

# ***12TH ANNUAL BORDEN LIGHT MARINA POKER RUN***

***SAT. AUGUST 11, 2018***

**IMPORTANT: THIS IS NOT A RACE,**

**PLEASE READ CAREFULLY WAIVER, FINAL RELEASE and RULES**

**TO:** Borden Light Marina, Inc. 1 Ferry Street, Fall River, MA 02721

**RE:** Event: Poker Run Participation, Saturday August 11, 2018

The undersigned jointly and severally, for good and valuable consideration, the receipt and sufficiency of which from Borden Light Marina, Inc. is hereby expressly acknowledged by the undersigned, does by these presents for the undersigned and for the undersigned's heirs, executors, administrators, legal personal representatives, successors and assigns, hereby acknowledges that the undersigned will:

1. Participants must follow all federal & state & local rules of the road or will be disqualified and forfeit entry fees.
2. Be a participant utilizing a high-performance watercraft ("The Vessel") that will participate in the above recreational event (The "Event") during which the Vessel may reach high speeds on the water. The undersigned may disembark from the Vessel from time to time; and
3. Travel on the Vessel and participate in the Event, on, in conjunction with or ancillary to the Vessel, all of which participation by the undersigned may expose the undersigned to property damage or loss, or grievous personal injury or death.

The undersigned hereby waives any claim against Borden Light Marina, Inc. and against any sponsors, officers, escort organizers or committee or volunteers in connection with the Event and forever remises, releases and forever discharges Borden Light Marina, Inc. and each of the above and their respective successors and assigns, employees, agents, shareholders, directors, and/or officers (hereinafter collectively called the Releasee) from and against any and all claims and demands, at law or in equity, against the Releasee or any one of them, which the undersigned or any one of them ever had, now has, or which the undersigned hereafter can, shall or may have in the future, or by reason of, or arising out of any negligence or gross negligence by the above Releasee or any of them or any obligations owed by the above or any of them to the undersigned as a result of damages, loss, injury, or death, directly or indirectly, whether to personal property or to the undersigned personally, occasioned generally by traveling in or on the Vessel, or in any way participating in the Event or otherwise generally related to the Vessel or any other activity ancillary to or associated with the Event.

**AND FOR THE SAID CONSIDERATION**, the undersigned further agrees not to make any claim, or take any proceedings against any other person or corporation who might claim contribution or indemnity under any applicable law or any competent jurisdiction governing the Event or claiming jurisdictional rights, including without limiting the generality of the foregoing, under the provisions of The Negligence Act of the United States of America: Provinces of Ontario and Quebec and the amendments thereto from the person, persons, or corporations discharged and released by this Waiver and Final Release.

**THE UNDERSIGNED EXPRESSLY ACKNOWLEDGES THAT:**

1. Any photographs or videos taken of the boat entered in the Event and/or the undersigned may be or can be used by Borden Light Marina, Inc. in any future print or electronic media advertising.
2. Undersigned has had ample opportunity and forewarning to consider the effect and consequences of signing of this Waiver and Final Release of Liability prior to participating in the Event.
3. The Poker Run Event is not a race and speed in no way determines the outcome of the Poker Run Event.
4. The Vessel named in the application is in safe operating condition and complies with, meets and is equipped with all prescribed equipment and requirements of all federal, state, and local laws and regulations governing the event

**THE UNDERSIGNED EXPRESSLY AGREES** to abide by any and all rules, directives, terms and conditions of the Poker Run Event, as set forth by any of the organizers and/or committee officials, either verbally or in writing, before or during the Poker Run Event, including, but not limited to the following rules:

- 1. FAILURE TO COMPLY WITH THESE RULES WILL RESULT IN INSTANT DISQUALIFICATION FROM THE POKER RUN EVENT.**
2. All participant boats must be a minimum of 28 feet in length (some exceptions may apply)
- 3. DRIVER ATTENDANCE AT THE DRIVER'S MEETING IS COMPULSORY.**

4. All persons on board must wear life jackets or PFD's at all times during the run.
5. No passing of the pace boat(s) during the prescribed times.
6. **NO ALCOHOL TO BE CONSUMED IN OR AROUND THE BOATS BY ANYONE INVOLVED IN THE POKER RUN, UNTIL THE BOAT IS FINALLY TIED UP FOR THE NIGHT.**
7. Participants will be assigned to their starting group(s) and the pace boat(s) at the driver's meeting and will follow the starting directions of the pace boat(s) assigned to that group.
8. Participants must have proof of a valid P.L. & P.D. Insurance for this type of event for your vessel and must be with you at each event. Liability in US is \$750K.
9. Driver's meeting will be held the morning of poker run. Roll call will be taken at the meeting and must be answered, by a responsible member of each participant boat in order to qualify for the event.
10. Use of VHF or cell phone or other communication, to contact a central number to indicate that a participant boat has dropped out of the run for whatever reason.
11. Ignition safety tethers should be worn at all times for your own safety and that of others.
12. All boats must go to scheduled card stops within the scheduled time period for each stop & collect their own cards.
13. Maintain a safety zone of 200 feet clear on all sides of your boat when you are running.
14. When coming down off plane, have someone (or all) on your boat wave their arms together overhead to signal your intent to stop.
15. When running pick a lane and stick to it. If changing lanes always check first for approaching traffic from behind.
16. Please ensure that all safety equipment is on board and that your boat and its systems are in safe working condition and in compliance with US Coast Guard regulations.
17. The following offences may be chargeable to the operator of the vessel:
  - A. Operating craft in a way that could adversely affect the safety of others, considering the weather, visibility, amount of traffic, or number of other boats or people nearby manocurability, navigation conditions and hazards.
  - B. Operating in a careless manner without due care and attention for the factors listed above and the safety of others.
  - C. Boats are not permitted within 5 (nautical) miles if shore without a noise abatements mechanism in use.

**I HAVE READ THE SAFETY RULES AND THIS RELEASE AND WAIVER OF LIABILITY. I FULLY UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT AND HAVE SIGNED IT FREELY, VOLUNTARILY AND WITHOUT ANY INDUCEMENT. I UNDERSTAND THAT I HAVE GIVEN UP THE RIGHT TO MAKE ANY CLAIM FOR INJURIES OR DAMAGE TO ME OR MY PROPERTY ARISING OUT OF PAST, PRESENT OR FUTURE GROSS NEGLIGENCE OF THE RELEASEE, OR ANY ONE OF THEM AND MY SIGNATURE IS INTENDED TO BE A COMPLETE AND UNCONDITIONAL RELEASE TO THE GREATEST EXTENT ALLOWED BY LAW.**

Signed under seal this 11<sup>th</sup> day of August, 2018

Witness

**VESSEL NAME:** \_\_\_\_\_

**CAPTAIN:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**CREW:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

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**MUST BE SIGNED ON EVENT DAY BY CAPT. & ENTIRE CREW.**