoulder.

**4. CHEST** deep and broad.

**5. RIBS** well sprung, nicely arched, and flesh firm to the touch.

**6. BACK** straight, long and level; loin broad and full; hips of medium width, not prominent and well-covered with flesh and on a level with the back.

**7. RUMP** long, full and level; pin bones set well apart.

**8. TAIL** neatly set, thick at the root, reaching to the hocks, with a thick brush of hair, and hanging at right angles with the back.

**9. ROUNDS & THIGHS** deep, broad and full, extending well down to the hocks.

**10. UNDERLINE** parallel with top.

**11. FORELEGS** straight and muscular fore arms; full legs straight and set well apart; good bone.

**12. HIND LEGS & HOCKS** legs straight and squarely placed when viewed from behind; not to cross or sweep when walking; hocks strong and sound, muscling well down to the hock.

**13. FEET** to be of strong and sound hoof, not overgrown and meeting the ground squarely and not black in color.

**14. SKIN** moderately thick and pliable and not of a light color; covered with an abundant coat of mossy hair of a rich red color, a little white in front of the purse is admissible but not desirable, on any other part of the limbs or body white is not allowable.

**GENERAL APPEARANCE** showing typical Devon characteristics, good growth, deep and long but well balanced, evenly fleshed. Devon cattle should be alert and active on parade and docile in temperament.

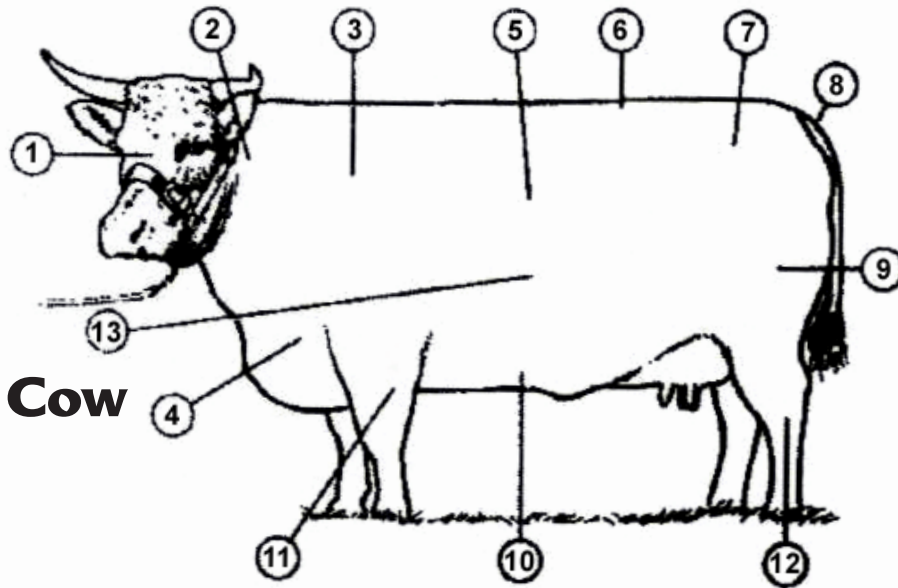
**TESTICLES** should be well developed and hanging evenly; sheath well applied to the body and not pendulous.

### Polled Animal

**1. HEAD** masculine, forehead broad, wide from eye to nostril, strong at bridge of nose, nostrils high and open, muzzle broad and clean, free from blue or black; eyes full and placid; ears medium size and thickness fringed with hair; cheek full and broad at the root of the tongue; the top of the head should be domed in appearance; scurs are permissible and must be small and loose but are undesirable.

# Standard of Excellence

## Devon Cow



**1. HEAD** feminine and moderately long, with a broad indented forehead; nose clean and free from blue or black, the nostrils high and open; the jaws clean, the eyes bright, ears thin and fringed with hair; horns matching, spreading and gracefully turned, of a waxy color, tipped with a slightly darker shade but not black.

**2. NECK** of medium length; throat clean.

**3. SHOULDERS** moderately broad and flat on top and well covered, not prominent at the joints.

**4. CHEST** deep and broad.

**5. RIBS** well sprung, nicely arched, and flesh firm to the touch.

**6. BACK** straight, long and level; loin broad and full; hips of medium width, not prominent and well-covered with flesh and on a level with the back.

**7. RUMP** long, full and level; pin bones set well apart and markedly large pelvic inlet and outlet.

**8. TAIL** neatly set, thick at the root, reaching to the hocks, with a thick brush of hair, and hanging at right angles with the back.

**9. ROUNDS & THIGHS** deep, broad and full, extending well down to the hocks.

**10. UNDERLINE** parallel with top.

**11. FORELEGS** straight and muscular fore arms, full legs straight and set well apart, medium bone.

**12. HIND LEGS & HOCKS** legs straight and squarely placed when viewed from behind, not to cross or sweep when walking, medium bone; hocks strong and sound, muscling well down to the hock.

**13. FEET** to be of strong and sound hoof, not overgrown and meeting the ground squarely and not black in color.

**14. SKIN** moderately thick and pliable and not of a light color, covered with an abundant coat of mossy hair of a rich red color, a little white on the udder is admissible but not desirable. On any other part of the limbs or body white is not allowable.

**GENERAL APPEARANCE** showing typical Devon characteristics, good growth, deep and long but well balanced, evenly fleshed. Devon cattle should be alert and active on parade and docile in temperament.

**UDDER** not fleshy, coming well forward in line with the belly, and well-up behind; teats moderate and squarely placed.

### Polled Animal

**1. HEAD** feminine and moderately long, with a broad indented forehead; the nose of fleshy color, clean and free from blue or black, the nostrils high and open, the jaws clean, the eyes bright, lively and prominent; ears thin and fringed with hair; the top of the head should be domed in appearance; scurrs are permissible and must be small and loose bur are undesirable.

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