



*****Important: Read & Adhere to Information on Back of Form*****

Instructions: Leave at trailhead behind clipboard; or mail to: Hayes Arboretum, 801 Elks Road, Richmond, IN. 47374-2526; or scan and e-mail to: stephenhayes13@yahoo.com

ADULT RELEASE

**Stanley W. Hayes Research Foundation, Inc. (SWHRF) DBA Hayes Arboretum
RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY
AGREEMENT**

IN CONSIDERATION of being permitted to participate in any way in any **SWHRF** Mountain Biking activity at Hayes Arboretum, I, for myself, my personal representatives, assigns, heirs and next of kin:

1.) **ACKNOWLEDGE**, agree, and represent that I understand the nature of **MOUNTAIN BIKING** Activities and **TRAIL BUILDING** Activities and that I am qualified, in good health, and in proper physical condition to participate in such Activity. I acknowledge, agree and warrant that if, at any time, I believe conditions to be unsafe, I will immediately discontinue further participation in the Activity.

2.) **FULLY UNDERSTAND THAT** (a) **MOUNTAIN BICYCLING ACTIVITIES AND TRAIL BUILDING ACTIVITIES INVOLVE RISKS AND DANGERS OF SERIOUS BODILY INJURY, INCLUDING PERMANENT DISABILITY, PARALYSIS, LOSS OF LIMB, AND DEATH ("Risks");** (b) these Risks and dangers may be caused by my own actions, inactions, the actions or inactions of others participating in the Activity, the condition in which the Activity takes place, or **THE NEGLIGENCE OF THE RELEASEES "NAMED BELOW"** (c) there may be **OTHER RISKS AND SOCIAL AND ECONOMIC LOSSES** either not known to me or not readily foreseeable at this time; and I **FULLY ACCEPT AND ASSUME ALL SUCH RISKS AND ALL RESPONSIBILITY FOR LOSSES, COSTS AND DAMAGES** I incur as a result of my participation or that of the minor in the Activity.

3. **HEREBY RELEASE, DISCHARGE, AND COVENANT NOT TO SUE SWHRF**, its administrators, directors, agents, officers, members, volunteers, and employees, other participants, any sponsors, advertisers, and, if applicable, owners and lessors of premises on which the Activity takes place (each considered one of the "RELEASEES" herein) **FROM ALL LIABILITY, CLAIMS, DEMANDS, LOSSES, OR DAMAGES ON MY ACCOUNT CAUSED OR ALLEGED TO BE CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE "RELEASEES" OR OTHERWISE, INCLUDING NEGLIGENT RESCUE OPERATIONS;** AND I **FURTHER AGREE** that if, despite this **RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, AND INDEMNITY AGREEMENT** I, or anyone on my behalf, makes a claim against any of the **RELEASEES, I WILL INDEMNIFY, SAVE AND HOLD HARMLESS EACH OF THE RELEASEES** from any litigation expenses, attorney fees, loss, liability, damages, or cost which any may incur as the result of such claim.

I **HAVE READ THIS AGREEMENT, FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT, AND HAVE SIGNED IT FREELY AND WITHOUT ANY INDUCEMENT OR ASSURANCE OF ANY NATURE AND INTEND IT TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW AND AGREE THAT IF ANY PORTION OF THIS AGREEMENT IS HELD TO BE INVALID, THE BALANCE NOTWITHSTANDING, SHALL CONTINUE IN FULL FORCE AND EFFECT.**

Signature _____

Date: _____

Name: _____

Address: _____

City: _____ State: _____

TEL.: Home: _____ Cell: _____

E-Mail: _____

General Rules and Guidelines – 8-17-2020

- 1. A helmet must be worn at all times when operating a bike, mountain or other type of bike, at Hayes Arboretum.**
- 2. This waiver must be signed and filled out legibly prior to mountain biking at Hayes Arboretum. Required once only.**
- 3. The mountain bike trails are on the East Side of Hayes Arboretum (east of Hayes Arboretum Road).**
- 4. The mountain bike trails are color coded relative to difficulty: (from beginner to advanced): Blue, Yellow, Orange and Red, in that order.**
- 5. The mountain bike trails (8 miles) are bi-directional & the gravel road system on the East Side (2.5) is bi-directional.**
- 6. Pedestrian activities such as hiking, dog-walking, and running are permitted on the mountain bike trails and on the gravel road system.**
- 7. It is always important to monitor & be safe with bike speed and be vigilant for hikers who may be on the path ahead.**
- 8. The mountain bike trails are open on a weather permitting basis from dawn to dusk daily. Join & consult Hayes Arb Mountain Bike Trails on Facebook to determine if the trails are open at a given time. Barring extreme weather conditions, the gravel road system is expected to be open for use, dawn to dusk on a daily basis.**
- 9. The use of mountain bikes and regular bikes is limited to the East Side Trail System at Hayes Arboretum and biking on the West Side of Hayes Arboretum, on either on the roads or the hiking trails is not allowed.**