

Banana Boat Express L.L.C.

ASSUMPTION AND ACKNOWLEDGEMENT OF RISKS AND RELEASE OF LIABILITY AGREEMENT

In consideration of being allowed to participate in water sport events and activities and/or provided with water sport recreation property or services for myself and my minor children for whom I am parent, legal guardian or otherwise responsible, and my /our heirs, personal representative or assigns.

_____(Initials) 1. **Acknowledgement of risk.** Acknowledge that some, but not all, of the risk of participating in the water sport activity include: (1) changing water flow, tides, currents, wave action, and ship's wakes; (2) collision with any of the following: other participants, the watercraft, other watercraft and man made or natural objects; (3) wind shear, inclement weather, lightning, variances and extremes of wind, weather and temperatures ; (4) my sense of balance, physical coordination, ability to operate equipment, swim and/or follow direction; (5) collision, capsizing, sinking or other hazard which results in wetness, injury, exposure to the elements, hypothermia, impact of the body upon the water, injection of water into my body orifices and/or drowning; (6) the presence of insects and marine life forms; (7) equipment failure or operator error; (8) heat or sun related injuries or illness, including sunburn, sunstroke or dehydration; (9) fatigue, chill and/or dizziness which may diminish my/our reaction time and increase the risk of accident.

_____(Initials) 2. **Express Assumption of Risk and Responsibility.** Agree to assume responsibility for all risk of the activity, whether identified above or not, (even those risk arising out of negligence of the releasees named below). My/our participation in this activity is purely voluntary. I assume full responsibility for myself and any minor children for whom I am responsible, for any bodily injury, illness, paralysis, death, loss of property and the expenses thereof as a result of any accident which may occur while I/we participate in the activity (even if caused , in whole or in part by the negligence of the releasees named below). I agree to wear U.S. Coast Guard approved personal floatation device (life jacket) while participating in the activity or riding any watercraft.

_____(Initials) 3. **Release.** I hereby release Banana Boat Express L.L.C., Parasail Express L.L.C. , Scuba Express L.L.C., Express Watersports L.L.C., Kayak Express L.L.C., Murrells Inlet Watersports, L.L.C., Jet Ski Express, L.L.C., its principals, directors, officers, agents, employees and volunteers, their insurers and each and every land owner, municipal and /or governmental agency upon whose property an activity is conducted ("owner") and their insurers, if any, (Collectively releases) from any and all liability of any nature for any and all injury or damage (including death) to me or to my minor children and/or other persons as a result of my/our participation in the activity, even if caused by negligence, of any of the releasees named above or any other person (including myself) .

_____(Initials) *****Note: Women who are pregnant may not participate. Any Guest with heart, lung or back problems may not participate. Any Guest who has been drinking alcohol or under the influence of drugs may not participate.**

_____(Initials) **Please note that to participate an Individual Guest may not exceed 250 pounds.**

_____(Initials) **A Guest must be physically able to pull himself/herself back up onto the Banana Boat.**

_____(Initials) **THERE ARE NO REFUNDS GIVEN FOR SEASICKNESS, WEATHER OR WATER CONDITIONS, UNLESS THE TRIP IS CANCELLED BY THE CAPTAIN.**

I have read this assumption and acknowledgement of risk and release of liability agreement. I understand that by signing this document I am waiving valuable legal rights, including any and all I may have against the owner, the operator named above or their employees, agents, servants or assigns.

Name of **Adult Participant** (Print)

Signature of **Adult Participant**

Date _____

Emergency Contact _____ Telephone _____

For Minors Under the Age of 18

Name of **Minor Participant** (Print)

Name of **Parent or Guardian** (Print)

Signature of **Parent or Guardian**