

POINT LOMA TENNIS CLUB COMMUNITY CORPORATION

Waiver, Release And Agreement Re: Fire Pits

I, the undersigned, am an Owner of the Condominium Unit referenced below, located within the Point Loma Tennis Club Community Corporation (“Association”). I, for myself and occupants, residents, children, guests and/or invitees associated with my Unit, and heirs, successors and assigns (collectively “Owner”) agree as follows with respect to the use, enjoyment and operation of the East and West fire pits and related improvements within the Association (collectively “fire pits”):

Owner hereby waives and releases the Association, and its directors, officers, employees, agents, vendors/contractors and representatives (collectively “Association”) and agree to hold the Association harmless as to any and all claims, demands, causes of action, lawsuit, losses, injuries and liabilities arising out of or in any manner related to or in connection with the fire pits, except where solely due to the gross negligence and/or willful act or omission of the Association. This Waiver and Release includes, but is not limited to, claims such as for personal/bodily injury, death and damage to or destruction of property.

Owner acknowledges that the fire pits involve risks including but not limited to personal injury, death, property damage and the like. Owner shall be responsible for the conduct of all persons associated with their Unit in connection with the fire pits, and assumes any and all risks associated with the fire pits, including risks associated with the use of fire pits by other persons on the premises, including those persons’ negligent and/or intentional acts or omissions.

The following conditions apply and are subject to change: Fire pits shall be for community use and shall not be for the exclusive use by any Owner. No cooking, roasting or similar activity is permitted within the fire pit, nor may any additional material or items be placed in the fire pits. Owner shall be required to sign this Waiver and Release prior to starting use of the fire pits. The Association’s patrol service and office staff are the only party authorized to light and shut off the East and West fire pits. Owner understands that their liability does not end until Security turns off the fire pit. Owners are required to call to request such service at the following number: 619-224-3121. Current hours of use are as follows:

Summer Hours - Memorial Day through Labor Day

Monday-Thursday 6:00 pm to 11:00 pm.

Friday 6:00 pm to Midnight.

Saturday 1:00 pm to Midnight.

Sunday 1:00 pm to 11:00 pm.

Winter Hours

Monday-Thursday 6:00 pm to 11:00 pm.

Friday 6:00 pm to Midnight.

Saturday 3:00 pm to Midnight.

Sunday 3:00 pm to 11:00 pm.

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This Waiver and Release shall remain in full force and effect and shall not be dependent upon Owner's or other persons' compliance or non-compliance with the terms of this Waiver and Release.

Dated: _____, 20__

Signed: _____

Printed Name: _____

Unit Address: _____

Email: _____

Phone No. _____