

WARNING OF AND ASSUMPTION OF RISKS

This Agreement Affects the User's Legal Rights.

Please Read Carefully

WARNING HAZARDS OF SKIING AND WINTER / MOUNTAIN ENVIRONMENT

• **The Undersigned Acknowledges:** skiing in its various forms is a hazardous sport that has many dangers and risks.

Inherent dangers and risks of skiing are included but not limited to; changing weather conditions, existing and changing snow conditions, bare spots, rocks, stumps, trees, collisions with natural objects and with other skiers, man-made objects, other skiers, variations in terrain, and the failure of skiers to ski within their own abilities. Operating a ski resort in New Jersey requires the use of snowmaking equipment. Snowmaking equipment is present on the mountain and may be located on-trail, off-trail, and on the edges and sides of trails. Please maintain control of your speed, course, and direction and avoid contacting snowmaking equipment. Stay on-trail; that is on the groomed surface of the designated, open trails. Avoid skiing or snowboarding on the edges of the trails. **Coming into contact with snowmaking equipment or skiing off-trail may result in serious injury or death.**

• Snowmobiles and grooming machines are necessary for the operation of the mountain, so be aware for these types of on-snow vehicles, as they can be encountered at any time on any trail. Look and listen for the headlights, warning lights, visible flags, back-up sirens and/or motor sounds associated with snowmobiles or grooming machines.

Contact with snowmobiles or grooming machines may result in serious injury or death.

• The property on which the ski area is located, the parking lots, walkways, stairways, and walking surfaces near the buildings may contain uneven surfaces, snow, ice or gravel consistent with a mountain environment. I realize that injuries are a common and ordinary occurrence for persons walking, riding, and skiing on or near a ski area's property. I agree to wear appropriate footwear and to exercise caution in walking on or near the ski area's property.

HEALTH DECLARATION. I hereby state as follows: I WILL NOT use or come to Winter4Kids' premises unless I have 14 days of health prior to my use of the premises. I agree that the act of using Winter4Kids' premises is a representation of my health to Winter4Kids. In the 14 days prior to my use of Winter4Kids' premises I HAVE NOT to the best of my knowledge and belief. 1) Tested positive with the SARS-CoV-2 virus or diagnosed with Covid-19; 2) Experienced any symptoms commonly associated with Covid-19 aka "coronavirus;" nor 3) Been in direct contact with or in the immediate vicinity of any person I knew and/or now know to be carrying the SARS-CoV2 virus or diagnosed with Covid-19.

Further, I agree THAT I WILL comply with and adhere to all COVID-19-related safety and risk mitigation practices during my use of Winter4Kids' premises including but not limited to 1) maintain a six (6) foot distance from other patrons and employees not in my party at all times; 2) wear a properly fitted mask or otherwise cover my face; 3) frequently wash my hands or use hand sanitizer; and 4) comply with all other posted rules and regulations,

I acknowledge and agree that my compliance with these safety and mitigation practices is not only for my own benefit but also for the benefit of other patrons and employees at Winter4Kids. I understand that I may be denied entry to Winter4Kids premises or that I may be asked to leave Winter4Kids' premises in the event that I fail to follow the Covid19 protocols and rules and regulations.

EXPRESS ASSUMPTION OF RISKS: Warnings

of Conditions. I acknowledge the contagious nature of the SARS-CoV-2 virus (the "novel coronavirus") and voluntarily assume the risk that I may be exposed to or infected by the novel coronavirus by my presence at or participation in activities on Winter4Kids' premises and that such exposure or infection may result in personal injury, illness, permanent disability, and death. I understand that the risk of becoming exposed to the novel coronavirus or persons with the COVID-19 disease at Winter4Kids' premises may result from the actions, omissions, or negligence of myself and others, including, but not limited to other patrons, employees or persons at Winter4Kids.

I voluntarily assume the risk that I may be exposed to the novel coronavirus or persons with the COVID-19 disease as a result from a failure to comply with such practices. I FREELY ACKNOWLEDGE, ACCEPT AND FULLY ASSUME ALL SUCH RISKS, DANGERS AND HAZARDS AND THE POSSIBILITY OF PERSONAL INJURY, DEATH, DISEASE, PROPERTY DAMAGE AND LOSS RESULTING THEREFROM.

CHOICE OF VENUE AND CHOICE OF LAW:

The Undersigned agrees that any and all claims and disputes involving Winter4Kids, its trustees, directors, officers, employees, agents, servants or volunteers and assigns (collectively referred to herein as "Winter4Kids™" shall be GOVERNED BY THE LAWS OF THE STATE OF NEW JERSEY and the EXCLUSIVE JURISDICTION thereof will be in the State or Federal Courts of the STATE OF NEW JERSEY and venue in the state court shall be in SUSSEX COUNTY.

RELEASE

I authorize Winter4Kids to record and reproduce my image and/or performance for the use in company promotional materials. The undersigned EXPRESSLY AGREES to accept and voluntarily ASSUME ALL RISKS of personal injury, death or property damage while present at Winter4Kids' facility in Vernon, N.J. whether engaged in the sport of skiing in any way, walking or standing on the property or in any way with conditions related to uneven surfaces, ice, snow or gravel on walking surfaces. The undersigned expressly agrees to FULLY RELEASE Winter4Kids FROM ANY AND ALL LIABILITY for and to waive any claims for personal injury, death or property damage arising out of or resulting from participation in the sport of skiing or related in any way to my participation in Winter4Kids' program at its Vernon, N.J. facility or from my presence on Winter4Kids' property or travel to and from Winter4Kids

Guardian Name: _____ **Participant Name** _____

Guardian Signature: **(Participant signature if over 18)** _____ **School Name** _____

DATE: ____ / ____ / ____