

LIABILITY RELEASE

THIS IS A FULL RELEASE OF ALL CLAIMS.



I certify I have read and understand this document. I understand that cave exploring, rappelling and/or climbing is a dangerous sport.

I understand that the landowners of caves and pits in this state are not obligated to let me enter their property to explore their caves.

With this knowledge of the dangers that may be obvious and probably hidden, I wish to explore the cave belonging to _____ (hereafter referred to as Owner).

In consideration for being allowed to enter the Owner's land for purposes of visiting his cave, pit or climbing area, I hereby enter into this full release and certify that no representations of any type have been made to me or anyone with me.

I do hereby, of my own free will, voluntarily release, discharge and agree to save and hold harmless and indemnify the Owner and anyone acting on his/her behalf of from any and all liability claims, demands or causes of action of any type arising out or related to any loss, damage or injury, including my death, that may be sustained by me while on or about the Owner's property from any cause of any type, whether due to the negligence of the Owner or anyone acting on his behalf.

I make this release to bind any of my heirs or representatives of my estate. I make this Release in Full of my own free will and I certify that I understand what I have signed and I do this in consideration of the Owner allowing me to enter his land.

Done this _____ day of _____, 20_____

This is a Release in Full of any liability. I have read and understood it.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

§70-7-102. Landowner's duty of care.

The landowner, lessee, occupant, or any person in control of land or premises owes no duty of care to keep such land or premises safe for entry or use by others for such recreational activities as hunting, fishing, trapping, camping, water sports, white water rafting, canoeing, hiking, sightseeing, animal riding, bird watching, dog training, boating, **caving**, fruit and vegetable picking for the participant's own use, nature and historical studies and research, rock climbing, skeet and trap shooting, skiing, off-road vehicle riding, and cutting or removing wood for the participant's own use, nor shall such landowner be required to give any warning of hazardous conditions, uses of, structures, or activities on such land or premises to any person entering on such land or premises for such purposes, except as provided in §70-7-104.

§70-7-103. Effect of landowner's permission.

Any landowner, lessee, occupant, or any person in control of the land or premises or such person's agent who gives permission to another person to hunt, fish, trap, camp, engage in water sports, participate in white water rafting or canoeing, hike, sightsee, ride animals, bird watch, train dogs, boat, **cave**, pick fruit and vegetables for the participant's own benefit, engage in nature and historical studies and research, climb rocks, shoot skeet and trap, ski, ride off-road vehicles, and cut and remove wood for the participant's own use upon such land or premises does not by giving such permission:

- (1) Extend any assurance that the premises are safe for such purpose;
- (2) Constitute the person to whom permission has been granted to legal status of an invitee to whom a duty of care is owed; or
- (3) Assume responsibility for or incur liability for any injury to such person or purposely caused by any act of such person to whom permission has been granted except as provided in § 70-7-104.

[Acts 1963, Chapter 177, §4; T.C.A., §51-804; Acts 1987, Chapter 448, §3.]

§70-7-105. Waiver of landowner's duty of care.

Any person eighteen (18) years of age or older entering the land of another for the purpose of camping, fishing, hunting, hiking, dog training, or cutting or removing firewood for such person's use for a consideration may waive in writing the landowner's duty of care to such person for injuries that arise from camping, fishing, hunting, hiking, dog training, or cutting or removing firewood for such person's use, if such waiver does not limit liability for gross negligence, or willful or wanton conduct, or for a failure to guard or warn against a dangerous condition, use, structure or activity.

[Acts 1989, Chapter 149, §1.]