

Homeowners Association for Cloud Country Subdivision Unit-1
Waiver, Release and Indemnification

This Waiver, Release and Indemnification is made and executed as of the date below, by the undersigned Owner(s). The owner is a member of Homeowners Association for Cloud Country Subdivision unit-1, Inc. ("Association"). As a condition imposed by the Board of Directors of the Association prior to permitting Owner access to, and one (1) key fob for entry to, the Amenity Center and Swimming Pool, and in consideration thereof, Owner agrees and acknowledges:

Owner is at least 18 years of age and the Owner of the residence ("Residence") listed below. The residence is located in Cloud Country Subdivision, Comal County, TX ("Subdivision").

As a member of the Association, Owner is entitled to use and enjoy the Cloud Country swimming pool which includes, but is not limited to, the Swimming Pool, covered sitting area, restrooms. Owner's rights and privileges with respect to these assets are subject to the terms and conditions of the Deed Restrictions for the Subdivision and to any and all rules ("Rules") promulgated by the Board of Directors of the Association. Use of the swimming pool and recreational facilities by Owner, Owner's family (including children) Owner's guests or tenants, at all times requires following all of the Rules. Owner shall be solely and entirely responsible for compliance with any and all Rules by Owner, Owner's family (including children) and Owner's guests and tenants.

THERE IS NO LIFEGUARD ON DUTY AT THE SWIMMING POOL. OWNER, OWNER'S FAMILY (INCLUDING CHILDREN) AND OWNER'S GUESTS AND TENANTS ARE SWIMMING AT THEIR OWN RISK.

Owner, Owner's family (including children) and Owner's guests and tenants will not tamper with any lock, prop open any gate, or take any other action which would allow free access to the Amenity Center or Swimming Pool by any person.

Owner, on behalf of Owner, Owner's family (including children) and Owner's guests and tenants, HEREBY KNOWINGLY AND INTENTIONALLY WAIVES, RELEASES AND INDEMNIFIES AND HOLDS HARMLESS THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AGENTS, EMPLOYEES, MANAGERS AND ATTORNEYS, THE DECLARANT UNDER THE DEED RESTRICTIONS ("DECLARANT"), THE MANAGEMENT COMPANY, ITS SUBSIDIARIES, ASSIGNS AND/OR RELATED COMPANIES ("MANAGERS"), AND ANY OTHER LOT OWNER IN THE SUBDIVISION (ALL ABOVE MENTIONED PARTIES COLLECTIVELY DEFINED AS "ASSOCIATION PARTIES"), from and against any claims for any injury to, or death of, any person, or any damages to any property, or other damages (including attorney's fees and court costs) in, upon or concerning the swimming pool, arising at any time and from any cause, except for any claims against any Association Party for any such damage, injury or death which arises out of gross negligence or willful misconduct of that Association Party. No Association Party shall be liable to Owner, Owner's family (including children) or Owner's guests or tenants, for any injury to, or death of, any person, or any damage to any property, or other damages (including attorney's fees and court costs), in, on or upon the swimming pool and improvements except to the extent, and only to the extent, that any such death, injury or damage is caused by the gross negligence or willful misconduct of that Association Party.

OWNER HAS CAREFULLY READ THIS WAIVER, RELEASE AND INDEMNIFICATION, KNOWS AND UNDERSTANDS ITS CONTENT, AND SIGNS IT AS HIS/HER FREE AND VOLUNTARY ACT. POOL CARDS WILL BE ACTIVATED **WITHIN ONE (1) BUSINESS DAY**. PLEASE EMAIL POOL WAIVER TO:

poolwaivers@damctx.com

Date: _____

Card # Issued: _____

Property Address: _____

Mailing Address (if different): _____

Signature (Owner 1)

Signature (Owner 2)

Printed Name

Printed Name

IF THE RESIDENCE WILL BE LEASED: Please list all tenants to receive card-. Tenants signing below also agree to the foregoing Waiver, Release and Indemnification:

Date: _____

Signature (Tenant 1)

Signature (Tenant 2)

Printed Name

Printed Name

Please list names of all family members (including birth year of family members if under eighteen) who will be using the swimming pool:

