



2011 HOLD HARMLESS FORM

RELEASE OF LIABILITY:

The Winery, for herself/himself and successors, assigns, heirs, estate, employees, and all other persons, known or unknown, being fully aware that participation will expose her/him to a risk of property damage, bodily injury, personal injury and/or death, hereby releases, waives, discharges and covenants not to sue **THE ATASCADERO LAKESIDE WINE FESTIVAL, , THE CITY OF ATASCADERO, ATASCADERO KIWANIS**, their officers, directors, trustees, employees, agents, representatives, volunteers, and servants, and all other persons and associates connected with **ATASCADERO LAKESIDE WINE FESTIVAL** and/or **MAYORS/KIWANIS WINEMAKERS DINNER**, whether known or unknown (HEREIN AFTER COLLECTIVELY "SPONSORS"), from any and all liability, including for activity or passive negligence, for any and all property damage, personal injuries, bodily injury, death and/or other claims or causes of action arising out of or relating to the Winery's participation in **ATASCADERO LAKESIDE WINE FESTIVAL, MAYORS/KIWANIS WINEMAKERS DINNER, INCLUDING THOSE CLAIMS WHICH ARE KNOWN AND UNKNOWN, FORESEEN AND UNFORESEEN, FUTURE OR CONTINGENCE.**

COVENANT NOT TO SUE:

The Winery/Winery Representative, for herself/himself and successors, assigns, heirs, estate, employees, and all other persons, known or unknown, covenants not to directly or indirectly commence or prosecute any action, suit, claim or other proceeding against the Sponsors arising out of or related to **ATASCADERO LAKESIDE WINE FESTIVAL, MAYORS/KIWANIS WINEMAKERS DINNER**. The Winery/Winery Representative is aware of Civil Code 1542 and waives its effect. Civil Code 1542 provides: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing this release, which is know by him must have materially affected his settlement with the debtor."

INDEMNITY AGREEMENT:

Winery/Winery Representative shall indemnify and hold harmless the Sponsors against any and all claims, demands, causes of action, personal injuries, death, damage, costs and liabilities, in equity, of every kind and nature, whatsoever, directly or proximately

resulting or caused by the act or omission of the Winery/Winery Representative, or any of its officers, agents, employees, guests, patrons, or invitees, and the Winery/Winery Representative shall, at its sole risk and expense, defend any and all suits, actions or other legal binding proceedings which may be brought or instituted against any Sponsor or any such claim, demand or cause of action, and the Winery/Winery Representative shall pay for any and all damaged or loss to the property of any Sponsor due to such loss or theft of such property, done or caused by the Winery/Winery Representative, its officers, employees, guests, patrons, and invitees.

Winery Name

Contact Person

Date

Signature