



MOUNTAIN SPRINGS RANCH COMMON AREA USE WAIVER

I, the undersigned member of Mountain Springs Ranch Property Owners Association, (“Association”), am aware that certain risks are inherent in using the common area of the Association, including but not limited to, the pool, pool area and the nature preserve area (“Common Area”). I am aware that these risks can result in harm to persons and property.

I hereby agree to assume all risks related to the Common Area and me and my family’s use of them.

_____Initial

I am aware that lifeguards are not provided in the pool area. I acknowledge that I assume the responsibility for providing necessary supervision of minors using the pool area.

_____Initial

We hereby acknowledge we have read and fully understand the Recreational Facilities Handbook and agree to and accept the rules and regulations contained therein.

_____Initial

We hereby acknowledge that the failure to abide by the Park Facilities Handbook may result in the suspension of privileges to use the Common Area and Park Facilities.

_____Initial

For and in consideration of the use of the Common Area, made available to me by or through the Association, and other good and valuable consideration, I hereby RELEASE, DISCHARGE, AND COVENANT NOT TO SUE the Association, the Association’s owners, directors, officers, employees, agents, representatives, committee members, volunteers, Diamond Association Management and Consulting (DAMC) or assigns (“Indemnitees”) from any and all claims for damages for personal injury, death, property damage, destruction or loss, or claims or any nature whatsoever, that may arise from the use of the Common Area by me, my family members, co-residents, tenants, guests or invitees.

I RELEASE THE INDEMNITEES FROM ANY AND ALL DAMAGES AND CLAIMS OF EVERY KIND INCLUDING THOSE DAMAGES AND CLAIMS THAT MAY ARISE IN WHOLE OR IN PART DUE TO THE NEGLIGENCE OF THE INDEMNITEES.

_____Initial

I AGREE THAT I, MY ESTATE, MY HEIRS AND ASSIGNS WILL DEFEND THE INDEMNITEES FROM ANY AND ALL CLAIMS BROUGHT ON MY BEHALF OR BY A THIRD PARTY, OR BY MY FAMILY MEMBERS, CO-RESIDENTS, TENANTS, GUESTS OR INVITEES, AS A RESULT OF USE OF THE COMMON AREA. I ALSO AGREE TO INDEMNIFY THE INDEMNITEES FROM ANY AND ALL DAMAGES THAT MIGHT BE AWARDED IN SPITE OF THIS AGREEMENT AS A RESULT OF MY USE OF THE COMMON AREA OR USE OF THE COMMON AREA BY MY FAMILY MEMBERS, CO-RESIDENTS, TENANTS, GUESTS OR INVITEES REGARDLESS IF SUCH DAMAGES ARE CAUSED BY THE COMMON AREA BEING IN DISREPAIR, DEFECTIVE, IN DANGEROUS CONDITION OR NOT SUITABLE FOR ITS INTENDED USE.

I further agree to pay the Association for any damages that are sustained by the Association as a result of my use of the Common Area or use of the Common Area by my family members, co-residents, tenants, guests or invitees. I acknowledge that I have not relied on any representations by the Association or its agents with regard to the Common Area. If my children (child) are minors, I have listed their names below and am hereby signing on their behalf as well as on my own behalf.

Printed name: _____ Printed name (Co-owner): _____

Signature: _____ Signature: _____

Date: _____ Date: _____

Address in Mountain Springs Ranch: _____

Email: _____ Phone: _____

Mobile Phone(s) _____

Mailing Address: _____

Names of all Minor Children: _____

Emergency Contact: _____

Emergency Contact Phone: _____ Mobile Phone: _____

RETURN COMPLETED WAIVER TO MOUNTAIN SPRINGS RANCH POA, C/O DIAMOND ASSOCIATION MANAGEMENT AND CONSULTING, 14603 HUEBNER RD., BLDG 40, SAN ANTONIO, TX 78230– EMAIL: AccessControl@DAMCTX.COM OR FAX 210-690-1125.



RECREATIONAL FACILITIES HANDBOOK

INTRODUCTION

The safety and enjoyment of Mountain Springs Ranch property owners (**members**) are primary concerns in the operation of our recreational facilities. This Handbook has been developed to manage a number of factors:

- Promote safety and enjoyment of all property owners
- Concerns of Liability
- Enforcement of our governing documents
- Protection of property and facilities owned by Mountain Springs Ranch Property Owners Association (**The Association**)

This Handbook represents a complete compilation of the regulations for the use of our recreational facilities. You may see abbreviated lists of rules in various locations, such as on web pages, bulletin boards or on signs around the neighborhood. These incomplete lists are intended to highlight a specific message or rules of immediate concern for your safety. The existence of an abbreviated list of rules does not reduce or eliminate your obligation to follow **all** of the rules in this document.

ENFORCEMENT

Failure to comply with any regulation in this document may result in the revocation of your privileges to use the facilities discussed in this document, at the discretion of the Board of Directors (this may not affect your right to attend specific events at these facilities to which you are entitled to attend, including, but not limited to property owner meetings).

These facilities are funded and shared by the property owners of Mountain Springs Ranch and we all share the responsibility to avoid situations where our use of a facility reduces someone else's enjoyment of our recreational facilities. Consequently, If a neighbor brings a violation of a rule to your attention, you should immediately cease the activity which violates the rule.

In cases where there is no rule violation, or where the interpretation of a rule is unclear, but one person's use of the recreational facilities interferes with another person's use, work it out like good neighbors. This will avoid putting the Board of Directors in a position where they will have to make new rules that increase restrictions in the use of our recreational facilities.

SCOPE OF RULES

This document defines the regulations for the following recreational facilities owned by the Association:

- Pool area (the area inside the second gate including three (3) swimming pools and adjacent picnic tables and grills.)
- Pavilion area (the area inside the card key gate including the pavilion, restrooms, and playground – it does not include the swimming pools.)
- The Nature Preserve.
- Parking Lots (parking lots provided for access to the recreational facilities in this list.)

GENERAL RULES

The following rules apply to all recreational facilities:

- NO SMOKING is allowed at any recreational facilities, indoor or outdoor.
- No latching or locking mechanism should ever be forced, disabled, or circumvented. NO GATE SHOULD EVER BE PROPPED OPEN. IT IS ILLEGAL TO PROP OPEN POOL GATES.
- No fence or gate should ever be “jumped” or “climbed,” nor should anyone dig or crawl under a fence. Enter fenced areas only through the gates provided for that purpose.
- VANDALISM WILL NOT BE TOLERATED. IF YOU OR YOUR GUEST IS ASSOCIATED WITH AN ACT OF VANDALISM, PRIVILEGES TO USE THE RECREATIONAL FACILITIES WILL BE REVOKED FOR A TERM TO BE DETERMINED BY THE BOARD OF DIRECTORS.

Vandalism includes:

- Acts performed with the intent to damage or deface the recreational facilities (including, but not limited to breaking lights, tagging a wall, cutting down a tree.)
- Flagrant misuse of facilities or objects that result in damage, even if there was no intent to create the damage (including, but not limited to, jumping on a chair, jumping or climbing a fence or gate if the facility or object was damaged in the process).
- Pranks (including, but not limited to throwing tables, chairs, gravel or rocks into the pools, pulling lids off the skimmer baskets, etc.)
- Parking is permitted only in designated parking areas. These are:
 - The parking lot adjacent to the pavilion and pool facilities and behind the mailbox facility.
 - The lower parking lot below the pool parking lot for the Nature Preserve.
 - The parking lot at the south entrance to the Nature Preserve.
 - The parking lot on the pull-over northeast of the bridge on Comal Springs.
- Parking spaces are not marked. You should always park so that you don't crowd other vehicles unnecessarily, but also do not waste parking area.
- Do not exceed five (5) miles per hours in Association parking lots. No “peel-outs” will be tolerated.
- NO FLAMMABLE LIQUIDS (i.e. Charcoal Lighter Fluid)

FAMILY POOL, SPLASH POOL, SPORTS POOL, AND PLAYGROUND

INTRODUCTION

A. NO LIFEGUARDS WILL BE ON DUTY AND ALL SWIMMING IS AT THE MEMBER'S OWN RISK.

We ask for your cooperation with the Association's requests regarding safety, abiding by the rules and guidelines and curtailing any activity that interferes with the swimming enjoyment of others.

B. FOR LIABILITY PURPOSES, NO ONE UNDER THE AGE OF 16 IS ALLOWED IN THE POOL AREA UNLESS ACCOMPANIED BY AN ADULT.

C. FOR POOL EMERGENCIES, CALL 911 (The emergency phone in the Pool Pavilion will reach the Comal County 911 dispatcher.)

D. Immediately report any feces in pool to the DAMC at 210-561-0606

1. HOURS

- A. **SUMMER HOURS** –April 1 through October 31 each year, the pools, playground and pavilion will be open from 6:00 a.m. to 10:00 p.m. daily.
- B. **WINTER HOURS**—November 1 through March 31 each year the pools, playground and pavilion will be open from 7:00 a.m. to 7:00 p.m. daily.
- C. The Association reserves the right to close the pools at any time for emergency or repair purposes. Do not enter the pools when the POOL CLOSED sign is posted.

2. ENTRY AND POOL USE

- A. **PERSONS USING THE POOL DO SO AT THEIR OWN RISK.**
- B. The Association is not responsible for accidents, injuries or loss of personal property. The ultimate responsibility rests with the pool users who are property owners or renters in the Mountain Springs Ranch Community and Association members.
- C. The pool facilities were designed and built for the sole use and recreation of Mountain Springs Ranch property owners and their guests. Members are allowed up to ten (10) guests per household. Only Association members in good standing, their tenants, and their accompanied guests, may use the pools, pavilion, and playground.
- D. Card keys are required to enter the fenced-in pavilion, playground, and pools. Climbing over or crawling under the fence is never an acceptable method to enter the pavilion, playground, and pool area. Violations of this rule will be dealt with harshly.
- E. Card keys will be issued after confirmation that the property owners are in good standing (annual assessment dues paid) and an adult member signs a waiver of liability. Pool forms are available on the Association website: msrpoa.com
- F. Each member will be issued one (1) card key. Do not loan your card key or give it to a nonmember. There is a \$25 fee if you need your card key replaced more than one time.
- G. If your card key does not allow access to the pools, please call 210-561-0606.

3. GUESTS

- A. Property owners are allowed up to ten (10) guests per household. Only property owners in good standing may bring guests to the pools. **The property owner must accompany his/her guests at all times and he/she is responsible for the conduct of the guests.**
- B. Property owners not in good standing may not enter the pools, pavilion, or playground as a guest of a paid member.

4. SPORTS POOL RESERVATIONS

- A. The Splash Pool, Family Pool, Playground and Pavilion may NOT be reserved for private parties but are available for use by all property owners.
- B. The Sports Pool must be reserved for all groups of ten (10) or more. The Sports Pool is to be reserved for all private parties. Such parties may include guests who are not property owners of Mountain Springs Ranch and may include a maximum of 50 persons. The Sports Pool may be reserved during the months of May, June, July, August and September. The Sports Pool may not be reserved on the following holidays and weekends: Memorial Day and the weekend before Memorial Day, July 4 and the weekend before or after July 4, Labor Day and the weekend before Labor Day.
- C. The Sports Pool may not be reserved for longer than a four (4) hour time period.
- D. The Sports Pool Lease Form is available on the Association website: msrpoa.com. To reserve the Sports Pool, a property owner must complete the Sports Pool Lease and pay the \$300 security deposit. The Sports Pool Lease and the security deposit must be received by DAMC at 14603 Huebner Rd. Bldg 40, San Antonio, TX 78230 at least 48 hours prior to the party date. The Lease Form and Security Deposit must be received to secure the sports pool for your event.
- E. When you reserve the Sports Pool, you take on the following responsibilities:
 - You are responsible for the conduct of your guests. They must follow all of the rules in this Handbook.
 - You are responsible for all damage caused by your guests, even that beyond the paid deposit.

- You are responsible to ensure that your guests remain in the Sports Pool, the Deck around the Sports Pool or the picnic area adjacent to the Sports Pool, except for access directly to and from the restrooms at the pavilion.
 - If the trash containers are full, bring your trash bags to the green trash bins in the pavilion
- F. Handicap access to the Sports Pool area is available upon request to the Association.

GENERAL RULES

- A. Parents are responsible for their children. Children under 16 years of age must be accompanied and supervised by a responsible person 16 years or older.
- B. No glass containers are allowed in the pool area. Only unbreakable non-glass containers are allowed.
- C. No food, drink or chewing gum is allowed in the pools.
- D. Children in diapers must wear commercial swim diapers. Immediately report feces in the pool to DAMC at 210-561-0606.
- E. No diving or back flips are allowed in the pools.
- F. The Family Pool has two lap lanes. When swimmers are using the lap lanes, stay out of their way. Do not jump or hang on the lane marker.
- G. Pool users must be properly attired in swimwear. No jeans or cut-off pants are permitted in the pool.
- H. Persons with skin disorders, open wounds, colds or any other infections/contagious diseases shall not enter the pools.
- I. No animals (except pets for the disabled) are allowed in the fenced in areas at the pools, playground or pavilion.
- J. Smoking is not allowed within any recreational facilities of the Association.
- K. Intoxicated persons will not be permitted in the recreational facilities of the Association.

- O. Running and rough play (in or out of the pool) are considered dangerous activities and not allowed in the pools, pavilion and playground areas.
- P. No spitting or spouting water excessive splashing, dunking, shoving, throwing other swimmers, scuffling or “horseplay” of any kind that may bother or injure other persons is allowed in the Recreation Facilities.
- Q. No pool games that may bother or injure any other person present are permitted within the splash pool or the family pool.
- R. To prevent/avoid chemical imbalance or filter problems with the pool water, please use

waterproof sunscreen or towel or shower off excess suntan lotion/oil before entering the pools.

- S. Handle the pool furniture with care. Pool furniture must remain in the fenced-in pool area. If you notice any pool furniture in the wrong area, please return it to its proper location.
- T. The Association is not responsible for lost, damaged or stolen articles.
- U. Pool Safety equipment is to be used only in the case of emergency.
- V. Grills in the Recreation facilities are available for use by property owners. The grills may NOT be used when a Comal County Burn Ban is in place. NO FLAMMABLE LIQUIDS (i.e. Charcoal Lighter Fluid)
- W. Members are responsible for trash that they generate in all recreational facilities of the Association. In the Pool and Pavilion areas, all trash should be placed in (not around, not near) designated trash receptacles. If the nearest receptacle is full, take it to another receptacle.
- X. If you are picnicking and expect to generate a large amount of trash, bring your own trash bags and either take the full bags home, or deposit them in the large trash bins at the rear of the Pavilion.
- Y. Rules violations should be reported to the DAMC at 210-561-0606 or emailed to arthur@damctx.com.

- L. No profanity or abusive language is permitted in the recreational facilities.
- M. Use of bikes, skates, skateboards, scooters and similar devices are prohibited in the fenced area surrounding the pools, playground and pavilion.
- N. Inflatable devices, no larger than an adult body, are allowed in the pool – space permitting

Upon a second offense, members will lose pool privileges for a term determined by the Board of Directors of the Association.

- Z. Group activities such as aerobic classes in the pool complex must be approved by the Board of Directors prior to commencement of the activity or classes.

EMERGENCIES

CALL 911 FOR POOL EMERGENCIES. An emergency phone to Comal County Dispatch is located in the pavilion next to the men's restroom. The address for the Mountain Springs Ranch Pools and Pavilion is 2220 Comal Springs

Unsafe or unsanitary conditions should be reported immediately to DAMC at 210- 561-0606.

If all trash receptacles in the pool and/or pavilion areas are full, report this situation to DAMC at 210-561-0606.

NATURE PRESERVE

The Nature Preserve is an 85-acre area reserved for the enjoyment of our property owners, their families and guests. There are walking trails in the Nature Preserve and hiking trails on the common area located between The Ridge, the Vistas, and part of The Highlands. The preserve has picnic tables for you to enjoy near the fishing pond and the pool complex. Restrooms are available in the pavilion in the pool area.

- The Nature Preserve is open to residents and guests from sunrise to sunset. No camping or fires are allowed in the Nature Preserve.
- The Nature Preserve is restricted to non-motorized traffic. **NO MOTORIZED VEHICLE, INCLUDING ROAD BIKES, TRAIL BIKES OR ATVS MAY BE OPERATED IN THE NATURE PRESERVE.** Violations may result in a fine in accordance with the Association fine policy or prosecution for any damages. Please use motorized vehicles on your own property or on our streets. Don't forget in accordance with Texas Law, only a licensed driver may operate recreational vehicles on the county roads.
- Members are responsible for their guests. If more than 10 guests are to be present, the member must complete the Nature Preserve Area Lease and submit it to the Association for approval. The Nature Preserve Area Lease is available on the Association website, msrpoa.com.
- Members are responsible for their pets. Pets are not allowed to run loose in the Nature Preserve. Pets must be under control of their owners at all times. Members must clean up after their pets.
- No swimming is permitted in the ponds within the Nature Preserve.
- Members are responsible for removing any trash generated during their use of the Nature Preserve.