



MUSEUM OF THE SOUTHWEST

The undersigned, personally and on behalf of any business entity it represents as a principal, agent or assign, whether expressed or implied, hereby agrees to the following:

RELEASE FROM LIABILITY. The undersigned hereby RELEASES, ACQUITS AND FOREVER DISCHARGES and WAIVES any and all claims, damages, actions and suits including, but not limited to, damage or injury to persons and property against the Museum of the Southwest, and its boards, officers, officials, managers, employees, agents, volunteers, representatives and attorneys (collectively "Museum"), that arise from or relate to the undersigned's and his or her customers' or guests' enjoyment or use of Museum facilities and grounds for purposes of the Midland Downtown Farmer's Market (hereinafter referred to as "Activities"). The Museum shall not be liable or responsible for, and shall be saved and held harmless from and against any and all claims and damages of every kind ARISING IN WHOLE OR IN PART FROM OR RELATED TO THE ACTIVITIES REGARDLESS OF WHETHER SUCH CLAIMS AND DAMAGES ARISE OUT OF OR ARE CAUSED IN WHOLE OR PART BY THE NEGLIGENCE OF THE MUSEUM.

INDEMNITY. THE UNDERSIGNED HEREBY AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE MUSEUM IN EACH AND EVERY CASE, INCLUDING, WITHOUT LIMITATION, ANY CASE IN WHICH THE MUSEUM MAY BE ALLEGED OR PROVEN TO HAVE BEEN NEGLIGENT (INCLUDING BUT NOT LIMITED TO ACTIVE, PASSIVE, SOLE, JOINT, CONCURRENT, COMPARATIVE, CONTRACTUAL AND GROSS NEGLIGENCE) OR OTHERWISE LEGALLY LIABLE (WITH OR WITHOUT FAULT OR WHETHER STRICTLY LIABLE OR RESPONSIBLE FOR ANY DEFECT, WHETHER OR NOT PRE-EXISTING THIS AGREEMENT), FROM AND AGAINST ANY AND ALL LIABILITY OR DAMAGES INCLUDING, WITHOUT LIMITATION, ANY LOSSES, DAMAGES, CLAIMS, LIENS, PUNITIVE AND EXEMPLARY DAMAGES, EXPENSES, COURT COSTS, ATTORNEYS' FEES, FINES, JUDGMENTS AND SETTLEMENTS (COLLECTIVELY "CLAIMS") DIRECTLY OR INDIRECTLY ARISING OUT OF OR IN CONNECTION WITH THE ACTIVITIES.

COVID-19. THIS RELEASE AND INDEMNITY INCLUDES ANY AND ALL CLAIMS ETC. AS DEFINED ABOVE THAT ARE IN ANY WAY RELATED TO OR ARISE OUT OF COVID-19.

Signature

Printed Name and Vendor/Company Name

Date