

## **The Joseph N. Herman Skate Area Skater Assumption, Waiver and Release Form**

In consideration of receiving permission from the Town of North Andover (hereinafter sometimes called Town) to enter upon the premises known as the Joseph N. Hermann Skate Area, the receipt of such permission being hereby acknowledged and in the further consideration of receiving permission to participate and utilize said skateboard/in-line skate facilities, the receipt of such permission being also acknowledged, the undersigned participant and his or her parents, if he or she be under the age of 18 years, hereby releases The Town of North Andover, The North Andover Youth Services, its agents, officers, servants, and employees, of and from any and all liability, claims, demands, actions, and courses of action whatsoever, arising out of or related to any loss, damage, or injury, including death, that may be sustained by the participant, or any property of participant or participant's parents, while in, on, upon, or near the premises.

Both participant and participant's parents are duly aware of the risks and hazards inherent upon entering said premises and/or in participating in skateboarding/in-line skating activities at the subject premises, and hereby voluntarily elect to enter - or have their children enter - upon said premises and participate in skateboard/in-line skate activities thereon, knowing the present condition of the facilities and knowing that said condition may become hazardous - or more hazardous, or dangerous - or more dangerous during the time that the participant is on the premises or continues to, from time to time, use the facilities. The participant, and/or his parents if the participant is below the age of 18 years, hereby voluntarily assume all risks of loss, damage, or injury, including death, that may be sustained by the participant or participant's parents or any property of either, while in, on, near or upon the premises and/or skateboard/in-line skate facilities.

This waiver and release shall be binding upon the participant, his or her parents, their distributes, heirs, next of kin, and personal representatives.

In signing the foregoing Assumption of Risk, Release and Waiver, each of the undersigned hereby acknowledges and represents:

1. That the age affixed next to the participant's signature is his or her correct age, and that both participant and his or her parents (if signed below by parents) are of sound mind.
2. That he, she, or they, have read the foregoing Assumption of Risk, Release and Waiver, and sign below voluntarily.
3. That he, she, or they, know that by signing this Release, Assumption and Waiver, he, she, or they are giving up all rights resulting from participant's use of the premises and facilities which he, she, and/or they have, have had, or may in the future have. **THE UNDERSIGNED HEREBY UNDERSTANDS THAT THIS IS A RELEASE, and that the undersigned are hereby GIVING UP EVERY RIGHT THEY, SHE, OR HE HAS TO RECOVER FOR ANY INJURY, DAMAGE OR DEATH occurring as a result of use of the Joseph N. Hermann Skate Area.**

4. That the participant and parents, (if their signatures are affixed below), in consideration of the Town of North Andover and the North Andover Youth Services granting the permission heretofore described do hereby expressly stipulate and agree to indemnify and hold forever harmless the Town of North Andover and the North Andover Youth Services, its successors and assigns, against loss from any and all claims, demands, or action in law or equity that may hereafter at any time be made or brought by the participant (be he or she a minor or not) or brought by anyone on behalf of said participant for the purpose of enforcing a claim for damages on account of any injuries received or sustained in consequence of the participant's actions on the premises or facilities.

WITNESS the hands and seals of the participant (and his or her parents if the participant is a minor) as of the day and year first above written:

Witness	Participant Signature	Age
	Address	
	Parent Signature	
	Address	

Proof of age exhibited \_\_\_\_\_

Notary Clause (To be notarized if not executed in the presence of Youth Services Staff)

COMMONWEALTH OF MASSACHUSETTS, COUNTY OF \_\_\_\_\_, TO WIT:  
I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_

AS WITNESSED my hand and Seal.

\_\_\_\_\_