

RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

Noah's Wish and El Dorado County Animal Control, located at 415 Placerville Drive, Suite N, Placerville, California, 95667, by signing, agree to the following:

In consideration for the use of Noah's Wish Command Trailer for the purpose of temporarily housing animals in the care of El Dorado County Animal Control.

EL DORADO COUNTY DOES HEREBY RELEASE, WAIVE AND DISCHARGE, NOAH'S WISH, its officers, agents, affiliates, administrators, sponsors or employees from all liability for any loss or damage and claim or demands therefore on account of injury to persons or property resulting from the County's use of said trailer.


EL DORADO COUNTY HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS Noah's Wish from any loss, liability, damage or cost they may incur due to the presence of said trailer upon County property.

EL DORADO COUNTY HEREBY ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE due to negligence or otherwise while in or about said trailer.

El Dorado County further expressly agrees that the foregoing RELEASE, WAIVER and INDEMNITY AGREEMENT is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal forces and effect.


EL DORADO COUNTY HEREBY AGREES to the terms as identified in Attachment A herein attached and made part of this agreement.

County contract administrator shall be Henry Brzezinski, Chief Animal Control Officer.



Signature
El Dorado County

10/19/07
Date



Signature
Noah's Wish

10/19/07
Date

Attachment A

Property:

2006 Weekend Warrior Travel Trailer
Vehicle Identification Number 5HRFF28206C013804
License Plate "NOAH006"
Trailer has current registration and insurance

Proposed Use:

The trailer is to be located at the El Dorado County Animal Control site in South Lake Tahoe, where it will be used to temporarily house caged animals that are scheduled to be transported to the County's facility in Placerville or other County-approved facilities. This is intended to be a temporary arrangement, while the South Lake Tahoe Animal Control facility is being remodeled.

Duration of Use:

Trailer is to be used by El Dorado County from October 22, 2007, through December 31, 2007. These dates are negotiable and can be extended by mutual agreement. It is recognized by both parties that weather conditions may play a crucial factor in delivery and return of the trailer.

Terms:


Noah's Wish will transport the trailer to and from the South Lake Tahoe facility.

There will be no cost to the County for use of the trailer.

The trailer is to be returned to Noah's Wish in the same physical condition as received.

No permanent changes to the interior or exterior of the trailer may be made without the express written consent of Noah's Wish.

Animal Control will provide heat and water to the trailer as needed while it is used by El Dorado County.

Initialed:  County

Initialed:  Noah's Wish