

ACKNOWLEDGMENT AND ASSUMPTION OF INHERENT DANGERS AND RISKS OF HISTORY HIKES & WALKS

I / My child (circle one), _____ (print name), hereinafter "Participant," will be participating in a guided history walk (walking). I acknowledge that participating in hiking involves inherent dangers and risks that cannot be eliminated and that may result in personal injury. I acknowledge that such inherent dangers and risks may include, but are not limited to: cuts; abrasion; concussion; slips; falls; changing trail conditions; rocks, stumps, gravel, loose dirt, and other marked and unmarked natural and manmade obstacles; rapidly changing weather conditions, including wind, rain, hail, and lightning; sunburn; heat exhaustion; heat stroke; altitude sickness; bites or stings from snakes, insects, or other wild or domestic animals; distance from and inaccessibility to immediate medical attention; physical exertion for which Participant is not prepared or in physical condition for; travel over rough terrain; falling rocks; acts or omissions of other participants or others in the area; equipment failure; and injury or death resulting from failing to follow instructions of Participant's guide/instructor. I also acknowledge that there are natural and environmental conditions and risks associated with hiking that independently or in combination with Participant's actions may cause injuries to Participant or others. I acknowledge that Participant could suffer injuries while participating in hiking, if Participant, Montana History Foundation ("MHF"), and others act with the utmost care and ability.

I acknowledge that participating in hiking is not appropriate for individuals with certain medical conditions or who are under the influence of alcohol or drugs. I affirm that Participant's health is good, and that Participant is not under a physician's care for any undisclosed condition that might endanger Participant's health or that of other participants. I recognize the inherent risks of injury, disability, or death involved in this recreational opportunity. I agree that Participant has a duty at all times to follow the instructions of MHF, to engage in the walk in a manner that avoids injury to Participant and others and to be aware of the inherent dangers and risks of hiking. **I accept all legal responsibility for injury or damage of any kind that occurs during Participant's walk or that results from or is related to Participant's participation in the walk, including but not limited to injury or damage that results from inherent dangers and risks, including but not limited to those known inherent dangers and risks identified above.**

BY SIGNING THIS DOCUMENT YOU MAY BE WAIVING YOUR LEGAL RIGHT TO A JURY TRIAL TO HOLD THE PROVIDER LEGALLY RESPONSIBLE FOR ANY INJURIES OR DAMAGES RESULTING FROM RISKS INHERENT IN THE SPORT OR RECREATIONAL OPPORTUNITY OR FOR ANY INJURIES OR DAMAGES YOU MAY SUFFER DUE TO THE PROVIDER'S ORDINARY NEGLIGENCE THAT ARE THE RESULT OF THE PROVIDER'S FAILURE TO EXERCISE REASONABLE CARE.

I have carefully read both this complete form as well as the History Hikes & Walks Tour Policies and FAQs, fully understand their contents, and sign the same of my own free will and accord. If I am signing on the behalf of a minor, I verify that I am the parent or guardian of the minor and have the authority to enter this agreement for the minor. This agreement shall be effective and binding upon my heirs, executors, assigns and representatives. I agree that if any portion of this Agreement is found to be void or unenforceable, the remaining portions shall remain in full force and effect.

This agreement shall be governed by and construed in accordance with the laws of the State of Montana without regard to applicable principles of conflicts of law. All disputes arising under or relating to this agreement shall be brought and resolved solely and exclusively in First Judicial District in and for the County of Lewis and Clark, State of Montana.

Participant Signature

Signature of Parent or Guardian of Minor

Date

Printed Name of Participant or Parent or Guardian