

# **ASSOCIATES AT CHAPMAN LAKE, INC**

## **Eligible Residents Policy**

**Effective: March 9, 2019**

### **I. PURPOSE**

The purpose of this policy is to identify which residents living in the vicinity of Chapman Lake are eligible to participate in the recreational use of the lake.

### **II. POLICY**

- A. In order to be offered the opportunity to remit payment of a lake fee and use Chapman Lake for recreational purposes, a lake resident must
  - (i) have deeded access to the waters of Chapman Lake; and
  - (ii) be current in their payment of lake fees to the Associates at Chapman Lake, Inc. ("AACL").
- B. New property owners with deeded access to the waters of Chapman Lake should contact the AACL to ensure that AACL records are updated accordingly.
- C. Any lake resident who is delinquent in payment of lake fees may be denied recreational use of the lake subject to the terms of the AACL's Delinquent Account Policy. Those who trespass on Chapman Lake will be considered a defiant trespasser pursuant to 18 Pa.C.S. § 3503.

### **III. USAGE AT OWN RISK; INDEMNIFICATION**

- A. **Any resident, guest, or other person who participates in lake activities shall do so at his or her own risk and shall indemnify, defend, release, hold harmless, and forever discharge AACL, its contractors, and the present, former, and future supervisors, staff, officers, employees, representatives, agents, and contractors of each (together, "Indemnitees"), for any and all liability, claims, lawsuits, actions, suits or demands, whether known or unknown, in law or equity, by any individual of any age, or any corporation or other entity, for any and all loss, injury, damage, theft, real or personal property damage, expenses (including attorney's fees, costs and other expenses for investigation and defense and in connection with, among other proceedings, alternative dispute resolution, trial court, and appellate proceedings), and harm of any kind or nature arising out of, or in connection with, the participation in lake activities, by said lake resident, guest, or other person, and any of his or her guests and any members of his or her family. Should any resident, guest, or other person bring suit against the Indemnitees in connection with lake activities or relating in any way to the AACL, and fail to obtain judgment therein against the Indemnitees, said resident, guest, or other person shall be liable to the AACL for all attorney's fees, costs, and other expenses for investigation and defense and in connection with, among other proceedings, alternative dispute resolution, trial court, and appellate proceedings. The waiver of liability contained herein does not apply to any act of intentional, willful or wanton misconduct by the Indemnitees.**