

**FORT MADISON, IOWA**  
**RIVERFESTFM, LLC**  
**WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT**

Participation in water sports, including boating, swimming and floating, among other things, is both (1) dangerous and may result in serious injury, death, and/or property damage; and (2) physically and mentally demanding and may induce significant physical and/or mental stress. Therefore, prior to participation in RiverfestFM, LLC's water events, and by your signature, below, you (on your own behalf and on behalf of your family, your personal representatives, heirs, assigns, and next of kin):

1. **CERTIFY** that you are aware of the requirements and activities involved in the event(s) in which you will participate; you are aware of the dangerous nature of water sports; and you are physically, emotionally and mentally capable of participation, both in the water and on land, where the weather may further contribute to the dangerous and/or stressful nature of participation in the event(s);

2. **AGREE TO AT ALL TIMES ADHERE TO SPORTING EVENT RULES AND PROCEDURES** as established by any agent of RiverfestFM, LLC and to immediately advise a RiverfestFM, LLC agent if at any time you feel anything to be unsafe and/or to immediately refuse to participate further;

3. **RELEASE, WAIVE, DISCHARGE AND COVENANT/PROMISE NOT TO SUE RIVERFESTFM, LLC** and each of its agents, volunteers, employees, representatives, principals, officers and members and the City of Fort Madison and each of its agents, volunteers, employees, representatives, principals, officers and members (collectively referred to as "Released Parties") **FROM ALL LIABILITY TO YOU, YOUR FAMILY, YOUR PERSONAL REPRESENTATIVES, YOUR HEIRS, YOUR ASSIGNS AND YOUR NEXT OF KIN FOR ANY AND ALL LOSS OR DAMAGE ON ACCOUNT OF INJURY TO YOU OR YOUR PROPERTY (including injury resulting in death) related to participation in RiverfestFM, LLC sporting events, WHETHER CAUSED BY THE NEGLIGENCE OF THE RELEASED PARTIES OR OTHERWISE and which injuries or damages MAY BE COMPOUNDED OR INCREASED BY NEGLIGENT RESCUE OPERATIONS OR PROCEDURES OF THE RELEASED PARTIES;**

4. **AGREE TO INDEMNIFY AND SAVE AND HOLD HARMLESS** the Released Parties from any loss, liability, damage and/or cost they may incur related to your participation in RiverfestFM, LLC sporting events **WHETHER CAUSED BY THE NEGLIGENCE OF THE RELEASED PARTIES OR OTHERWISE;** and

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5. **ASSUME FULL RESPONSIBILITY** for any risk of bodily injury, death and property damage related to participation in RiverfestFM, LLC sporting events **WHETHER CAUSED BY THE NEGLIGENCE OF RELEASED PARTIES** or otherwise.

**I HAVE READ THIS CERTIFICATION, WAIVER, AND HOLD HARMLESS AGREEMENT (consisting of 2 pages); FULLY UNDERSTAND ITS TERMS; UNDERSTAND THAT I AM GIVING UP SUBSTANTIAL RIGHTS BY SIGNING IT; AND SIGN IT FREELY AND VOLUNTARILY WITHOUT ANY INDUCEMENT, ASSURANCE OR GUARANTEE. I INTEND MY SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY OF THE RELEASED PARTIES TO THE GREATEST EXTENT ALLOWED BY IOWA LAW.**

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Printed Name of Participant

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Signature of Participant\*

Date

\*If Participant is a minor or under any legal disability such as guardianship or conservatorship, then signature of parent or legal representative authorized to execute this Waiver and Hold Harmless Agreement on behalf of Participant.