

WAIVER AND RELEASE OF LIABILITY

In consideration of the risk of injury while displaying merchandise in Desert Artistas Gallery (The Gallery), and as consideration for the right to participate in the membership, I hereby, for myself, my heirs, executors, administrators, assigns, or personal representatives, knowingly and voluntarily enter into this waiver and release of liability and hereby waive any and all rights, claims or causes of action of any kind whatsoever arising out of my participation in the Activity, and do hereby release and forever discharge Columbus Artist's Cooperative, DBA Desert Artistas Gallery, located at 203 Missouri St, Columbus, New Mexico, their affiliates, managers, members, agents, attorneys, staff, volunteers, heirs, representatives, predecessors, successors and assigns, for any physical or psychological injury, including but not limited to illness, paralysis, death, damages, economical or emotional loss, that I may suffer as a direct result of my participation in the aforementioned Gallery, including traveling to and from an event related to this Gallery.

I AM VOLUNTARILY PARTICIPATING IN THE AFOREMENTIONED GALLERY AND I AM PARTICIPATING IN THE GALLERY ENTIRELY AT MY OWN RISK. I AM AWARE OF THE RISKS ASSOCIATED WITH TRAVELING TO AND FROM AS WELL AS PARTICIPATING IN THIS VENTURE, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, PHYSICAL OR FINANCIAL INJURY. I UNDERSTAND THAT THESE INJURIES OR OUTCOMES MAY ARISE FROM MY OWN OR OTHERS' NEGLIGENCE, CONDITIONS RELATED TO TRAVEL, OR THE CONDITION OF THE GALLERY EVENT LOCATION(S). NONETHELESS, I ASSUME ALL RELATED RISKS, BOTH KNOWN OR UNKNOWN TO ME, OF MY PARTICIPATION IN THIS ACTIVITY, INCLUDING TRAVEL TO, FROM AND DURING THESE EVENTS.

I agree to indemnify and hold harmless Columbus Artist's Cooperative against any and all claims, suits or actions of any kind whatsoever for liability, damages, compensation or otherwise brought by me or anyone on my behalf, including attorney's fees and any related costs, if litigation arises pursuant to any claims made by me or by anyone else acting on my behalf. If The Gallery incurs any of these types of expenses, I agree to reimburse Columbus Artist's Cooperative.

I acknowledge that Columbus Artist's Cooperative and their directors, officers, volunteers, representatives and agents are not responsible for errors, omissions, acts or failures to act of any party or entity conducting a specific event or function on behalf of The Gallery.

I ACKNOWLEDGE THAT THIS GALLERY MAY BE SUBJECT TO THEFTS, BREAK-IN AND OTHER ILLEGAL ACTS THAT MAY RESULT IN LOSS OF PROPERTY AND/OR OTHER FINANCIAL LOSS. The risks may include, but are not limited to, those caused by burglary, shoplifting, robbery, weather, act of god, or other natural disaster, or the initial condition of member's merchandise.

To the extent that statute or case law does not prohibit releases for negligence, this release is also for negligence on the part of Columbus Artist's Cooperative, or its board, its agents, or volunteers.

I agree to be financially responsible for my items offered for sale by The Gallery. I am aware and understand that I should carry my own insurance.

In the event that any damage to equipment or facilities occurs as a result of product malfunction, leakage, or otherwise harmful affects by my merchandise, I acknowledge and agree to be held liable for any and all costs associated with any subsequent damage.

I ACKNOWLEDGE THAT I HAVE CAREFULLY READ THIS "WAIVER AND RELEASE" AND FULLY UNDERSTAND THAT IT IS A RELEASE OF LIABILITY. I EXPRESSLY AGREE TO RELEASE AND DISCHARGE DESERT ARTISTAS GALLERY AND ALL OF ITS MANAGERS, BOARD MEMBERS, ATTORNEYS, STAFF, VOLUNTEERS, HEIRS, REPRESENTATIVES, PREDECESSORS, SUCCESSORS AND ASSIGNS, FROM ANY AND ALL CLAIMS OR CAUSES OF ACTION AND I AGREE TO VOLUNTARILY GIVE UP OR WAIVE ANY RIGHT THAT I OTHERWISE HAVE TO BRING A LEGAL ACTION AGAINST DESERT ARTISTAS GALLERY FOR PERSONAL INJURY OR PROPERTY DAMAGE TO ANYTHING OR PERSON OCCUPYING THE PROPERTY OF, OR ATTENDING EVENTS HOSTED OR SPONSORED BY "COLUMBUS ARTIST'S COOPERATIVE" "DESERT ARTISTAS GALLERY" OR THE "HISTORIC HOOVER HOTEL".

Member: _____

Date: _____