

BELLA TERRA HOA

This Waiver, Release and Indemnification is made and executed as of the date below, by the undersigned Owner(s). The owner(s) is/are a member of the Bella Terra Homeowners Association, Inc. ("Association"). As a condition imposed by the Board of Directors of the Association prior to permitting Owner access to the Swimming Pool, and in consideration thereof, Owner agrees and acknowledges:

Owner is at least 18 years of age and the Owner of the residence ("Residence") listed below. The residence is located in Bella Terra HOA, Temple, Bell County, Texas, or is on a Lot with a filed and recorded Pool Membership for Bella Terra HOA.

As a member of the Association, Owner is entitled to use and enjoy any Common Area Improvements, which include, but are not limited to the Swimming Pool and park. Owner's rights and privileges with respect to the Park Tract and Improvements are subject to the terms and conditions of the Deed Restrictions for the Subdivision and to any and all rules ("Rules") promulgated by the Board of Directors of the Association. Use of the Park Tract and Improvements by Owner, Owner's family (including children) Owner's guests or tenants, at all times requires following all of the Rules. Owner shall be solely and entirely responsible for compliance with any and all Rules by Owner, Owner's family (including children) and Owner's guests and tenants.

THERE IS NO LIFEGUARD ON DUTY AT THE SWIMMING POOL. OWNER, OWNER'S FAMILY (INCLUDING CHILDREN) AND OWNER'S GUESTS AND TENANTS ARE SWIMMING AT THEIR OWN RISK.

Owner, Owner's family (including children) and Owner's guests and tenants will not tamper with any lock, prop open any gate, or take any other action which would allow free access to the Swimming Pool or pool area by any person. Owner, including Owner's family, will not disclose the gate code to the Pool to any non-residents, guests or tenants not listed on this waiver below.

Owner, on behalf of Owner, Owner's family (including children) and Owner's guests and tenants, HEREBY KNOWINGLY AND INTENTIONALLY WAIVES, RELEASES AND INDEMNIFIES AND HOLDS HARMLESS THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AGENTS, EMPLOYEES, MANAGERS AND ATTORNEYS, THE DECLARANT UNDER THE DEED RESTRICTIONS ("DECLARANT"), AND ANY OTHER LOT OWNER IN THE SUBDIVISION (ALL ABOVE MENTIONED PARTIES COLLECTIVELY DEFINED AS "ASSOCIATION PARTIES"), from and against any claims for any injury to, or death of, any person, or any damages to any property, or other damages (including attorney's fees and court costs) in, upon or concerning the Park Tract and Improvements, arising at any time and from any cause, except for any claims against any Association Party for any such damage, injury or death which arises out of gross negligence or willful misconduct of that Association Party. No Association Party shall be liable to Owner, Owner's family (including children) or Owner's guests or tenants, for any injury to, or death of, any person, or any damage to any property, or other damages (including attorney's fees and court costs), in, on or upon the Park Tract and Improvements except to the extent, and only to

BELLA TERRA HOA

the extent, that any such death, injury or damage is caused by the gross negligence or willful misconduct of that Association Party.

OWNER HAS CAREFULLY READ THIS WAIVER, RELEASE AND INDEMNIFICATION, KNOWS AND UNDERSTANDS ITS CONTENT, AND SIGNS IT AS HIS/HER FREE AND VOLUNTARY ACT.

Date: _____

Signature (Owner 1): _____

Printed Name: _____

Signature (Owner 2): _____

Printed Name: _____

Bella Terra Lot address: _____

Email address: _____

Phone: _____

Please list the names of all family members or tenants who will be using the pool. All names listed MUST BE RESIDENTS!

1. _____

4. _____

2. _____

5. _____

3. _____

6. _____

IF RESIDENCE IS LEASED, ADULT TENANTS MUST SIGN BELOW:

Signature (Tenant 1): _____

Printed Name: _____

Signature (Tenant 2): _____

Printed Name: _____

Date Signed: _____

FIRST CARD: \$0

SECOND/REPLACEMENT CARDS: \$10.00 each

RETURN THIS FORM TO:

Bella Terra HOA

205 Paloma Dr.

Temple, TX 76502

Or email to: Manager@ColbyHOA.com