

# WVDF ELIGIBILITY RULES FOR WEST VIRGINIA BREDS

## Resident Mares owned by either a WV Resident or Non-Resident Owner/Breeder

1. Mare Owner or Farm Manager must submit a Resident Mare Form to the WVTBA office annually on or about January 1<sup>st</sup>. List all mares you want to qualify as resident mares. All new mares in foal will require an Affidavit for Verification of Mare Foaling in West Virginia in addition to being on this list. \*\*\* It is the responsibility of the owner and/or farm manager to call the WVDF Inspector upon all arrivals and departures. **Failure to obtain an Affidavit for Verification of Mare Foaling in West Virginia will forfeit West Virginia Development Fund (“WVDF”) eligibility of the foal.**
2. Mares must be inspected by the West Virginia Development Fund Inspector (WVDF Inspector) at the beginning of each calendar year. If a mare leaves the farm where she resides for any reason, the WVDF Inspector must be notified, and the mare must be inspected upon her return. Mares will be inspected throughout the year at any time the WVDF Inspector deems necessary.
3. All new mares added to the Resident Mare Form during the year must be inspected upon arrival by the WVDF Inspector and if the mare is in foal, an Affidavit for Verification of Mare Foaling in West Virginia is required no more than 30 days prior to foaling. If mare fails to foal by 30 days after issue of the Affidavit, the owner/farm manager must notify the WVDF Inspector. At the discretion of the WVDF Inspector a re-inspection may be necessary.
4. Mares must live in West Virginia year-round to qualify as a Resident Mare (See definition of West Virginia Resident Mare). A 60-day grace period will be allowed for mares to be bred in another state. (See definition of 60-Day Grace Period)
5. The Breed Back Rule does not apply to mares who qualify as Resident Mares. (See definition of Breed Back Rule)

## Mares owned by a WV Resident Owner/Breeder but not qualified as “Resident Mares”

6. All mares must be inspected by the WVDF Inspector and receive an Affidavit for Verification of Mare Foaling in West Virginia no more than 30 days prior to foaling. If mare fails to foal by 30 days after issue of the Affidavit, the owner/farm manager must notify the WVDF Inspector. At the discretion of the WVDF Inspector a re-inspection may be necessary. **Failure to obtain an Affidavit for Verification of Mare Foaling in West Virginia prior to foaling will forfeit WVDF eligibility.**
7. The Breed Back Rule does not apply to mares who are owned by West Virginia Resident Owners/Breeders. (See definition of Breed Back Rule)

## Non-Resident Mares Owned by Non-Resident Owner/Breeder

8. Mares must be inspected by the WVDF Inspector and receive an Affidavit for Verification of Mare Foaling in West Virginia no more than 30 days prior to foaling. If mare fails to foal by 30 days after issue of the Affidavit, the owner/farm manager must notify the WVDF Inspector. At the discretion of the WVDF Inspector a re-inspection may be necessary. **Failure to obtain an Affidavit for Verification of Mare Foaling in West Virginia will forfeit WVDF eligibility for that foal.**
9. The Breed Back Rule must be followed when the sire of the foal is not a WVTBA qualified sire. (See definition of Breed Back Rule).
10. If mare is in foal to a WVTBA qualified sire, has received an Affidavit for Verification of Mare Foaling in West Virginia, and foals in West Virginia, then the foal qualifies as a West Virginia Bred and does not need to follow the Breed Back Rule that year.

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## Business Entities: Corporations, S Corporations, LLC's, Partnerships, Joint Ventures

11. Only business entities whereby all members of the entity are considered a West Virginia resident/entity. As of January 1, 2023 the entity is required to submit annually by January 1<sup>st</sup> to the WVTBA office a list of their owners, members, shareholders, or partners and their resident addresses. Those entities who do not wish to list their members will be deemed to be a non-resident entity and MUST follow the Breed Back Rule. (See definition of Breed Back Rule) **\*\*If West Virginia Entities fail to provide an updated list of owners, members, shareholders, or partners and their resident addresses, they will forfeit WVDF eligibility.\*\***
12. Non-resident mares owned by business entities with any non-resident members must follow the rules for *“Non-Resident Mares Owned by Non-Resident Owner/Breeder.”*

**PLEASE NOTE: Failure to obtain an Affidavit for Verification of Mare Foaling in West Virginia will forfeit West Virginia Development Fund (“WVDF”) eligibility of the foal.**

### DEFINITIONS

**60-Day Grace Period:** Qualified resident mares may leave the state to be bred. This is a courtesy provided: 1) WVDF Inspector is notified prior to leaving; 2) The mare returns no later than 60 days after LAST cover; 3) The WVDF Inspector is notified AND inspects the mare upon return.

**Affidavit for Verification of Mare Foaling in West Virginia:** The document given by the WVDF Inspector that needs to accompany the Registration Application for West Virginia Bred and/or Sired.

**Breed Back Rule:** If a foal is sired by an out-of-state stallion, foaling mare MUST breed back to a WVTBA qualified West Virginia sire during that same breeding season for the foal to be a West Virginia Bred. If the mare is not bred back, a licensed veterinarian must provide a signed statement as the medical reason the mare was unable to be bred, or a certificate of death of foaling mare must be filed with The Jockey Club. This rule only applies to non-resident mares and/or mares owned by a non-resident owner/breeder.

**Non-Resident Mare:** A mare that does not reside in West Virginia year-round.

**Non-Resident Owner/Breeder:** A person or legal entity that does not reside in West Virginia.

**West Virginia Resident Mare:** A mare listed on the Resident Mare List, lives in West Virginia year-round, AND has been inspected by the WVDF Inspector. Breed Back Rule does not apply.

**West Virginia Resident Owner/Breeder\*\*:** A person or legal entity that resides in West Virginia.

**Year-round** – the entire year, 12 months.

**\*\*Legal entities whereby all of the members are West Virginia residents** are considered a West Virginia resident.