

PARTICIPANT AGREEMENT, RELEASE, AND ACKNOWLEDGEMENT OF RISK

ZEN TUBING, INC.

608 Riverside Dr., Asheville, NC 28801 and 1648 Brevard Rd., Asheville, NC 28806 1-855-ZEN TUBE (936-8823)

In consideration of the services of Zen Tubing, Inc., their agents, owners, officers, volunteers, participants, employees, and all other persons or entities acting in any capacity on their behalf (hereinafter collectively referred to as "Zen Tubing"), I hereby agree to the release and discharge of Zen Tubing, on behalf of my children, my parents, my heirs, assigns personal representative and myself as follows:

1. I acknowledge that tubing entails known and unanticipated risks, which could result in physical injury, paralysis, death, or damage to myself, to property, or to third parties. I understand that such risks simply cannot be eliminated without jeopardizing the essential qualities of the activity. You can be jolted, jarred, bounced, thrown to and fro and shaken about during the ride through some areas of the water. Tubes could turn over, or you could be separated from the tube. Accidents could occur getting in or out of the tube. Tubes are slippery when wet. Exposure to the natural elements could be uncomfortable and/or harmful. You should be aware that this exposure could cause sunburn, dehydration, heat exhaustion, heat stroke or heat cramps. Also, prolonged exposure to the cold water can result in hypothermia and in extreme cases death. Furthermore, Zen Tubing personnel have jobs to perform and they seek safety, but they are not infallible. They might be ignorant of a participant's fitness or abilities. They might misjudge the weather, the elements or the terrain. They may give inadequate warning or instructions, and the equipment being used may malfunction.
2. I acknowledge that the weather may change at any time, which could result in me getting rained on and being in potentially harmful situations such as lightning and thunder. I understand that Zen does not offer pickup services during the tubing trip.
3. I expressly agree and promise to accept and assume all of the risk existing in this activity. My participation in the activity is completely voluntary and I elect to participate in spite of the risk.
4. I hereby voluntarily release, forever discharge and agree to indemnify and hold harmless Zen Tubing from any and all claims, demands, or causes of action which are in any way connected with my participation in this activity or my use of Zen Tubing's equipment or facilities; including any such claims which allege negligence, acts or omissions of Zen Tubing.
5. I certify that I have adequately insured to cover any injury or damage I may cause or suffer while participating, or else I agree to bear cost of such injury or damage to myself. I further certify that I have no medical or physical condition which could interfere with my safety or this activity or else I am willing to assume and bear the cost of all risk that may be created directly or indirectly by any such condition.
6. In the event that a dispute arises with Zen Tubing I agree to do so within the state of North Carolina and I further agree that the substantive law of the state shall apply in that action without regard to the conflict of the laws of that state.
7. In consideration of any minors that are listed on this form being permitted by Zen Tubing to participate in its activities and to use its equipment and facilities, I further agree to indemnify and hold harmless Zen Tubing from any and all claims

I agree that if any portion of this agreement is found to be void or unenforceable the remaining portion shall remain in full force and effect. I have had sufficient opportunity to read this entire document. I have read and understood and I agree to be bound by its terms.

Check the box to sign up for Zen Tubing special offers and information. Give it a try! You can always opt out!

ADULT (AGE 18 and Older) TO FILL THIS SECTION OUT:

Print Name: _____ Signature : _____ Age: _____

Street Address: _____ City: _____ State: _____

Zip Code: _____ Phone: _____ Date: _____

Email Address: _____

OTHER ADULTS AT ABOVE ADDRESS (PRINTED NAME, SIGNATURE):

MINORS (NAME, AGE):

