



## Evel Knievel Days

### Motorcycle Raffle Official Rules and Regulations

Evel Knievel Days, Inc , ( EK Days ), a tax exempt organization under Section 501(c)3 of the Internal Revenue Code, is conducting a raffle pursuant Montana, rule [23.16.2602](#) Raffles. The Rules and Regulations of the raffle are set forth below. By donating a certain amount, a raffle ticket recipient agrees to be bound by these rules and regulations.

A random drawing raffle will be held on Saturday, July 29th, 2017 at 10:00pm at Evel Knievel Days main stage located at the intersection of Broadway and Main Streets in Butte, Montana. An independent auditor will supervise the raffle drawing. All decisions are final.

The Internal Revenue Service ( IRS ) has taken the position that amounts paid for chances in raffles, lotteries or similar drawings for valuable prizes are not gifts, and consequently do not qualify as deductible charity contributions.

The Grand Prize winner shall assume all fees, local, state, and federal taxes. Such fees may include, but are not limited to: income taxes based on the value of the motorcycle, closing costs, title insurance, and transfer, tax, tag and fees which must be paid when the motorcycle is transferred to the winner. Likewise, there are federal taxes and there may be state and/or local tax. Evel Knievel Days takes no responsibility for any tax liabilities or costs. Consult your tax advisor. This offer is void where prohibited by law, and all federal, state, and local laws and regulations apply.

**BY ENTERING THIS RAFFLE, ENTRANTS ACCEPT AND AGREE (1) TO BE BOUND BY ALL THE RULES, LIMITATIONS AND RESTRICTIONS SET FORTH HEREIN AND (2) THAT THEIR NAMES AND/OR LIKENESSES MAY BE DISCLOSED TO AND USED BY THE NEWS MEDIA AND MAY OTHERWISE BE USED BY EK DAYS FOR PUBLICITY PURPOSES AND IN LISTS OF PRIZE WINNERS TO BE PUBLISHED IN NEWSPAPERS AND ANNOUNCED ON THE HOFM WEBSITE. OTHER RULES AND REGULATIONS MAY APPLY. PLEASE CONTACT EK DAYS IF YOU HAVE ANY QUESTIONS. EK DAYS INTERPRETATION AND APPLICATION OF THE RULES AND REGULATIONS SHALL BE FINAL.**

**BY ENTERING THIS RAFFLE, EACH PARTICIPANT RELEASES EK DAYS, ITS DIRECTORS, OFFICERS, REPRESENTATIVES AND AGENTS FROM ANY AND ALL LIABILITY FOR INJURIES, OR DAMAGES OF ANY KIND CAUSED BY PARTICIPATING IN THE RAFFLE OR WINNING ANY PRIZE OR RESULTING FROM ACCEPTANCE, POSSESSION, USE, OR MISUSE OF ANY PRIZE, AND EACH WINNER AGREES TO INDEMNIFY AND HOLD EK DAYS HARMLESS FROM ANY AND ALL LOSSES, DAMAGES, RIGHTS, CLAIMS, AND ACTIONS OF ANY KIND RISING IN CONNECTION WITH OR AS**

**A RESULT OF PARTICIPATING IN THE RAFFLE OR THE WINNER'S ACCEPTANCE OR USE OF ANY PRIZE.**

**Donation for Tickets:**

The donation for the raffle tickets is \$20.00 each. If the raffle ticket is obtained from the website of EK Days, the donation is \$20.00 each. All donations will be in US\$. Only one eligible person may be entered in the raffle per ticket (s). If the name of more than one person is submitted with a ticket, and that ticket is selected as a winning ticket, then the person named first will be deemed the holder of record of that ticket and declared the winner. Division of prize by a group obtaining a ticket in common shall be the sole responsibility of the person named as the holder of record of that ticket, should that ticket be selected as a winner. The cost to purchase a raffle ticket is not tax deductible.

EK Days reserves the right to reject any entry form that is submitted with payment that does not constitute "good funds". All defective or physically altered entry forms will be immediately disqualified by EK Days. Prior to the prize drawing, EK Days will make a reasonable effort to notify the individual and/or entity that submits such an entry form or one which has been rejected because the debit card or check did not clear that the entry has been rejected by attempting to make contact through the information provided at the time of submitting the request. All orders for tickets must be received by the indicated deadline. EK Days assumes no responsibility for lost, late, misdirected or non-delivered mail or fax messages, or any other failure to receive orders or deliver receipts prior to the drawing deadline. The deadline for receiving raffle tickets in person is 9:00 PM, July 29<sup>th</sup>, 2017.

Mail in deadline is July 17<sup>th</sup>, 2017.

**A RAFFLE PARTICIPANT'S SOLE AND EXCLUSIVE REMEDY FOR THE EK DAYS BREACH SHALL BE LIMITED TO THE RETURN OF THE DONATION FOR HIS OR HER RAFFLE TICKETS. IN NO EVENT SHALL EK DAYS, ITS DIRECTORS, OFFICERS, AGENTS OR REPRESENTATIVES BE LIABLE TO ANY PARTY FOR ANY LOSS OR INJURIES TO EARNINGS, PROFITS OR GOODWILL, OR FOR ANY INCIDENTAL, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES OF ANY PERSON OR ENTITY WHETHER ARISING IN CONTRACT, TORT OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.**

**How to Obtain a Ticket:**

An individual can make a donation for as many raffle tickets as he or she may wish, subject to availability. To obtain a raffle ticket, use one of the following methods:

1. Go to <https://www.paypal.me/evelknieveldays2017>, use the order form therein and submit your order in accordance with the instructions provided.
2. Mail it along with your check to Evel Knievel Days P.O. Box 272 Butte Montana 59703. If you prefer to use a debit card, you must include your name, address, telephone number, along with

the name of the type of debit card you are using, your debit card number, debit card security code and expiration date.

3. Tickets ordered via email must include the following: the type of debit card you are using, your name, address, telephone number, your debit card number, debit card security code, and expiration date.

4. Tickets may be purchased directly from or ordered through any approved EK Days vendors. All entries must include payment by cash, check, money order or debit card.

5 All checks should be made payable to " Evel Knievel Days".

No refunds will be made except under the following conditions: (a)The ticket order with payment is received after 5000 tickets have been purchased or (b)the ticket order is received after 9:00 PM on July 29<sup>th</sup>, 2017. No other refunds are available except at the exclusive discretion of EK Days. EK Days assumes no responsibility for lost, late, misdirected or non-delivered mail, email or FAX messages. Or any other failure to receive orders or deliver receipts prior to the drawing deadline.

#### **Selection of Winners:**

The EK Days Motorcycle Raffle drawing will be held at 10:00pm, on Saturday July 29<sup>th</sup> from all eligible raffle tickets. Winners need not be present to win. The raffle drawing will be held under the supervision of an independent raffle auditor. The drawing is open to the public. Winners will be notified according to the contact information provided EK Days at the time of obtaining a ticket. If the prize winners cannot be located by 5:00 PM on August 12, 2017, after making a reasonable attempt to make contact through the information provided at the time of receipt of the raffle ticket or should the prize winners not claim the prizes within 180 days of the prize drawing date, the prize (s) will be forfeited and another winner (s) will not be selected. In addition to the winners' names being posted on the EK Days website, the name of the winners of the prizes may be obtained by sending a self-addressed stamped envelope to P.O. Box 272 Butte Montana 59703 the within one week of the drawing.

In order to collect his or her prize, a raffle ticket winner must sign and deliver to EK Days: (a) a sworn affidavit of eligibility in accordance with these Rules and applicable law, including without limitation that he or she is at least 18 years old at the time he or she entered to win the winning raffle ticket;

(b) Such written information as is required by any applicable tax and/or real estate laws, including without limitation his or her Social Security Number; (c) proof of identity in forms satisfactory to EK Days showing that the person claiming the prize is the same person who is named on the winning raffle ticket; and (d) the winning raffle ticket stub. Winners of prizes of \$1,000 or more may be required to submit a W-2G, Form 5754 or similar tax form (provided by the EK Days.) for tax withholding purposes.

**Winning Odds:**

The odds of winning a prize will depend on the number of raffle tickets distributed. As an example, if 5000 tickets are distributed, the odds of winning the Grand Prize is 1 in 5000. If fewer tickets are distributed, the chance of winning the Grand Prize improves.

**Eligibility:**

Anyone 18 years of age or older at the time of obtaining his or her raffle ticket may enter. Members of the Evel Knievel Days Board of Directors, authorized agents and employees thereof, consultants, attorneys, independent accountant firm members and the immediate families of the aforementioned (or significant others living in the same household) are excluded from participating in the raffle and are not eligible to win a prize. All federal, state, and local laws and regulations apply. The raffle is void where prohibited or restricted by law. An affidavit of eligibility may be required from prize winners.

**Prizes:**

The Grand Prize is a Custom Painted 2016 Harley-Davidson® Roadster® motorcycle.

VIN# 1HD1LM328GC446548

**General Terms and Conditions:**

**The MOTORCYCLE, IF SELECTED, WILL BE TRANSFERRED TO THE GRAND PRIZE WINNER "AS IS, WHERE IS, AND WITH ALL FAULTS". EK DAYS DOES NOT MAKE OR PROVIDE ANY REPRESENTATION, GUARANTEE OR WARRANTY, EXPRESSED OR IMPLIED, IN CONNECTION WITH THE MOTORCYCLE AND ACCEPTS NO LIABILITY OR RESPONSIBILITY REGARDING THE CONSTRUCTION OR CONDITION OF THE MOTORCYCLE. EK DAYS DOES NOT WARRANT THAT THE MOTORCYCLE IS OF MERCANTILE QUALITY OR THAT IT CAN BE USED FOR ANY PARTICULAR PURPOSE. NO EXPRESS WARRANTIES ARE GIVEN AND NO AFFIRMATION OF THE HOFM BY WORDS AND/OR ACTIONS WILL CONSTITUTE A WARRANTY.**

At the time of transfer of the motorcycle, all federal and state income taxes based on the value of the Grand Prize will be due from the Grand Prize winner. The value of the Grand Prize will be as determined by the Corporate Sponsor of the raffle, Copper Canyon Harley-Davidson, Inc. of Butte, Montana. EK Days takes no responsibility for any tax liabilities. Consult your tax advisor.

**ANY CONTROVERSY OR CLAIM ARISING OUT OF OR RELATING TO THIS CONTRACT, OR THE BREACH THEREOF, SHALL BE SETTLED BY BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION (PURSUANT TO ITS EXPEDITED PROCEDURES) UNDER ITS COMMERCIAL ARBITRATION RULES, AND JUDGMENT ON THE AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED IN THE SUPERIOR COURT FOR THE COUNTY OF SILVER BOW, MONTANA, WHICH SHALL HAVE EXCLUSIVE JURISDICTION THEREOF.**