

WINTERGREEN RESORT ASSUMPTION OF RISK

I agree to assume, on behalf of myself or the minor child for whom I represent, all risks associated with participation in snowsports, and associated activities at Wintergreen, including without limitation: skiing, snowboarding, ski racing, freestyle skiing and riding, tubing and other snow related sports. In consideration of being allowed to participate and/or having a minor child participate in snowsports and associated activities, I hereby acknowledge and agree as follows:

NOTICE AND ASSUMPTION OF RISK

I understand and accept the fact that snowsports (including skiing, snowboarding, ski racing, freestyle skiing and riding, tubing and other snow related sports) are potentially dangerous. I understand that they have inherent and other risks. These risks include, but are not limited, to variations in terrain, ice and icy conditions, marked and unmarked obstacles, moguls, rocks, forest growth, bare spots, lift towers, utility poles, fencing and unfenced obstacles. I understand that some of these may be at or below the level of the snow. I recognize that ski racing and freestyle riding are activities involving travel in three dimensions at potentially high speeds and such activities have their own inherent risks. I understand that these sports involve the risks of getting on and off lifts. I understand that snowmaking, grooming and other equipment may be in use on open slopes. I understand that there are other forms of natural or man-made obstacles, including terrain parks and features. I understand that there are others on the slopes with whom the participant might collide or who might collide with the participant. I understand that the risks of snowsports present the risk of permanent, catastrophic injury or death. Understanding that snowsports are hazardous, I voluntarily and expressly assume for myself or for the person for whom I am buying a pass the risk of injury while participating in these sports.

INDEMNITY AGREEMENT

In consideration of the use of the resort's facilities, I agree to indemnify, hold harmless and defend Wintergreen Partners, Inc., its officers, directors and employees from any liabilities, losses, attorneys' fees and court costs that may result from any claims or causes of action arising from the use of the Wintergreen facilities by myself or by the minor child for whom I represent. I do so regardless of whether Wintergreen is negligent. Additionally, I agree that any dispute arising under this agreement or the use of Wintergreen facilities shall be litigated in the Circuit Court of Nelson County, Virginia or in the United States District Court for the Western District of Virginia at Charlottesville.

THE RESPONSIBILITY CODE

I understand that there are elements of risk in snowsports activities that common sense and personal awareness can help reduce. I will observe the code described below and share with others the responsibility for my snowsports experience. I will see that the persons for whom I am buying the pass or the lift ticket do the same.

1. The participant must always stay in control and be able to stop or avoid other people or objects.
2. People ahead of the participant have the right of way. It is the participant's responsibility to avoid them.
3. The participant must not stop where he obstructs a trail, or is not visible from above.
4. Whenever starting downhill or merging into a trail, the participant must look uphill and yield to others.
5. The participant must always use devices to help prevent runaway equipment.
6. The participant must observe all posted signs and warnings. He must keep off closed trails and out of closed areas.
7. Prior to using any lift, the participant must have the knowledge and ability to load, ride and unload safely. He must not jump from lift. In event of prolonged stoppage, the Ski Patrol will evacuate him.
8. If the participant has a collision resulting in an injury to another snowsports participant, it is his responsibility to stay at the collision site until the Ski Patrol arrives.
9. The participant must not use slopes too difficult for his ability.
10. The participant understands and agrees that all injuries must be reported to the Ski Patrol before leaving the area.

This is a partial list. Be safety conscious! Violation of this code can lead to loss of my pass without warning and without refund. I understand that I can be held legally liable for my actions. To enjoy snowsports, I must also know and be willing to accept the limits of my ability. The same applies to those for whom I buy this pass. If neither I nor the participant agrees with this, then we will not participate in snowsports activities at Wintergreen.