

The COMMONS AT VALLEY LAKES HOA

COVID-19 WAIVER OF LIABILITY AND INDEMNIFICATION

1. I agree that I am personally responsible for my safety and actions while using the Commons at Valley Lakes (CAVL). I agree to comply with all CAVL policies and rules, including but not limited to all CAVL guidelines, signage, and instructions. Because the CAVL is open for use by other individuals, I recognize that I am at a higher risk of contracting COVID-19.

With full awareness and appreciation of the risks involved, I, for myself and on behalf of my family, spouse, estate, heirs, executors, administrators, assigns, and personal representatives, hereby forever release, waive, discharge, and covenant not to sue CAVL, its board members, officers, agents, servants, independent contractors, affiliates, employees, successors, and assigns (collectively the "Released Parties") from any and all liability, claims, demands, actions, and causes of action whatsoever, directly or indirectly arising out of or related to any loss, damage, or injury, including death, that may be sustained by me related to COVID-19 whether caused by the negligence of the Released Parties, any third-party using CAVL, or otherwise, while participating in any activity while in, on, or around the CAVL and/or while using any CAVL facilities, tools, equipment, or materials.

2. I agree to indemnify, defend, and hold harmless the Released Parties from and against any and all costs, expenses, damages, claims, lawsuits, judgments, losses, and/or liabilities (including attorney fees) arising either directly or indirectly from or related to any and all claims made by or against any of the Released Parties due to bodily injury, death, loss of us, monetary loss, or any other injury from or related to my use of the CAVL facilities, tools, equipment, or materials, whether caused by the negligence of the Released Parties or otherwise specifically related to COVID-19.
3. By signing below, I acknowledge and represent that I have read the foregoing Waiver of Liability, understand it and sign it voluntarily as my own free act and deed, including without limitation the Release of Liability and Indemnification requirements contained in this document; I am sufficiently informed about the risks involved in using the CAVL to decide whether to sign this document; no oral representations, statements, or inducements, apart from the foregoing written agreement, have been made; I am at least eighteen (18) years of age and fully competent; and I execute this document for full, adequate, and complete consideration fully intending to be bound by the same. I agree that this Waiver of Liability shall be governed by and construed in accordance with Indiana law, and that if any of the provisions hereof are found to be unenforceable, the remainder shall be enforced as fully as possible and the unenforceable provision(s) shall be deemed modified to the limited extent required to permit enforcement of the Waiver of Liability as a whole. This waiver remains in effect until the State of Indiana lifts all COVID-19 related mandates.

PRINTED NAME

DATE

SIGNATURE

ADDRESS

The COMMONS AT VALLEY LAKES HOA RECREATIONAL AREA RULES AND REGULATIONS

POOL RULES

Pool Hours: Anticipated Opening Date - Friday before MEMORIAL DAY

Open Daily 9:00 A.M. – 9:00 P.M.

Closed for the season on Labor Day at 9:00 P.M.

(UNLESS OTHERWISE DETERMINED BY THE COMMONS AT VALLEY LAKES BOARD OF DIRECTORS (CAVL BOD))

Amenities (Tennis courts, Baseball field, Soccer field, Basketball courts, Playground, Shelter area, Pool facilities, and or Wetlands) may be closed before, during, and after unfavorable weather conditions, unsafe conditions, or equipment malfunction.

Notice Video Surveillance will be used to enforce rules and regulations

- 1. All Residents are required to complete a New Pool Application to activate your pool card in 2020.**
- 2. Lifeguards are NOT on duty:** swim at your own risk. Parents are **required** to ensure the safety of their children and guests.
- 3. ALL Patrons MUST** be able to provide proof of residency if requested while in the amenities areas. EACH HOUSEHOLD MUST HAVE THEIR OWN KEY FOB TO USE THE POOL FACILITIES. NO EXCEPTIONS! *Replace lost fobs for a fee of \$25.00. Please contact Main Street Management at 765-742-6390 (Accounting Office Option 4) for a replacement key fob.*
- 4. The State Board of Health** requires that all individuals **take a shower** before entering the pool.
- 5. Children under 14 years of age will not be admitted to use the pool facilities unless accompanied and monitored by a resident 16 years of age or older. The monitoring resident must be able to provide age and residency documentation if asked by a resident or pool monitor.** ****When unaccompanied by a parent, resident's children 16 years or older are restricted to two (2) guest per visit. (Example: Children are not allowed to bring four (4) of their non-resident friends to the pool nor are children under the age of 16 years allowed to host guest at any time.)**
- 6. Limit of 4 guests per resident household.** An adult or resident/homeowner 18 or over must always accompany these guests. (Except in the example of when unaccompanied by a parent, resident's children 16-year-old or older are restricted to two (2) guest per visit - item 5 above)
- 7. The Community Pool and Amenities are tobacco free** facilities; smoking/tobacco/e-cigarettes/vaping use is not permitted in the common areas.
- 8. Alcoholic beverages** or persons under the influence of alcohol/drugs are prohibited in the pool and surrounding common areas, or any part of the amenity area. The use of such will result in immediate expulsion from the pool and park. If any persons is found to have alcoholic beverages in the amenities areas at multiple times there is a possibility of permanent loss of amenities access.
- 9. Glass containers** of any kind are prohibited in the pool facility. Only small coolers (18"x 18"x 18" max) will be allowed for snacks and beverages. Food may be consumed **ONLY** in designated seating areas on the south end of the concrete deck area.
- 10. The use of abusive or profane language** or other improper conduct on pool/park property shall be grounds for expulsion.
- 11. NO Diving**, running, pushing, dunking, throwing of balls or objects, and horseplay are strictly prohibited.
- 12. All children** that are not toilet trained are required to wear specially designed swim diapers and appropriate swimwear.

13 – 20 CONT. (BACK)

- 13. Wear Proper swimming attire** means a modest, comfortable swimsuit for men, women, and children. NO inappropriate attire is allowed (Example of inappropriate clothing are G string / thong bathing suits, clothing with illegal drug illustrations, profanity, etc). If a resident is not sure what is defined as inappropriate, please contact Main Street Management with photo and description of clothing in question for clarity prior to wearing the item to the amenities area. Street clothes are not permitted. Loose-fitting T-shirts, used for modesty, are not encouraged but permitted.
- 14. No PETS**, dogs, cats, or other pets are allowed within the pool area unless classified as a service animal with proper government issued registration documentation.
- 15. DO NOT TOUCH** Life-saving equipment, lights, cameras, items that don't belong to you except in cases of an actual emergency. All safety equipment **MUST NOT** be blocked from emergency use by chairs, tables, or personal items.
- 16. Pool furniture** shall be treated with care and not thrown or placed in the pool.
- 17. Flotation items** (rafts, large toys, floaties, etc) are NOT allowed within the pool fenced in area nor within the pool itself. Safety floatation items that are allowed are water wings, individual float rings, vest, etc. Noodles are allowed but if they are improperly used individuals may be asked to remove them.
- 18. Earbuds/Headphones** must be used when playing music so as to not disturb other residents. No audio either by radio, cell phone, iPad, etc shall be able to be heard by other community members
- 19.** Inappropriate use of the Wi-Fi services (inappropriate sites or excessive bandwidth usage) will result in loss of pool privileges.
- 20.** Homeowners are responsible for the behavior and actions of family members or guests and could be subject to loss of pool privileges for violations of above rules as well as abuse of the guest policy.

ALL RESIDENTS ARE REQUESTED TO HELP TO ENFORCE THESE RULES! *If you witness peculiar, dangerous, or inappropriate activity and do not feel comfortable addressing it yourself, you may report it BY TEXTING 574.870.2777. Include a time date and photo or video of the individual. If the situation requires immediate attention or is an emergency or a violation of the law, please call Lafayette Police Department at 765.807.1200. The HOA Board also has the unilateral right to restrict or ban any resident or guest from the pool for failure to comply with the any of the above rules. If you have comments, questions, suggestions, and reports of damage to the pool and recreation facilities, you should report it to a member of your Board of Directors or Main Street Management 765.742.6390.*

**The COMMONS AT VALLEY LAKES HOA RECREATIONAL AREA
RULES AND REGULATIONS**

GENERAL RULES

Recreation Hours: Sunrise - 9:00 P.M. daily.

(UNLESS OTHERWISE DETERMINED BY THE COMMONS AT VALLEY LAKES BOARD OF DIRECTORS (CAVL BOD))

Amenities (Tennis courts, Baseball field, Soccer field, Basketball courts, Playground, Shelter area, Pool facilities, and or Wetlands) may be closed before, during, and after unfavorable weather conditions, unsafe conditions, or equipment malfunction.

1. The recreational area, including the parking lots, are private property and for the exclusive use of residents and their guests.
2. Reservation of shelter structure and soccer or baseball fields: Complete an application located at www.commonsatvalleylakes.com. to submit a request for the use of the shelter. Request for use of the baseball fields or soccer field the homeowners must contact Main Street for availability and the required documentations, guidelines and regulations that apply. **NO RESERVATION** of the swimming area for private parties are allowed.
3. **TRASH** Individuals using the recreation facilities are responsible for placing all trash in the appropriate containers. Please keep these areas clean! Your efforts in maintaining the tidiness and cleanliness of this facility are vital to its continued operation.
4. **PET RULES**
 - a. **PET WASTE** shall be immediately picked up and disposed of in the proper containers. Please notify management if waste containers need emptying.
 - b. **Pets are not allowed** in the POOL, BASKETBALL or TENNIS COURT areas.
 - c. **PETS MUST ALWAYS BE RESTRAINED on a leash or inside a carrier and under full control of the animal's owner within the community.** Contact: Animal Control 765.423.9321 if you observe violations of Tippecanoe County Ordinance No. 2014-24CM Chapter 90.
5. **DO NOT PARK ON THE GRASS.** Park all vehicles in the designated parking lots
6. **Bicycles** must be parked correctly in the bike rack located in the pool parking lot.
7. **No Recreation vehicles** (such as but not limited to non-street legal bikes, golf carts, four (4) wheelers, mopeds etc.) are allowed on any community sidewalks, streets, tennis courts, common areas, or basketball courts.
8. **No roller equipment** (such as but not limited to skateboards, roller skates, rollerblades, bikes, etc.) is to be used on basketball or tennis courts.
9. **Loitering of non-residents**, residents or guests in community areas should be addressed by contacting the Lafayette Police Department at 765.807.1200 or 911 in an emergency.
10. **Earbuds/Headphones** must be used when playing music so as to not disturb other residents. No audio either by radio, cell phone, iPad, etc shall not be able to be heard by other community members.
11. **Inappropriate use of the Wi-Fi services** (inappropriate sites or excessive bandwidth usage) will result in loss of pool privileges.
12. **Homeowners are responsible** for the behavior and actions of family members or guests and could be subject to loss of pool privileges for violations of above rules as well as abuse of the guest policy.
13. **NO inappropriate attire** is allowed on the property (Example of inappropriate clothing are G string / thong bathing suits, clothing with illegal drug illustrations, profanity, etc).

ALL RESIDENTS ARE REQUESTED TO HELP TO ENFORCE THESE RULES!

If you witness peculiar, dangerous, or inappropriate activity and do not feel comfortable addressing it yourself, you may report it BY TEXTING 574.870.2444. Include a time date and photo or video of the individual. If the situation requires immediate attention or is an emergency or a violation of the law, please call Lafayette Police Department at 765. 807.1200. The HOA Board also has the unilateral right to restrict or ban any resident or guest from the pool for failure to comply with the any of the above rules. If you have comments, questions, suggestions, and reports of damage to the pool and recreation facilities, you should report it to a member of your Board of Directors or Main Street Management 765.742.6390.