

WAIVER AND RELEASE

Please read carefully before signing.

This is a release of liability and waiver of legal rights.

In consideration for being permitted to use and participate in the activities in and around Hawk Pride Mountain Off Road Park (the “**Park**”), I agree to the following:

1. VOLUNTARY PARTICIPATION. I acknowledge that I and/or one or more minors for whom I am responsible (the “**Minors**”) will voluntarily participate in activities at the Park including, without limitation, driving an off road vehicle (“**ORV**”), riding in an ORV, or otherwise using the property and facilities of the Park (“**Activities**”), and that participation in the Activities presents a risk of physical injury. For purposes of this Waiver and Release, an ORV includes, without limitation, any mechanized vehicle modified and/or designed for off road or all-terrain use, such as trucks, jeep-type vehicles, sport utility vehicles, four wheel personal utility vehicles, and all terrain vehicles. On behalf of myself and/or the Minors, I voluntarily assume the risk of all such injury.

2. ASSUMPTION OF RISK. I acknowledge that driving, riding in, or being in close proximity to an ORV has inherent risks, hazards, and dangers which include, without limitation:

- (a) encounters and/or collisions with wildlife, animals, insects, and other objects;
- (b) encounters with varying terrains, trees, creeks, water, bridges, traveled roads, roots, stumps, forest growth, debris, rocks, cliffs, and other obstacles;
- (c) being in close proximity with other ORVs;
- (d) inclement weather and extreme temperatures, hypothermia, frost bite or heat stroke;
- (e) the negligence of others participating in activities at the Park; and
- (f) the unavailability of immediate medical attention in the case of injury.

I understand the risks, hazards, and dangers described above and have had the opportunity to discuss them with the Park staff. I represent that I and any Minors are in good physical health and have the ability to safely engage in the Activities. I further represent that neither I nor any Minor has had recent surgery, takes blood thinners, is pregnant, suffers from medical conditions that could be worsened by strenuous or jarring physical activity, or has otherwise been advised by a physician not to engage in strenuous or jarring physical activity. **ON BEHALF OF MYSELF AND ANY MINOR, I HEREBY ASSUME AND ACCEPT ANY AND ALL RISKS OF INJURY, PARALYSIS, OR DEATH.**

3. RELEASE. On behalf of myself and any Minor and my or our heirs, successors, executors, representatives and subrogees, I hereby **KNOWINGLY, INTENTIONALLY, IRREVOCABLY AND UNCONDITIONALLY WAIVE, RELEASE AND DISCHARGE** Hawk Pride Mountain Off Road Park, LLC, Three Creeks Timber, LLC and their respective members, managers, officers, directors, agents, employees, volunteers, representatives, affiliates, successors or assigns (the “**Released Parties**”) from any and all claims, damages, obligations, liabilities and expenses (including, without limitation, attorneys' fees) that arise out of the Activities, even if caused by their negligence of any kind or nature, whether foreseen or unforeseen, including, without limitation, those for personal injury, paralysis, death or property damage, theft or destruction and waive all relief, whether legal or equitable, that I or any Minor may be entitled to seek from any of the Released Parties including, without limitation, compensatory damages, punitive damages, attorneys' fees, expenses and costs.

4. PROHIBITIONS. I acknowledge that two and three wheel all terrain vehicles are strictly prohibited at the Park.

5. **REPRESENTATIONS.** I represent that I have full right, power and authority to sign this Waiver and Release and to bind myself and any Minors to its terms.

I HAVE CAREFULLY READ, CLEARLY UNDERSTAND, AND VOLUNTARILY SIGN THIS WAIVER AND RELEASE.

Dated: _____, _____

Signature of Participant

Print Name of Participant

Print Name(s) of Minor(s): _____

Address: _____

Cell Phone: (_____) _____

Home Phone: (_____) _____

Email: _____

Emergency Contact Information

Name: _____

Relation: _____

Address: _____

Cell Phone: (_____) _____

Street _____

Home Phone: (_____) _____