

Mallard Point Homeowners Association

Liability Statement for Owner-Installed Boat Lifts

This Liability Statement is to be used for boat lifts in slips installed by owners and for seawall-attached PWC lifts installed by owners.

I/We, below signed owner(s), understand that I/we are solely responsible for any and all claims, demands, damages, actions, causes of actions, or suits at law or in equity, of whatsoever kind or nature, against the Mallard Point Homeowners Association (MPHA) for or because of any matter or thing done, omitted, or suffered to be done by anyone prior to and including the date of this Liability Statement on account of all injuries to both person and property resulting from the installation, modification, use, and/or removal of my/our lift.

Likewise, I/we are fully aware of the risks involved in the installation, modification, use and/or removal of a lift and I/we assume sole responsibility and liability for any property damage or other loss sustained to any of the boat slips, docks, seawalls, for common property of MPHA or to any other person or entity. My/Our acceptance of liability includes, but is not limited to, equipment, electricity, materials, and associated labor in connection with the installation, modification, use and/or removal of a lift.

I/We also indemnify and hold harmless the MPHA from any and all claims, demands, actions, causes of actions, suits at law or inequity, of whatsoever kind or nature, arising out of the installation, modification, use and/or removal of a lift.

Should the lift be removed, I/we are responsible for returning the boat docks, slips, seawall, and adjoining common property to its original state.

Should I/we, the homeowner(s), sell my/our unit, as a condition of sale, will transfer the liability responsibility to the new homeowner, and furnish to the MPHA the homeowner's written consent to his/her agreement to retain the lift, and acceptance of this Liability Statement, along with its terms and conditions. If I/we transfer the lift to an owner of a different unit, we will follow the same procedure.

Description of the lift: _____

Location of the lift: _____

Homeowner(s): _____

printed name

signature

Unit number: _____ Date: _____

MPHA approval:

Manager signature Date