

## Legal Risk Management: *Checklist for Farms and Agribusinesses*

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- ✓ For all of the contracts that you have, have you identified and included the correct parties (and obtained correct signatures)? Examples of contracts are as follows:
  - Farm lease (length of agreement matters)
  - Purchase agreement (for real estate and other assets)
  - Solar and wind energy leases (option to lease and lease terms)
  - Easements (type of use and maintenance)
  - Grain marketing agreements
  - Employment (non-disclosure, non-compete, and non-piracy agreements; independent contractor agreements)
  - Product liability
  - Production contracts
  
- ✓ Have you considered the best entity for your operation based on goals and needs of your farm operation? Goals could include liability protection, business strategy, succession planning and/or financial and tax planning). Some entities and pros/cons for each are as follows:
  - General partnership (simple, no liability protection)
  - Limited partnership (liability protection to limited partners but not to general partners)
  - Limited liability company or LLC (should provide liability protection to members and management, flexible and simple entity choice, minimal public disclosure of entity information)
  - Corporation (liability protection for shareholders and officers, more documents and tax planning needed)
  
- ✓ Have you met with your attorney to begin your estate plan? Consider the following documents that you may need:
  - Wills
  - Trusts
  - Advance directives
    - Power of attorney
    - Appointment of healthcare representative and POA
    - Living will
    - Funeral planning

For more information, check out the [webinar recording](#) on this topic or the Purdue Institute for Family Business site on [Contingency Planning!](#)

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