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In consideration for accepting any product from the Jackson Walsh Foundation, the recipient agrees to the following waiver of liability and indemnity provisions:

**No Warranties.**

The Foundation, including its officers, employees, and agents, make no representations whatsoever, extend no warranties of any kind, either express or implied, including but not limited to the implied warranties of merchantability or fitness for a particular purpose, and assumes no responsibilities whatsoever with respect to design, development, manufacture, or use of any donated products. Furthermore, in no event shall the Foundation be liable for direct, indirect, special, consequential, incidental or punitive loss, damage or expenses arising out of or in connection with this agreement, including but not limited to recipient's use of the assets or removal of the assets from the Foundation's premises.

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Any recipient will hereby waive, release and discharge any and all claims for damages for personal injury, death, property damage, any claim in tort, or any other claim, regardless of legal theory, that may hereafter accrue as a result of the use of any donated product. The entire risk as to the performance of the products is assumed by the recipient. In no event shall the Foundation or its officers, employees or agents, be responsible or liable for any direct, indirect, special, incidental, consequential damages, lost profits, or any other economic or physical loss or damage to any individual regardless of legal theory resulting from use of any donated product. The above limitations on liability apply even though the Foundation may have been advised of the possibility of such damage.

**Indemnification.**

RECIPIENT agrees to indemnify and hold harmless the Foundation from any and all claims, liability and damages, arising from the use of any donated product except those arising from the sole negligence or willful misconduct of the Foundation.