

Farmer Sued Deere Over "Lemon" Baler (Continued From Cover Page)

option left," says Buhr. But he learned that filing suit against a big manufacturer is not easy. "I got an expensive education in how the legal system works. If I had to do it again, I think I could save a lot of time and money, now that I have a better idea of how the system works."

One lesson he learned is that you have to be able to document your problems and bring in others who will corroborate your story. He also discovered that many buyers of new farm machinery sign contracts that limit their rights if they later have a problem.

In Buhr's case, he signed Deere's standard buyer's contract which frees the company from any responsibility for lawyer's fees or lost business due to problems with its equipment. That meant he could only recover damages for the cost of repairing or replacing the baler. That's why he only won back the cost of the baler even though his losses totalled more than three times the amount of the award.

"My advice is to spend \$100 to have your attorney look over any contract you sign when buying equipment and change any wording that could hurt you later," says Buhr. "Most farmers just trust the dealer and sign without reading but if you ever have a problem, you'll find there's not much you can do."

Buhr sought out Lawrence Crosby, a farm-raised attorney from St. Paul, Minn.

Crosby urges all farmers with problem equipment to first work with their dealer to solve any problems. "Very few of these types of lawsuits have ever been filed and even fewer have been won. Of course, that's because most dealers take care of any problems that come up to keep their customers happy. But it's also a result of the fact that most companies have standard contracts that exempt themselves from most of the responsibility if anything goes wrong."

Crosby has seen contracts from other machinery companies and says they're much the same as Deere's. He thinks farmer-buyers should think twice before signing them. "Chances are you'll never have a problem but if you do, your rights can be severely limited by contracts."

He notes that Deere's contract is particularly favorable to its dealers. The dealer Buhr bought his baler from was dismissed from the case early on, thanks to the wording on the contract Buhr had signed. That forced him to deal directly with Deere & Company and their team of lawyers.

As his case wound its way through the courts, Buhr bought a New Holland 664 round baler to use in his business. He's happy with the baler but says he wouldn't hesitate to buy another Deere round baler once his legal problems are over. "I'm convinced these problems are only related to my particular baler. I believe that either something went wrong at the factory, or it was damaged in transport," notes Buhr.

"I lost more than \$100,000 in business and out-of-pocket expenses trying to repair the baler and in lawyer fees," says Buhr, whose legal fees alone totalled nearly \$50,000. But he says it was still satisfying to get his day in court and get a jury to agree with his side of the story.

In order to prevail, he had to bring in customers to testify to the poor quality of bales produced by the baler. They also testified that Buhr had previously done a good job with the Deere 535 baler he owned before.

Crosby says Buhr was particularly lucky to have a great expert witness, an equipment dealer who sells Deere balers. He told the jury the 535 is a great baler but that there was clearly something wrong with Buhr's baler. He also entertained the jury by suggesting that the baler "may have been made on a Monday or a Friday, or else it had fallen off the transport truck."

Deere had 90 days from the date of the verdict to appeal the ruling. No decision had yet been announced when this issue went to press.

Deere spokesman Al Higley told FARM SHOW the company does not normally comment on legal matters. However, he stressed that the company will always be committed to customer satisfaction.

"It's unfortunate that this matter could not be resolved outside the courtroom, but Deere and Company is willing to abide by the court's decision."

Buhr says he'd be happy to explain his case in more detail to anyone who finds themselves in a similar situation.

Contact: FARM SHOW Followup, Melroy Buhr, 13727 Howard Ave., Elma, Iowa 50628 (ph 515 393-2675).



Wilson retrofitted his Deere 750 drill with a weigh scale of his own design. Scale does not alter appearance of drill.

MAKES IT EASY TO MONITOR PLANT POPULATIONS

New Weigh Scale For Deere 750 Grain Drills

In our last issue we told you about a "weigh scale" for grain drills developed by Ken Von Muenster, Anamosa, Iowa, for planting beans and small grain (Vol. 20, No. 6). Since then we've learned that David Wilson of Greensburg, Ind., came up with his own version of the idea at about the same time.

Wilson mounted four electronic weigh scales on his Deere 750 drill, putting one weigh unit under each corner of the hopper. He made brackets to bolt four 1 1/2-in. dia. load cells onto the drill frame. He had to raise the tank about 1 in. to put the weight on the load cells. Electric wiring runs from the cells to a digital readout.

The weight of Wilson's tank rests on a 1/4-in. thick steel bar. The load cells on either end of the drill mount out of sight below the hopper. A length of 1-in. dia. pipe runs between each pair of cells to provide support. A pair of bronze bushings pressed into a 3/4-in. thick steel bar transfer weight from the bracket under the hopper to a steel "T-bar" that mounts on each cell. The 3/4-in. thick bar is bolted to the drill frame in order to keep the hopper from moving forward or backward or from side to side. The digital readout can be mounted on front of the drill for easy reading from the tractor seat, or in the tractor cab.

"It's completely protected from the weather and from tree limbs, etc., and there's nothing to snag when you're on the catwalk," says Wilson. "It lets me know at a glance how much seed is left in the grain tank at all times and is highly accurate in setting seeds per acre. I know that I'm not over or under planting. I think it'll pay for



Tank rests on 1/4-in. thick steel bar. A piece of 1-in. dia. pipe connects each pair of load cells.

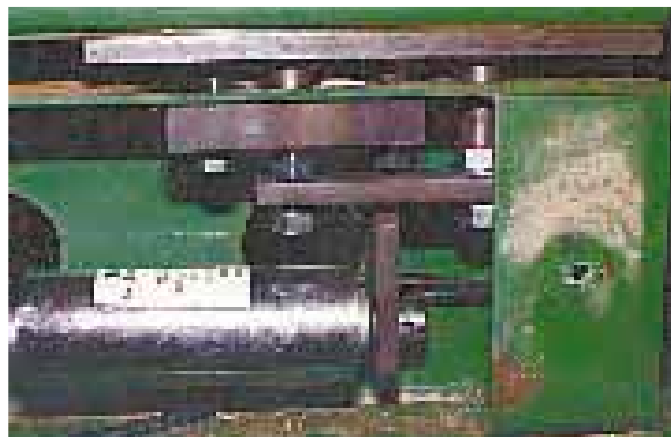
itself in seed savings in only one year. I used Weightronix 615 load cells which are the same type used on commercial feed grinders, livestock scales, and grain carts.

"The drill originally had four bolts on each end to hold the hopper down. I used the same bolt holes to mount the weigh scales. However, I drilled them out wider so that the bushings can ride up or down without rubbing against the drill frame.

"The Deere 750 hopper is bolted to the frame which makes it easy to mount the weigh scale. However, it's possible that the same system could be adapted to other drill brands. It takes about a day to install my weigh scale but only about 15 to 20 minutes to remove. No welding is required."

Sells for \$1,800. Wilson says he's willing to do installation.

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A T-shaped bracket made from plate steel transfers weight to load cell.

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