

# MARBLE AND FLY CAVES

## WAIVER, RELEASE AND INDEMNIFICATION

In consideration of my being permitted by Lawrence and Mary Blackwell (hereinafter "Owner") to enter premises owned or managed by it for my own purpose of exploring said premises, on behalf of myself, my heirs and personal representatives, I forever waive any claim for injuries, damages or losses which may occur to my person or property while I am in or upon said premises. I acknowledge that I am aware of the risks inherent in exploration and assume any and all risks associated with cave exploration or exploration of property owned or managed by Owner. I hereby release and agree to hold harmless the Owner, and the Owner's agents, employees, shareholders, directors, officers, related entities, heirs, personal representative, affiliates, successors and assigns (collectively, the "released parties") from all liability for any such injuries, damages, losses or death, including but not limited to any liability which might be based on any act, negligence or omission by any of the Released Parties. I agree to be solely responsible for my own safety, to take every precaution to provide for my own safety and well being while participating in activities above or below ground on property owned or managed by Lawrence and Mary Blackwell.

I HAVE READ AND UNDERSTAND ALL THE TERMS OF THIS WAIVER, RELEASE AND INDEMNIFICATION. I UNDERSTAND THAT NEGLIGENCE MEANS FAILURE TO DO AN ACT, WHICH A REASONABLE, CAREFUL PERSON WOULD DO, OR THE DOING OF AN ACT WHICH A REASONABLE, CAREFUL PERSON WOULD NOT DO UNDER THE SAME CIRCUMSTANCES, TO PROTECT THEMSELVES OR OTHERS FROM INJURY OR DEATH. I AM SIGNING THIS WAIVER, RELEASE AND INDEMNIFICATION VOLUNTARILY, WITH FULL KNOWLEDGE OF ITS EFFECT. I UNDERSTAND THAT, UNLESS IT IS PREVIOUSLY REVOKED BY ME IN WRITING, IT WILL BE EFFECTIVE FOR ANY AND ALL OCCASIONS WHEN I MAY BE PERMITTED TO ENTER SAID PREMISES OWNED OR MANAGED BY THE OWNER AFTER THIS DATE.

\_\_\_\_\_  
PRINT NAME OF PERSON CAVING OR HIKING

\_\_\_\_\_  
SIGNATURE OF PERSON CAVING OR HIKING

I AM 18 YEARS OF AGE OR OLDER:

\_\_\_\_ YES

\_\_\_\_ NO

IF PERSON ENTERING THE PROPERTY IS UNDER THE AGE OF 18, THEY MUST HAVE THE SIGNATURE OF A PARENT OR GUARDIAN BOTH BELOW AND ALSO ON THE OTHER SIDE (OR ADDITIONAL PAGE) OF THIS FORM.

As the parent/guardian of the minor who signed the foregoing Waiver, Release and Indemnification, I do hereby declare my intent and agreement to be jointly and severally bound by all the terms thereof. THIS DECLARATION MUST BE SIGNED BY A PARENT OR GUARDIAN.

\_\_\_\_\_  
SIGNATURE OF PARENT OR GUARDIAN & DATE

Please print														
EMERGENCY CONTACT PERSON														
RELATIONSHIP														
ADDRESS														
CITY					STATE					ZIP				
				-				-						
AREA CODE & PHONE NUMBER														

PLEASE READ & SIGN OTHER SIDE

NOTE: ALL PERSONS HIKING OR CAVING ON THE PROPERTY MUST BE OUT BY 6 PM.

# MARBLE AND FLY CAVES

## CAVE HAZARDS DISCLOSURE AND WAIVER OF LIABILITY

This disclosure form is to be read and signed by all persons desiring access to any cave on the Blackwell property. The purpose of this document is to help cavers understand the risks and hazards that may be encountered in the caves. The caves on the Blackwell property are wild, semi-developed caves, which present numerous hazards to anyone entering.

1. Difficult Terrain - A normal trip requires crawling, squeezing through constrictions, climbing, skirting and bridging deep pits and canyons, walking on loose rocks, and walking and crawling through mud and water.
2. Climate - Cavers will be exposed to the extremes of wet and dry conditions. Temperatures are normally  $54^{\circ} \pm 4^{\circ}\text{F}$ .
3. Rock Falls - Cave floors, walls and ceilings contain loose rock. Rock falls are normal and a frequent occurrence.
4. Complex and Restricted Passages - Some caves contain extensive, complex, and sometimes restricted passages, some of which are confusing, maze-like, and unmarked. There is a risk of becoming lost, disoriented, or trapped in the cave.
5. Poor Light Conditions - Some caves are totally dark.
6. Harmful Organisms, Animals, Mammals, Reptiles, Insects, and Toxic Gases - Some or all of these may be present in any cave on the property.
7. Gate Failure - Cavers could be temporarily trapped in the cave due to improper use or mechanical failure of the gate or lock.
8. Physical and Psychological Stress - Caving subjects individuals to extreme and abnormal physical stresses. If you have back problems, are recovering from surgery or broken bones or you are or may be pregnant, you should not attempt this trip. Cavers also tend to experience psychological stresses such as claustrophobia, agoraphobia, and acrophobia. If you suffer from any of these, this excursion may not be for you.
9. Other hazards - A trip into any cave on the property will subject a caver to other unknown hazards and risks. This document attempts to list the most commonly encountered hazards and risks. However, it should not be considered as an all-inclusive listing.

I HAVE BEEN INFORMED OF THE HAZARDS ASSOCIATED WITH EXPLORING ANY CAVE, AND I AGREE THAT LAWRENCE AND MARY BLACKWELL AND ALL "RELEASED PARTIES" NOTED ON WAIVER FRONT SHALL BE HELD HARMLESS FROM ANY LIABILITY WHATSOEVER FOR MENTAL OR PHYSICAL DAMAGES, INJURY OR DEATH RESULTING FROM ENTERING AND/OR EXPLORING ANY CAVE, AND THAT LAWRENCE AND MARY BLACKWELL ASSUME NO RESPONSIBILITY THEREFORE.

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SIGNATURE

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DATE

As the parent/guardian of the minor who signed the foregoing Hazards Disclosure and Waiver of Liability statement, I do hereby declare my intent and agreement to be jointly and severally bound by all terms thereof. THIS DECLARATION MUST BE SIGNED BY A PARENT OR GUARDIAN.

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SIGNATURE OF PARENT OR GUARDIAN AND DATE

PLEASE READ AND SIGN OTHER SIDE