

## Guest Rules Summary to Table Tennis Club

*Date: July 22, 2018*

*Dear Ken, Lowell, and Tom,*

*I completed my action item. During the discussion about waivers of liability and various rules for the Table Tennis Club (“Club), questions arose as to what similar rules Robson is imposing on residents (“Member”) and their guests (“Guest”)? An action item was assigned to me to look into those aspects and report back to board members.*

*I reviewed the SBR Covenants, Conditions and Restrictions (“CC&R”) and found only a few relevant provisions in it. I also reviewed the SBR Community Rules and Regulations (“CR&R”) and found more relevant provisions.*

*Below, please see my summary of the analysis and findings. Further below, please find my notes paraphrasing and properly citing the relevant provisions in the CC&R and CR&R.*

*If you have any further questions, please let me know.*

*Yours,  
Gabor*

### Waiver if Liability

Robson is using a number of different approaches to waivers of liability.

- The CC&R has a general liability waiver provision stating that users of the premises act at their own risk.
- Members are responsible for their own actions and for the actions of their Guests.
- Robson and the HOA are not responsible for any injury or loss unless it was caused by gross negligence or willful misconduct by them.
- Members have to indemnify and hold harmless Robson and the HOA for harms caused by them or by their Guests.

The CR&R has several provisions relating that Members are responsible for their own actions and for the actions of their Guests.

- Members have to advise their guests and make sure that the Guests follow the rules.
- Members bear the liability for any damage caused by their Guests.

Assuming that Robson is using proper and effective (enforceable) waiver of liability provisions, the Club may pattern a waiver based on those customized for the need of the table tennis activity. Following the example of Robson, a waiver could be drafted and required for the Members and another one drafted and required to be executed by Guests.

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## **Limitations and Rules for Guests**

The CR&R has a number of provisions that are helpful to draft limitations and rules for Guests participating in Club activities. Guests and their activities in the Ranch, the Fitness Center, the Pool Area and the Tennis Courts are somewhat strictly regulated by the HOA. Examples are the following:

- The number of Guests appearing at the Pool Area at one time is restricted to a maximum of 6 Guests.
- Guests need to have Guest Cards applied for by the Members inviting them and issued by the HOA.
- Guests using the facilities without the presence of the Member have to wear their Guest Cards or Passes.
- Under age 18 Guests must be under the supervision of an adult.
- Members have to advise their Guests about the community rules and they are responsible for the conducts of their Guests.
- Members and Guests have to sign a “waiver agreement” in using the Fitness Center and must participate in an orientation session.
- Use of tennis ball machines is restricted and requires an orientation.
- Sport attire is restricted for members and Guests on the tennis courts: rubber-soled foot ware, collared shirt or sleeved T-shirt; no tank tops, swimsuits, cutoffs, tube tops, bare midriffs, halter-tops.

In light of these rules and restrictions, the Club may be able to fashion rules specifically applicable to table tennis and impose similar restrictions.

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## **Sources Listed and Cited**

### **Covenants, Conditions & Restrictions**

#### Delegation of Rights to Guests

Owners can delegate their rights of enjoyment in the Common Areas and facilities to Guests and Invitees.

*(CC&R § 3.2 Delegation of Use)*

#### General Exclusion and Waiver of Liability

- Owners must acknowledge that the Common Areas are used at the risk of the user.
- Owners have to take precautions to protect themselves and their Guests from inherent dangers.
- The HOA will not be liable for any claim of injury occurring on the Common Areas or arising out of the use of the Common Areas unless directly resulting from gross negligence or willful misconduct.
- Owners will indemnify and hold harmless Robson and the HOA arising from the use of the Common Areas by them or by their Guests.

*(CC&R § 3.4 Indemnification / Acknowledgment)*

Risk Assumption for Golf

Owners and Guests are deemed to have assumed the risk of personal injury or property damage resulting from golf balls hit onto their property by persons playing golf.

The HOA and Robson will not be liable for errant golf balls.

*(CC&R § 5.2.26 – Golf Balls)*

Security Provisions in General

CC&R § 5.2.28 – Security - is a general disclaimer for any injury or loss for inadequate security service.

Cost Consequence of Negligent Act

If a Guest's willful or negligent act causes a cost for maintenance and repair of the Common Areas or property maintained by the HOA, it will be added as an Assessment against the Member and the Member's Lot.

*(CC&R § 13.2 – Assessment of Certain Maintenance Cost)*

**Community Rules and Regulations (CR&R)**

Mandatory Compliance with the CR&R

All Guests must comply with the CR&R and all federal, state, municipal and local laws and regulations.

*(CR&R Art. 1. General, § 1 – Purpose – 3<sup>rd</sup> paragraph.)*

Definition of "Guest"

A **Guest is defined** as: A non-resident friend, relative, guest or invitee of either a Member/Homeowner, Associate Member, or Qualified Tenant who is visiting SaddleBrooke Ranch at the personal invitation of, and with specific knowledge and sponsorship of, the same.

*(CR&R Art. 1. General, § 3.E. Definition of Terms)*

Members to Advise Guests

It is the responsibility of each Member to advise their Guests of the terms of the CR&R.

*(CR&R Art. 1. General, § 5 – Official version of Community Rules)*

Suspension of Right to Use

A violation of the CR&R by a Guest may result in the suspension of the right to use the Common Area recreational facilities.

*(CR&R Art. 1. General, § 8. Fines and Penalties)*

Guest Pass for Vehicles

A Guest needs proper identification by requesting a pass from the HOA and place it visible in front of the vehicle used.

*(CR&R Art. IV. Traffic Regulations, § 2.C. – Registration of Vehicles)*

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Pool Use by Guests

Only members and their Guests are allowed to use the pools. Guests have to have an appropriate Guest Card except if they are with a Member that has a Member Card.

*(CR&R Art. V. Pools and Fitness Center, § 1.A. – Pools and Pool Areas)*

Under Age Guests in Pool Area

At least one adult must accompany a Guest under age 18.

*(CR&R Art. V. Pools and Fitness Center, § 1.D. – Pools and Pool Areas)*

Limit of Number of Guests in Pool Area

A maximum of 6 Guests for each Member are allowed at one time unless authorized otherwise.

*(CR&R Art. V. Pools and Fitness Center, § 1.J. – Pools and Pool Areas)*

Member Responsibility for Guests in Pool Area

No lifeguard on duty; all individuals swim at their own risk.

Members are responsible for their Guests using the facilities.

*(CR&R Art. V. Pools and Fitness Center, § 1.O. – Pools and Pool Areas)*

Waiver Agreement by Members and Guests in the Fitness Center

Members and their Guests using the Fitness Center must sign a waiver agreement, provide medical information, and attend an orientations session. Posted procedures must be followed and a tag or medallion must be worn.

*(CR&R Art. V. Pools and Fitness Center, § 2.E. – Fitness Centers)*

Use of Lockers and Showers in the Fitness Center

Lockers and showers are to be used by Members and their Guests.

*(CR&R Art. V. Pools and Fitness Center, § 2.G. – Fitness Centers)*

Guest Cards in Club House

Guests must have a Guest Card if they use the facilities without the Member present.

*(CR&R Art. VI. Clubhouse Rules , § 3. – Guest and Qualified Tenant Cards)*

Use of Tennis Courts

Only Members and their Guests may use the courts.

Nonresidents may use the courts if invited to play in a League Play or Official Organized Event.

*(CR&R Art. VII. Tennis/Pickleball Courts Rules , § 1.A. – General)*

Guest Card and Attire on Tennis Courts

Guests without a Member must have a Guest Card.

Appropriate sport attire: rubber-soled foot ware, collared shirt or sleeved T-shirt; no tank tops, swimsuits, cutoffs, tube tops, bare midriffs, halter-tops.

*(CR&R Art. VII. Tennis/Pickleball Courts Rules , § 1.C. – General)*

Under Age Guest on Tennis Court

An adult must accompany a Guest under age 18.

*(CR&R Art. VII. Tennis/Pickleball Courts Rules , § 1.D. – General)*

Tennis Court Availability

Two courts are available for Guests and Members. Courts may be reserved one week in advance.  
(CR&R Art. VII. Tennis/Pickleball Courts Rules , § 4.C. – Open Play)

Use of Ball Machines

Member or Guest may use ball machines not exceeding 1 hour.  
Persons not familiar with the machine must take an orientation.  
(CR&R Art. VII. Tennis/Pickleball Courts Rules , § 6. – Ball Machines)

Members to Advise Guests / Members' Responsibility for Guests

Members are responsible for making their Guests aware of the CR&R, the dress code, and are responsible for violations of them by their Guests.  
(CR&R Art. VIII. Guests, Qualified Tenants and Associate Members, § 1.A. – Guests)

Limitation of Guest Visits

The Board of Directors limited visits by persons under age 19 for a maximum of 3 weeks, and no more than 6 weeks in total in 1 calendar year.  
(CR&R Art. VIII. Guests, Qualified Tenants and Associate Members, § 1.B. – Guests)

Guest Card

A Guest Card is required if the Guest is not accompanied by the Member.  
(CR&R Art. VIII. Guests, Qualified Tenants and Associate Members, § 1.C. – Guests)

Application for Guest Card

A Member have to apply for a Guest card for a max of 15 days that is renewable for another 15 days.  
(CR&R Art. VIII. Guests, Qualified Tenants and Associate Members, § 1.D. – Guests)

Resident Vacation Form

If a member is not in town when the Guest is here, the member also have to complete a “Resident Vacation” form.  
(CR&R Art. VIII. Guests, Qualified Tenants and Associate Members, § 1.E. – Guests)

Under Age Guests

A Guest under age 18 must be accompanied by an adult.  
(CR&R Art. VIII. Guests, Qualified Tenants and Associate Members, § 1.H. – Guests)

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