

REQUEST TO USE N. SKI GATE ACCESS GATE

Use of the N. Ski access gate ("Gate") is subject to the terms and conditions described herein. This request form will not be accepted unless all information sought has been filled in, all provisions have been initialed by the requesting member showing his/her acceptance of the same, and this request form has been signed by the requesting member. A \$100.00 deposit is required for use of the Gate, which will be given back to the member upon return of the Gate key. Only members in good standing (those members who do not have any unpaid fines or past-due assessments) are permitted to use the Gate. All members requesting permission to use the Gate must agree to and abide by the terms and conditions described herein.

I, _____, being a member in good standing of the Canyon Lake Property Owners Association ("Association"), request permission to use the N. Ski access gate and agree to the following terms and conditions:

- _____ 1. I understand that my use of the Gate, roadway or other related facilities is at my own risk. I am competent to perform all tasks required for exit, entry or use of the access-way leading to and from the Gate and to use the Gate.
- _____ 2. I understand that duplication of the Gate key is prohibited. I will not duplicate the Gate key or turn the Gate key over to any other person.
- _____ 3. I will lock the Gate immediately after every time I use it.
- _____ 4. I understand that use of the Gate key is a privilege and not a right. I further understand that the Association may suspend without notice, the program of Gate use or may prohibit, without notice, any individual from checking out the key if the Association, in its sole discretion, determines that such action is appropriate.
- _____ 5. I understand that as a member of the Association, I am responsible for all changes, damages and violations of the CC&R's or rules which are incurred, caused or committed by myself or other individuals permitted by myself to use the Gate, roadway or other related facilities.

_____ 6. I hereby fully **RELEASE, WAVE, AND DISCHARGE** the Association, its members, directors, officers, representatives, administrators, agents, partners, employees, attorneys, insurers, successors, and assigns, **FROM ANY AND ALL PAST, PRESENT OR FUTURE CLAIMS, DAMAGES, ACTIONS, OR UNKNOWN, SUSPECTED OR UNSUSPECTED, INCLUDING BUT NOT LIMITED TO, CLAIMS BASED ON NEGLIGENCE AND/OR WRONGFUL DEATH**, based on, arising out of or in connection with my use or the use of other individuals permitted by myself, of the Gate, roadway, or other related facilities.

_____ 7. I hereby agree to **INDEMNIFY** and **HOLD HARMLESS** the Association, its members, directors, officers, representatives, administrators, agents, partners, employees, attorneys, insurers, successors, and assigns **FROM ANY AND ALL CLAIMS, DAMAGES, ACTIONS, CAUSES OF ACTION, LIABILITIES, LOSSES, COSTS, ATTORNEY'S FEES AND ANY OTHER EXPENSES** ("Claims"), based on arising out of or in connection with my use, or the use of other individuals permitted by myself, of the Gate, roadway or other related facilities.

_____ 8. I hereby agree that all of my duties hereunder regarding **RELEASE FROM LIABILITY, INDEMNIFICATION OR OTHERWISE PROTECTING THE ASSOCIATION FROM LIABILITY APPLY FROM EQUALLY TO EACH AND EVERY PERSON INDIVIDUAL PERMITTED BY MYSELF TO USE THE GATE, ROADWAY OR OTHER RELATED FACILITIES.** Accordingly, as between the Association and myself, I (and not the Association) shall be responsible for any and all such persons/individuals and **SHALL DEFEND, INDEMNIFY AND HOLD THE ASSOCIATION HARMLESS FROM ANY AND ALL CLAIMS BY SUCH PERSON OR INDIVIDUALS.**

_____ 10. In the event an action is brought by any party for breach or interpretation of this agreement, then the prevailing party shall be awarded all costs and expenses of suit, including reasonable attorneys' fees.

IT IS SO AGREED.

“Member”

Date: _____

(Signature)

(Name Printed)

(Mailing Address)

(Canyon Lake Address, if different)

(Tract)

(Lot)

(Home Telephone #)

(Work Telephone #)

KEY # _____
(Administrative use only)