

# Kirby Creek Village Association

c/o BFMC Property Management  
8111 LBJ Freeway, Ste. 835 • Dallas, Texas 75251  
Phone 972-644-3801 • Fax 972-644-3810 • kirbycreekvillage@yahoo.com

## **KIRBY CREEK VILLAGE ASSOCIATION USE OF SWIMMING POOL AND RELATED FACILITIES LIABILITY RELEASE FORM**

Name of All Users in Household (including children under the age of 18): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Emergency Contact: \_\_\_\_\_

The above-listed User(s) is/are resident(s) of Kirby Creek Village and desire to utilize the swimming pool and related facilities (the "Pool Facilities") of Kirby Creek Village Association (the "Association"). In connection with being permitted to use the Pool Facilities, the Users execute this Liability Release Form on behalf of themselves and their children or wards, guests and invitees.

The User(s) agree to abide by all emergency orders issued by the State of Texas and all guidelines issued by the Texas Department of State Health Services and the Centers for Disease Control and Prevention in connection with the coronavirus and the COVID-19 pandemic. Specifically, the User(s) agree to perform the following precautions in connection with the Pool Facilities:

1. Users shall not utilize the Pool Facilities if the User is currently experiencing symptoms commonly associated with COVID-19 including cough, shortness of breath or difficulty breathing, muscle aches, headaches, chills or fever.
2. Users shall wash or sanitize his/her hands frequently.
3. Users shall wear a mask/cloth face covering while using the Pool Facilities, except while in the water.
4. Users shall wipe down all surfaces the undersigned touches in the Pool Facilities both before and after use.
5. Users shall maintain at least six feet of distance from other users of the Pool Facilities who do not reside with the User.

Users acknowledge that the Pool Facilities at Kirby Creek Village will not have lifeguards or other attendants.

Users and the undersigned (if different) also hereby acknowledge that the members of my/our household or other invited guests will abide by any and all posted or published rules, procedures, or

# Kirby Creek Village Association

c/o BFMC Property Management  
8111 LBJ Freeway, Ste. 835 • Dallas, Texas 75251  
Phone 972-644-3801 • Fax 972-644-3810 • kirbycreekvillage@yahoo.com

signs associated with the use of the Association's recreational facilities, and that violations may result in the suspension of privileges.

**THE USERS AND THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THERE ARE RISKS ASSOCIATED WITH THE USE AND ENJOYMENT OF THE POOL FACILITIES, INCLUDING BUT NOT LIMITED TO, DROWNING; PHYSICAL INJURY FROM FALLING, SLIPPING, OR DIVING; INFECTIOUS DISEASES, VIRUSES, BACTERIA AND MICROORGANISMS; CHEMICAL EXPOSURE; EMOTIONAL INJURY; PARALYSIS; DISTRESS; DAMAGE; AND EVEN POTENTIAL DEATH TO ANY USER. THE USERS AND THE UNDERSIGNED UNDERSTAND THESE RISKS AND HEREBY ASSUME FULL AND COMPLETE RESPONSIBILITY FOR ANY INJURY, ACCIDENT OR DAMAGE THAT MAY OCCUR DURING THE USE AND ENJOYMENT OF THE POOL FACILITIES. THE USERS AND THE UNDERSIGNED ACKNOWLEDGE THAT THEY HAVE NOT RELIED UPON THE REPRESENTATIONS OF THE ASSOCIATION OR THE ASSOCIATION'S MANAGING AGENT WITH RESPECT TO THE SAFETY, CLEANLINESS OR CONDITION OF THE POOL FACILITIES.**

**IN AN EFFORT TO CONTROL THE SPREAD OF COVID-19, THE ASSOCIATION MAY BE, BUT IS NOT OBLIGATING ITSELF TO, PERFORMING ADDITIONAL CLEANING AND SANITIZING PROTOCOLS FOR THE POOL FACILITIES. EACH OWNER AND RESIDENT ACKNOWLEDGES THAT THE USE OF THESE PROTOCOLS SHALL NOT CREATE A DUTY ON THE PART OF THE ASSOCIATION TO PROVIDE FOR, INSURE OR GUARANTEE THE SAFETY OF ANY USER OF THE POOL FACILITIES. THE USERS AND THE UNDERSIGNED ACKNOWLEDGE THAT THE USE OF SUCH PROTOCOLS SHALL NOT IN ANY WAY ALTER THE RISKS ASSUMED BY THE UNDERSIGNED, HIS OR HER FAMILY MEMBERS, TENANTS, OR GUESTS OF ANY SUCH PERSONS, WHICH RISKS SHALL CONTINUE TO BE ASSUMED BY THE USER OF THE POOL FACILITIES.**

**THE USERS AND THE UNDERSIGNED, ON BEHALF OF THE UNDERSIGNED, THE UNDERSIGNED'S FAMILY (INCLUDING CHILDREN), AND THE UNDERSIGNED'S GUESTS AND TENANTS, FOREVER RELEASE AND HOLD HARMLESS THE ASSOCIATION AND ITS DIRECTORS, OFFICERS, MEMBERS, EMPLOYEES, AGENTS, ATTORNEYS, INSURERS, CONTRACTORS (INCLUDING BUT NOT LIMITED TO ANY ENTITY OR PERSONS PROVIDING ANY SERVICE RELATED TO THE POOL FACILITIES), AND ANY AND ALL OTHER PERSONS AND ENTITIES ACTING ON BEHALF OF AND ASSOCIATED THEREWITH, OF AND FROM ANY AND ALL LOSSES, DAMAGES, CLAIMS, DEMANDS, EXPENSES (INCLUDING ATTORNEY'S FEES), COSTS AND CAUSES OF ACTION, INCLUDING BUT NOT**

# Kirby Creek Village Association

c/o BFMC Property Management  
8111 LBJ Freeway, Ste. 835 • Dallas, Texas 75251  
Phone 972-644-3801 • Fax 972-644-3810 • kirbycreekvillage@yahoo.com

**LIMITED TO ANY LOSS OR CLAIM OF LOSS FOR ANY BODILY INJURY TO OR DEATH OF ANY PERSON OR DAMAGES TO ANY PROPERTY, ARISING DIRECTLY OR INDIRECTLY OUT OF THE UNDERSIGNED'S, THE UNDERSIGNED'S FAMILY'S (INCLUDING CHILDREN), AND THE UNDERSIGNED'S GUESTS' AND TENANTS', USE AND ENJOYMENT OF THE POOL FACILITIES, WHETHER OR NOT CAUSED BY THE NEGLIGENCE OF THE ASSOCIATION OR ITS DIRECTORS, OFFICERS, MEMBERS, EMPLOYEES, AGENTS, ATTORNEYS, INSURERS, CONTRACTORS OR ANY OTHER PERSON OR ENTITY ACTING ON BEHALF OF OR ASSOCIATED THEREWITH, AND WITHOUT REGARD TO THE CAUSE OF SUCH NEGLIGENCE AND WHETHER SUCH NEGLIGENCE WAS SOLE, JOINT OR CONCURRENT, ACTIVE OR PASSIVE, INCLUDING ATTORNEY'S FEES AND ALL COSTS ASSOCIATED WITH LITIGATION, OF ANY NATURE WHATSOEVER, WHETHER FORESEEN OR UNFORESEEN.**

**THE USERS AND THE UNDERSIGNED, ON BEHALF OF THE UNDERSIGNED, THE UNDERSIGNED'S FAMILY (INCLUDING CHILDREN), AND THE UNDERSIGNED'S GUESTS AND TENANTS, SHALL SAVE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE ASSOCIATION AND ITS DIRECTORS, OFFICERS, MEMBERS, EMPLOYEES, AGENTS, ATTORNEYS, INSURERS, CONTRACTORS (INCLUDING BUT NOT LIMITED TO ANY ENTITY OR PERSONS PROVIDING ANY SERVICE RELATED TO THE POOL FACILITIES), AND ANY AND ALL OTHER PERSONS AND ENTITIES ACTING ON BEHALF OF AND ASSOCIATED THEREWITH (COLLECTIVELY THE "INDEMNIFIED PARTIES") OF, FROM AND AGAINST ANY AND ALL LOSSES, DAMAGES, CLAIMS, DEMANDS, EXPENSES (INCLUDING ATTORNEY'S FEES), COSTS AND CAUSES OF ACTION, INCLUDING BUT NOT LIMITED TO ANY LOSS OR CLAIM OF LOSS FOR ANY BODILY INJURY TO OR DEATH OF ANY PERSON OR DAMAGES TO ANY PROPERTY, ARISING DIRECTLY OR INDIRECTLY OUT OF THE UNDERSIGNED'S, THE UNDERSIGNED'S FAMILY'S (INCLUDING CHILDREN), AND THE UNDERSIGNED'S GUESTS' AND TENANTS', USE AND ENJOYMENT OF THE POOL FACILITIES, WHETHER OR NOT CAUSED BY THE NEGLIGENCE OF THE ASSOCIATION OR ITS DIRECTORS, OFFICERS, MEMBERS, EMPLOYEES, AGENTS, ATTORNEYS, INSURERS, CONTRACTORS OR ANY OTHER PERSON OR ENTITY ACTING ON BEHALF OF OR ASSOCIATED THEREWITH, AND WITHOUT REGARD TO THE CAUSE OF SUCH NEGLIGENCE AND WHETHER SUCH NEGLIGENCE WAS SOLE, JOINT OR CONCURRENT, ACTIVE OR PASSIVE, INCLUDING ATTORNEY'S FEES AND ALL COSTS ASSOCIATED WITH LITIGATION, OF ANY NATURE WHATSOEVER, WHETHER FORESEEN OR UNFORESEEN.**

# Kirby Creek Village Association

c/o BFMC Property Management  
8111 LBJ Freeway, Ste. 835 • Dallas, Texas 75251  
Phone 972-644-3801 • Fax 972-644-3810 • kirbycreekvillage@yahoo.com

Users and the undersigned stipulate and agree that the invalidation of any portion of this Liability Release Form shall not affect any other terms or provisions which shall remain in full force and effect.

The undersigned has read this Liability Release Form and understands it or has consulted an attorney with regard to same.

The undersigned represents that he/she is authorized to sign this Liability Release Form on behalf of all users in the undersigned's household.

\_\_\_\_\_  
Signature of Resident (or Parent/Guardian if User under 18 years)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Resident (or Parent/Guardian if User under 18 years)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Resident (or Parent/Guardian if User under 18 years)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Resident (or Parent/Guardian if User under 18 years)

\_\_\_\_\_  
Date