

Heron River Homeowners' Association

Common Areas Community Center, Sports Court, Children's Play Area and Swimming Pool Facilities

Assumption of Risk and Release of Liability

In consideration of permitting the undersigned, as a homeowner owning property in the Heron River Subdivision in Star, Idaho ("Homeowner"), and such Homeowner's spouse, children, relatives, tenants, invitees, and guests or Homeowner's Tenant and occupants (collectively "Permitted Users") the right to utilize the Common Areas, Community Center, the Gym, the Sports Court, the Children's Play Area, and the Swimming Pool Facilities ("HOA Facilities") owned by the Heron River Homeowners' Association (HOA) and located in the Heron River Subdivision, I, the undersigned represent to the HOA that I am a current Homeowner and I further acknowledge, appreciate and agree for myself and on behalf of the Permitted Users that:

1. There is a potential risk of illness and injury from the utilization of the HOA Facilities, including the potential for severe illness, permanent disability and even death, and while particular skills and good health may reduce this risk, the risk of illness, injury and/or death does exist; and
2. I KNOWINGLY AND FREELY ASSUME ALL SUCH RISKS, both known and unknown, EVEN IF ARISING FROM THE NEGLIGENCE OF THE RELEASES (defined below) and assume full responsibility for my and the Permitted Users' presence in, and use of the HOA Facilities; and
3. I acknowledge receiving a copy of the Heron River HOA Facilities Rules applicable to my use and the Permitted Users' use of the HOA Facilities and willing agree to comply with, and will instruct and be responsible for the compliance by the Permitted Users of, the stated and customary rules, as may be amended from time to time, and other terms and conditions for utilization of the HOA Facilities. If, however, I observe any unusual and significant hazard during my presence in, or use of, the HOA Facilities, I will cease the use of the HOA Facilities and promptly bring such hazard to the attention of the HOA; and
4. I, for myself and on behalf of the Permitted Users (including minor children), my and the Permitted Users' respective heirs, assigns and personal representatives, HEREBY RELEASE the HOA, its affiliates, officers, board of directors, agents and/or employees ("Releases") from any claims, actions, liabilities and expenses (including court costs and attorney's fees) that I or the Permitted Users might have WITH RESPECT TO ANY AND ALL ILLNESS, INJURY, DISABILITY, DEATH or loss or damage to person or property associated with or arising out of, directly or indirectly, my presence in, or use of, and/or the Permitted Users' presence in or use of, the HOA Facilities, WHETHER ARISING FROM THE NEGLIGENCE OF THE RELEASEES OR OTHERWISE ("Claims"), to the fullest extent permitted by law. I further agree to indemnify, defend, and hold the Releasees harmless from any Claims including Claims by any of the Permitted Users and their respective heirs, assigns or personal representatives.

**I HAVE READ THIS ASSUMPTION OF RISK AND RELEASE OF LIABILITY.
I FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS
BY SIGNING IT AND SIGN IT FREELY AND VOLUNTARILY WITHOUT ANY INDUCEMENT.**

Check One: Homeowner's name ☐ Tenant's name _____ Date signed

Signature

_____, Star, ID 83669
Property Address

Key Card # _____

The Homeowner is responsible for the tenant and all occupants.

Heron River HOA Facilities Rules

ENFORCEMENT OF RULES: These rules will be strictly enforced by the Heron River Board of Directors, Committee Chairpersons, and Committee members. The Board of Directors will investigate violations and determine if Permitted User's rights will be suspended for any period of time. The security cameras used in and around the HOA Facilities as well as key card access records and statements by witnesses will be use in investigating violations.

GENERAL RULES:

1. One key card is issued per Homeowner based on one HOA house/lot.
2. Lost or destroyed key cards will be inactivated and the replacement cost of the key card is \$25.
3. There is NO SMOKING in, on or around the HOA Facilities including in the Community Center building, in the Swimming Pool Enclosure, on the Sports Court or around the Children's Play Ground.
4. Beer and wine are permitted in the Community Center only. No alcohol is allowed in or around the pool, the pool enclosure, the gym, the parking area, the sports courts or the children's playground. No underage consumption of alcoholic beverages is allowed. **THE BOARD OF DIRECTORS HAS ZERO TOLERANCE FOR VIOLATIONS OF THIS RULE.**
5. No abusive or foul language, swearing, yelling or screaming is allowed.
6. The Board of Directors may change the open and close hours for any HOA Facility and post those hours on the management company's Heron River website.
7. The Community Center is available for private party reservations, up to six months in advance. The date will be reserved when all reservation paperwork is completed and applicable fees are paid. (refer to the reservation outside the Community Center.
8. All repair costs for damage to the HOA Facilities will be paid the responsible Homeowner if the damage is caused by any Permitted User of that Homeowner. Repair costs will be invoiced upon completion of the repairs and paid by the Homeowner within 30 days.
9. The HOA is not responsible for lost or stolen items.
10. Pets are not allowed in any HOA Facilities.
11. Music, movies, etc. must be played on personal devices using ear phones or ear buds.
12. Homeowners must be in good standing with their HOA dues. If a Homeowner is not in good standing, the homeowner and Permitted Users will not be allowed to use the HOA Facilities.

COMMUNITY CENTER RULES:

1. The Community Center building will be open from 8:00 AM to 10:00 PM. All Permitted Users less than 14 years of age (children) must be accompanied by an adult, age 18 or older the entire time the Permitted Users under 14 are in the Community Center.
2. Community Center doors must not be blocked open, but must be kept closed when not being used for Permitted Users to enter or leave.
3. Homeowners are allowed no more than 10 permitted users, at any one time, unless they have reserved the Community Center in advance, completed all paperwork and paid all applicable fees.
4. Permitted Users may use the Community Center on a first come, first serve basis, however extended use of any area or facility is not permitted including but not limited to the pool table, kitchen, or fireplace area. Extended use involves other Permitted Users who are waiting to use the specific area in the Community Center with the exception of an advance reservation of the Community Center where all paperwork has been completed and all applicable fees have been paid.
5. Permitted Users are not allowed to admit any other known or unknown person or persons who do not have their own key card.
6. All Permitted Users must take remove their own trash and disposes of it in the Community Center garbage cans in the outside enclosure.
7. Any and all damage to the building, furniture or fixtures made by Permitted Users will be charged to the Homeowner for the cost to repair and/or replacement. In addition, the Board of Directors may suspend the key card for any period of time they deem necessary for each such violation where damage is caused.

POOL RULES:

1. The Pool Enclosure will be open from 7:00 AM to 10:00 PM during the Pool Season when the Pool is uncovered and open from approximately Memorial Day weekend to Labor Day weekend.
2. The pool is open seasonally. When not open, the pool and its enclosure is closed and not available for any activity.
3. There is no lifeguard at the pool. Permitted Users are responsible for their own safety.

4. All Permitted Users less than 14 years of age (children) must be accompanied by an adult, age 18 or older the entire time the Permitted Users under 14 (children) are in the Pool Enclosure.
5. Homeowners can have no more than 10 Permitted Users at any one time.
6. All food and drink as well as food and drink containers must be disposed of in the trash containers in the Pool Enclosure. NO GLASS bottles, containers, plates, etc are allowed in the Pool Enclosure. Broken glass in the Pool may result in pool draining and cleaning and the Homeowner will be responsible for cost of such repair.
7. Pool toys, flotation devices and other personal items may not be stored or left in the Pool Area.
8. Infants and toddlers using diapers must wear "swim approved diapers" when in the pool water.
9. Permitted Users are asked to use the Outdoor Shower before entering the pool to remove suntan oils and keep the pool water clean.
10. Only toys and flotation devices designed for use in swimming pools may be used. Any flotation devices designed for use by two or more persons at one time (oversized devices) are not permitted. Other types of flotation devices including, but not limited to inner tubes, rafts and paddle boards are not permitted. Other toys including, but not limited to athletic balls (footballs, basket balls), and Frisbees are not allowed.
11. Only swimming suits may be worn in the swimming pools. No street clothes, cut-off jeans, or other attire is allowed in the swimming pools.
12. No climbing, standing, sitting or jumping from the waterfall basins or attached pool walls is permitted.
13. No running, pushing, or shoving is allowed in the Pool Enclosure.
14. No bicycles, skate boards, roller blades, scooters or other personal transportation devices are allowed in the Pool Enclosure.

GYM RULES:

1. The Gym will be open from 5:00 AM to 10:00 PM.
2. All electronic equipment including but not limited to tread mills and the flat screen TV must be turned off when the Permitted Users leave the Gym unless other Permitted Users are present and want those devices left on.
3. Return all equipment, weights and other devices to their proper places and positions.
4. Permitted Users may use the Gym on a first come, first serve basis, however extended use of any piece of equipment is not permitted. Extended use involves other Permitted Users who are waiting to use the specific device.

SPORTS COURT:

1. Permitted Users may use the Sports Court on a first come, first serve basis, however extended use of any court is not permitted. Extended use involves other Permitted Users who are waiting to use the specific court.
2. All Permitted Users less than 14 years of age (children) must be accompanied by an adult, age 18 or older the entire time the Permitted Users under 14 (children) are in the Sports Court.
3. Close and latch the gate when leaving the Sports Court.
4. Sports Courts are to be used as intended for racket sports and basketball only. All other activities, that may damage the surface or enclosure, are strictly prohibited.

CHILDREN'S PLAY AREA

1. Permitted Users (children) must be under the age of 13 to use the play structure. Teenagers and Adults may not use the play structure.
2. All Permitted Users less than 13 years of age (children) must be accompanied by an adult, age 18 or older the entire time the Permitted Users under 13 (children) are on the play structure.

COMMON AREAS:

1. Permitted Users may use the Common Areas to include paths, canal trails and common grass areas.
2. Motorized vehicles are NOT allowed on any Common Areas to include the paths and canal trails without permission from the HOA Board.
3. Non-Motorized vehicles/apparatus/toys to include bicycles, scooters, skateboards and wagons shall stay on pathways and trails only. No Riding on the Grass or Landscaped Areas.
4. Stay Off the waterfalls at all times whether they are running or not.
5. Do Not access, touch or change any outdoor power, meter or water valve features without the permission of the HOA.
6. Do Not remove any landscaping rocks from any common area in Heron River to include the waterfalls or landscaped areas.
7. Violations of the Common Areas rules may result in loss of privileges to the Community Center, Gym and Pool.