

PLEASE READ

EQUIPMENT RENTAL & LIABILITY RELEASE AGREEMENT

I accept for use **AS IS** the equipment listed on this form, and accept full financial responsibility for the care of the equipment while it is in my possession. I will be responsible for the replacement at full value of any equipment rented under this form, but not returned to the rental facility. I agree to return all rental equipment by the agreed date.

I understand that the binding system cannot guarantee the user's safety. In downhill skiing, the binding system will not release at all times or under all circumstances where release may prevent injury or death, nor is it possible to predict every situation in which it will release. In snowboarding, and other sports utilizing equipment with non-release bindings, the binding system will not ordinarily release during use; these bindings are not designed to release as a result of forces generated during ordinary operation.

I understand that the sports of skiing, snowboarding, and other sports (collectively "RECREATIONAL SNOW SPORTS") involve inherent and other risks of **INJURY** and **DEATH**. I voluntarily agree to expressly assume all risks of injury or death that may result from these RECREATIONAL SNOW SPORTS, or which relate in any way to the use of this equipment.

I understand that a helmet designed for RECREATIONAL SNOW SPORTS use may help reduce the risk of some types of injuries to the user at slower speeds. I recognize that serious injury or death can result from both low and high energy impacts, even when helmet is worn.

I AGREE TO RELEASE AND HOLD HARMLESS New Winterplace Limited Liability Company, New Winterplace Inc., and their affiliates, members, shareholders, directors, officers, employees, agents, and the equipment manufacturers and distributors and their successors in interest (collectively "PROVIDERS"), from all liability for injury, death, property loss and damage which results from the equipment user's participation in the RECREATIONAL SNOW SPORTS for which the equipment is provided, or which is related in any way to the use of this equipment, including all liability which results from the NEGLIGENCE of PROVIDERS, or any other person or cause.

I further agree to defend and indemnify PROVIDERS for any loss or damage, including any that results from claims or lawsuits for personal injury, death, and property loss and damage related in any way to the use of this equipment.

This agreement is governed by the applicable law of this state. If any provision of this agreement is determined to be unenforceable, all other provisions shall be given full force and effect.

What type of skier are you? Determining your SKIER TYPE is your responsibility! Your skier type, height, weight, age, and ski boot sole length are used by the shop to determine the visual indicator settings of your ski bindings. Be sure to provide accurate information, as any error may increase your risk of injury. Consult these descriptions to select your classification:

TYPE 1 "Cautious skiing at LOWER visual indicator settings"

- Prefer slow to moderate speeds.
- Prefer gentle to moderate terrain.
- Receive lower than average visual indicator settings. This may increase the risk of inadvertent binding release in order to increase the likelihood of release in a fall.
- Type 1 settings apply to "entry-level skiers uncertain of their classification".

TYPE 2 "Moderate skiing at AVERAGE visual indicator settings"

- Prefer a variety of speeds.
- Prefer a varied terrain.
- Type 2 skiers are skiers who do not meet all the descriptions of Type 1 or Type 3 skier types.

TYPE 3 "Aggressive skiing at HIGHER visual indicator settings"

- Prefer fast speeds.
- Prefer steep terrain.
- Receive higher than average visual indicator settings. This may reduce the likelihood of release in a fall in order to decrease the risk of inadvertent binding release.

Once you determine what type of skier you are, indicate it on the front page of this agreement in the Indicate Skier Type section.

If from experience, you have been dissatisfied with visual indicator settings resulting from your selected skier type classification, you may wish to consider: (a) changing your skier type classification; (b) selecting different skier type classifications for toe and heel components; (c) selecting skier Types -1 ("for skiers who desire visual indicator settings lower than settings for a type 1 skier") or 3+ ("for skiers who desire visual indicator settings higher than settings for a Type 3 skier"). These descriptions are compatible with ASTM and ISO Documents.

YOUR RESPONSIBILITY CODE

1. Always stay in control.
2. People ahead of you have the right of way.
3. Stop in a safe place for you and others.
4. Whenever starting downhill or merging, look uphill and yield.
5. Use devices to help prevent runaway equipment.
6. Observe signs and warnings, and keep off closed trails.
7. Know how to use the lifts safely.

Be safety conscious and know the code.
IT'S YOUR RESPONSIBILITY.

I have read and agree to the terms of this agreement and have signed on the 1st page of this form.