



The Mountain GAZETTE

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An Official Club Members Only Publication of the Train Mountain Railroad Issue: Vol 2, Issue #1 November 2012

From the Editor, Russ Wood

After being asked if I would be the editor of the Gazette again I thought what is going to be the purpose of the Gazette at this stage of the Train Mountain story. Train Mountain has always needed volunteer members in order to work. That certainly has not changed. The 2200 plus acres has not shrunk. The winters still cause frost heave and so track needs to be maintained. The pine needles and pine cones continue to fall and seem to know where every frog and switch point on the railroad is located. So I have concluded the purpose of the Gazette has really not changed at all nor has my editorial purpose.

Therefore my main purpose is the same, that is to get ya' all fired up about having fun! To get ya' excited by the new Board of Directors and their roles as our fearless leaders. To get ya' excited about all of the new projects. To get ya' to volunteer to take on a couple of the tons of projects that need to be done to keep Train Mountain, well Train Mountain. OK if that's the case then please read this issue to see if there are projects you would be interested in working on and then check the 2013 Schedule of Meets and Events to see if there is a time in your busy schedule that you can come, have some fun, and give us a hand. There are jobs requiring some skills, and these are skills I know that many in this hobby have. There are jobs that require knowing nothing more than which end of a rake to use. There are indoor jobs, and certainly a few outdoor jobs, some take a lot of time and energy while others are just quickies. All are important and will NOT get done without ya'.

Now all of this talk of work might be enough to drive some of you away, but there is a solution to all of these issues. The solution is simply recruitment. If we have 100 jobs to get accomplished and only 10 members volunteer to help then everybody needs to do 10 jobs. Arggggg, but with a 100 members we each only need to do ONE job. Get the picture? Please talk up Train Mountain to your fellow club members at your local club. If you have a model railroad club in your area, go there and volunteer to be a guest speaker. The 2012 Triennial DVD is out (and it's terrific) and take it along and give them a taste of the fun to be had at Train Mountain. With our wonderful Midway Circle Garden Railway don't forget your local G-Scalers. If your local Hobby Shop carries railroad videos make sure they contact Aaron Bentsen at 7Idea Productions to get signed up as a dealer. If you haven't signed up to get the DVD then now is certainly the time. I'm a little prejudiced but as I said, the DVD is just terrific!

Friends of Train Mountain has always used the byline of 'more track more fun'. I think the Train Mountain byline should read 'more members, EASIER fun'. Seriously, to make this magnificent railroad Mecca succeed we really do need you, all of you, and your friends and their friends and . . .

The main gate still works. Your membership is still good 365 24/7. The lifts at Crisp Yard still assist you in unloading your trains. Four Way crossing still leads you and your guests to the wonders of the magical Train Mountain experience. We need you all to come back and please plan on having a great time and help make us all smile.

This issue of your Mountain Gazette is full of terrific information from all of those that are working so very hard during this transition period. The marathon sessions this past week from your board and others was quite inspiring. There is a hope that all of you will contribute to this process, so constructive criticism will always be welcomed, but please read all of this issue and follow the links to the complete set of

documents to see if your question gets answered, if not please drop us an email or give us a call and we will try and get you answer. Remember it is YOUR club. info@tmrr.org

Train Mountain Today and Tomorrow - Friends as custodian of TM under court supervision

On November 1st Friends of Train Mountain (Friends) became Custodian of Train Mountain (TM) under the supervision of the Klamath County Court. The Court and Oregon Attorney General John Kroger's office acted through the Vertel v Breen law suit to protect the public's interest that resulted from all the volunteer hours and contributions that helped build Train Mountain. Friends has the authority to negotiate with the IRS to discharge the IRS liens on TM. If Friends can get the IRS liens discharged, then Friends has the authority to transfer to Railroad Institute (RRI) the assets of Train Mountain with liabilities to be defined. RRI is a 501c3 public benefit non-profit that will provide railroad education at Train Mountain.

The most the IRS can get is the market value of TM. On August 2nd Friends gave the IRS five inches of paper that explained what Friends thinks the possible market values are depending on various assumptions. The valuations were developed working with appraisers hired by Friends. The IRS said that they needed time to evaluate the presentation. On August 20th the IRS assigned an IRS engineer (appraiser) to value the property. We are waiting for him to report back. Stay Tuned. The IRS can move very slowly.

Friends has an agreement with Train Mountain Railroad (TMRR) a new non-profit organization that will offer membership in Train Mountain, keep the track open, get the Meets organized, and let you enjoy Train Mountain. TMRR will continue in the same role after "Closing" when the IRS liens are discharged and the property is transferred to RRI. TMRR will speak for itself elsewhere in this Gazette.

In the period from Nov 1 until Closing, Friends primary duty as Custodian is to maintain the assets of TM. Friends will make as few changes as possible. Most of the existing TM policies will continue in force with the exception of the policy changes explained below. Friends and TMRR will continue to evaluate if policy changes are required to assure safe operation of the railroad, assure compliance with legal requirements, minimize risk of fire, and make TM a friendly place appropriate for kids and family.

There are several trains and other pieces of equipment where the ownership is disputed... particularly with Sharon Breen, The Peterson family, and Ross Perrin. We are working to develop a complete list so we can make the list public and get all available testimony on who owns what. Part of this process will resolve a set of claims that Ross has made which in turn will allow us to consider lifting the ban on Ross and Kay joining the community.

There are a few policy changes that we feel we have to make:

- 1) Public Rides will be restricted to rides provided by K&W on K&W track due to the requirements of amusement ride regulations and insurance concerns. An attempt to change these constraints may be organized after closing. TMRR will operate restricted access tracks on the rest of TM. The TMRR club provides tracks on which TMRR members can operate their personally owned trains or TMRR owned trains. TMRR members may bring guests to the railroad, but guests may never be charged for riding the TMRR member's train.
- 2) No smoking will be allowed in or near the buildings
- 3) A new Dog Policy has been adopted and is published elsewhere in this issue.
- 4) The Rules of the Road have been clarified and are published elsewhere in this issue.
- 5) In recent years the Train Mountain culture has been too negative. Friends, RRI, and TMRR will not tolerate an atmosphere characterized by name calling, bickering, constant disagreement, excessive politics, hostility to others, lack of respect, and impoliteness. This would create a situation in which RRI cannot attract the audience and support that it needs. So far we are all pulling together with none of these problems. It is a breath of fresh air.

We do not foresee any other significant policy changes.

After Closing we are investigating the advantages and disadvantages of moving the Track and Switch shops to the Motor Pool building... then remodeling the existing Track/Switch shop as a K&W Event Center and a starter RRI Museum. If K&W is where the public will first be introduced to Train Mountain, then we should be helping K&W give the public the best possible experience.

At this time, Railroad institute is preparing to launch education programs. When Friends and the IRS reach an agreement on discharging the IRS liens, then RRI will begin aggressively organizing railroad education events. At that time RRI plans to publish an explanation of what it can... and cannot... accept as donations and to begin to accepting tax deductible donations. After Friends and the IRS reach agreement, it will take a couple of months to close the transaction.

Thank you for supporting this wonderful project. We all look forward to seeing you on the railroad soon.

State of Train Mountain Report - Friends as custodian of TM under court supervision

After a week of research into the state of Train Mountain, there is Good News and Bad News.

First the good news... Train Mountain is pretty healthy. Sharon left money in the bank. At least \$25,000 in the bank and about \$25,000 in the Triennial fund... and this is before the 2013 membership drive. The bills appear current and the payroll taxes seem to have been paid.

The bad news... Neither TMRM, TMI, nor TMF has filed income taxes. Sharon confirms she did not file any. The accountant says none were filed for years and years while Quentin was alive. The bank records show lots of transfers among the 3 entities so funds were clearly commingled. There is no tracking of the source of income. In other words, the records are inadequate to reconstruct tax returns. Friends will account for everything starting Nov 1, 2012, and file the needed tax returns for Friends and its custodianship. The buildings have a lot of deferred maintenance. There is a serious mouse problem in Central Station and the roof needs repairs. A new cat has been welcomed in Central Station and is working on the mouse problem. We are getting bids on cleaning up the mouse damage. All the buildings need a serious housecleaning.

The best news is that everyone is optimistic, working hard, and taking responsibility for the tasks that need to be done to keep Train Mountain going. There is lots to do. In the next Gazette we plan to start talking about specific tasks we need help on.

TMRR as a 501c7 – TMRR BOD

TMRR has decided to incorporate as a mutual benefit non-profit like Friends and that the reasoning behind this decision is documented at:

http://www.tmrr.org/Resources/tmrrdocs/Why_501c7.pdf

Special note from ED: (TMRR is officially an Oregon mutual benefit Corporation as of 11/07/2012)

TMRR Cooperative Agreement - Jim Armstrong President TMRR

Welcome to Volume 2 in the on-going life of Train Mountain. "On-going" is and will always be the most important aspect of Train Mountain and Quentin's Dream!

The TMRR Board of Directors want to thank Sharon for a cooperative, smooth, and cordial transition these past several days as the torch was passed, Thank you Sharon.

As Friends of Train Mountain continues its quest of negotiating with the IRS to discharge the liens and performs its other duties and responsibilities of being the interim custodian of TM, Train Mountain Railroad (TMRR), your new members' organization, is forging ahead to define and then carry out the functions of its new role. The TMRR Board was in near continuous meetings from November 1st through November 4th addressing the mountain of tasks before them. I want to thank the Board (Chuck Barnes, Jerry Crane, Dennis Ward, Tom Watson, and John Black – RRI's non-voting board member representative) and several other non-voting observing members (Jeff Pape, Steve Panzik, and Russ

Wood) for their input, discussion, and commitment to developing a work plan to keep TM moving forward from this point. Our goal is to maintain a fun and relaxing atmosphere for all TM members and their guests and that any changes will hopefully prove to only enhance that experience even more.

TMRR has filed the appropriate forms with the State of Oregon to become a non-profit mutual benefit corporation. The Board has approved the Articles of Incorporation, Bylaws, and Cooperative Agreement contract with RRI.

Articles of Incorporation - http://www.tmrr.org/Resources/tmrrdocs/Signed_Inc_Articles.pdf

Bylaws - <http://www.tmrr.org/Resources/tmrrdocs/TMRR-BYLAWS.pdf>

Cooperative Agreement - http://www.tmrr.org/Resources/tmrrdocs/Cooperative_Agreement.pdf

Other actions taken include the on-going recognition of all Train Mountain Life Members. Life Members will continue receiving their annual membership at no cost and may attend regular TM meets (not including Triennials) at no charge.

Preliminary budgets for the operation of Train Mountain have been developed and approved for the 2013 season. The Basic Operations Budget covers the expected income and expense for operating TM and the Basic Member Support Costs Budget covers the expected income and expense for member services activities.

TMRR Operating Budget - http://www.tmrr.org/Resources/tmrrdocs/Initial_Basic_Budget.pdf

As you can see, the budgets are tight but manageable. The only possible paid employee position for TMRR might be for housekeeping services with all other tasks being performed by volunteers.

There was a major change made to TMRR's organizational structure and is reflected in the newest revision of the Cooperative Agreement between TMRR and RRI.

Cooperative Agreement - http://www.tmrr.org/Resources/tmrrdocs/Cooperative_Agreement.pdf

The change is that TMRR's Board is composed of the five initially appointed member directors from inception of the organization. With this change, it enables TMRR to operate as a true membership managed organization from the beginning. Other changes made to the Cooperative Agreement provide for better definition of roles and responsibilities making it an improved document.

Please read on to discover answers to many of the questions you may be asking but be assured that the Train Mountain Project (a common goal that is sought by RRI, Friends, and TMRR each in their own way) will be there to make Train Mountain shine even brighter as the World's Largest Hobby Railroad – be sure you are a part of that energy!

Facilities - Jerry Crane BOD

Train Mountain is now over 25 years old. Many of the building are starting to show their age and need maintenance and upgrades to bring them up to today's standards. I have surveyed Central Station and have found two major leaks and over a dozen lesser items that require attention. One of the leaks has caused a major mold problem and there are many areas that need rodent clean up attention. We will be bringing in a remediation contractor in to handle these problems. Many of the other problems can be fixed by Richard and Dustin. They will be working to resolve these problems over the winter.

As for major projects, rectifying the sewer capacity problem at Central Station is probably our number one priority. This fix will require design and installation of a new septic tank and drain field.

If you know of any facilities areas that need attention, please tell me about them by emailing me at facilities@tmrr.org

Containerville and Backshop - Chuck Barnes BOD

The last 10 containers have been installed in the south row. Installation of the electrical circuits will complete the south row. The tenants of the east 4 containers have installed a roll up door and access

tracks on and to their respective containers. All 20 containers in the south row have been leased. If you are interested in reserving one of the north row containers, please contact Chuck Barnes at containers@tmrr.org for additional information.

TMRR is exploring the possibility of renting track space in the center and north bays of the back Shop. This will allow some members to have a storage space for their personal equipment. TMRR is currently attempting to identify the owners of non Train Mountain equipment which is currently stored in these two bays of the Back Shop. This will allow TMRR to determine the amount of track space available for rent. If you have personal equipment stored in the Back Shop please contact Chuck Barnes at backshoptrack@tmrr.org to provide a description of your equipment. Track rental will provide valuable income for TMRR.

Website - Tom Watson BOD <http://www.tmrr.org/>

As a member of the new TMRR Board of Directors, I have been tasked with developing and implementing a new Information Technology ("IT") plan.

As you will see in other parts of this Gazette, we have lowered the cost of joining Train Mountain. To keep low membership prices, we must lower the costs associated with running TM. This means we must modernize by automating most of the tasks that were formerly performed by paid staff.

This is where a modern IT plan comes into play. We must concentrate on eliminating paperwork and switching to electronic records. We must communicate with members via email instead of snail mail. If a member doesn't have access to email, hopefully they will have a friend or family member willing to relay the information or help set up an email. Just like the big corporations, we also must go paperless to survive in today's economy.

TMRR has a new website: <http://tmrr.org> which is a work in progress. Please have patience as we continue to add material and functionality to the new website.

We are in the process of setting up on-line access to Joining Train Mountain, doing Meet Registrations, and to be able to pay for these via Credit or Debit Cards. This will be available through a link on the new website.

For those whom we cannot drag into paperless world of the 21st Century, we will also have the usual Train Mountain forms available for download and printing on the new website.

At some time in the future, I would like to have a live webcam from Train Mountain that is visible on the website.

We have many other ideas to make TM a better place for the members. Most of these things cost money, and with TM now being run almost entirely by volunteers we will be welcoming volunteers to help with the many upcoming projects. We will also be welcoming donations towards funding the projects. Please join us in making the new beginnings at Train Mountain a success.

Division & Milepost Numbering System - Dennis Ward BOD

Mileposts are important for a number of reasons. For track maintenance, they permit identification of the specific location of a track problem. They are invaluable in directing a lost engineer or locating an engine needing a tow. Finally, they can be a lifesaver when finding someone along the right of way needing medical assistance.

Mileposts are vitally important to every engineer. The 210' required for both Following Distance and Stopping Distance are easily calculated as being two milepost lengths. Likewise, calculating train speed in observance of the Train Mountain Speed Limit is easily done using mileposts. (ie 10sec between mileposts = 7 MPH – The MAXIMUM speed limit at Train Mountain.

It has been awhile since mileposts have been added for the track that has been added, the last being installed on Aspen Loop. The newly formed TMRR board of directors' plan is for continuation of the

current system of continuous numbering for that track south of South Chiloquin Road and will create and install mileposts on Sharon's Shortcut (Rio Grande sub-division). Sharon's shortcut mileposts will be followed by installing mileposts on the 2% Solution (Central sub-division), and on the track which goes through the burn pit (Central sub-division).

All new track north of M& M corner will be in a new division called the Friends division which will include the new track from Witcombe Wye to Aspen Loop. We have so far identified four (4) sub-divisions and have set aside blocks of milepost mileages. The sub-divisions are Hope sub-division – track from M&M corner to Hope circle and back to Aspen Loop (mp 30.00 – 39.98), New England sub-division – track from Hope circle to New England and back (mp 40.00 – 49.98), Aragon sub-division – track from Meisser Junction to Rio Grande trestle and back (mp 50.00 – 59.98), and Railroad Ridge sub-division – track from Cooper Junction to private property on the west side of Train Mountain and back (mp 60.00 -- 69.98).

Milepost 00.00 is located at the points of the switch where the exit track from the Ellingson Turntable intersects the main line. That milepost reads "CENTRAL" in ½" letters for the Central sub-division, "00.00" in 1" numbers for the distance from the first milepost, and "+1.41" in ½" numbers for the percentage grade to the next milepost. Mileposts are at intervals of .02 miles, or 105.6 feet. There are 50 mileposts per mile.



New Dog Policy - TMRR BOD

The following new dog policy has been agreed to:

Nice dogs are allowed on Train Mountain property, problem dogs are not.

1. Problem Dogs may be banned from the property by agreement of both TMRR and RRI.
2. Dogs must be on a leash excepting when they are secured in a railcar.
3. Dog owners must pick up their dog's poop and dispose of it properly.
4. Dogs must behave in a quiet and orderly manner. Those who frequently bark or yap will be banned from the property.
5. Only Service Dogs will be allowed in Central Station or any of the following areas: Living Quarters not on long term lease, areas where foods are processed, meeting areas, or office spaces.

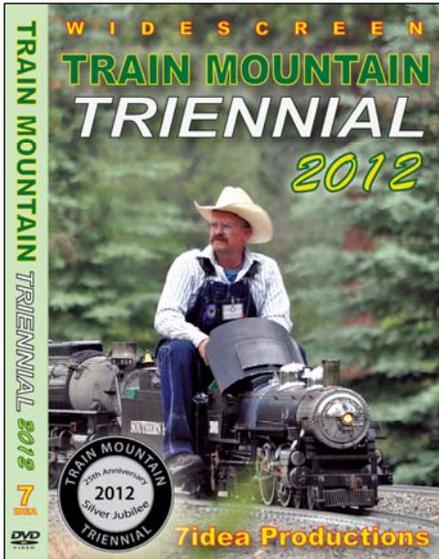
Train Mountain Membership - TMRR BOD

Train Mountain Railroad (TMRR) is incorporated as a non-profit, mutual benefit corporation. TMRR is in the process of applying to the IRS for a 501c7 tax exempt status. TMRR will require all individuals to be a member or a guest of a member to participate in any TMRR activity. An individual will no longer be able register for a meet as a non-member. We now offer several levels of membership that should meet all needs. We have reduced the yearly dues back to what they were several years ago. We believe that the cost is now reasonable enough that membership should not be a financial burden.

All memberships are for a calendar year. Those signing up for initial membership on or after October 1st will have their membership continued through the next year.

The definition of a guest is a friend or relative of an Individual or Family member. Guests cannot bring any equipment to Train Mountain. They can operate their host's equipment with their host's approval and while the host is at Train Mountain. They will be eligible to rent and operate the Train Mountain rail bikes. Train Mountain is planning to develop a fleet of rental rail bikes.

When you join TMRR, you are joining the complete Train Mountain Project. Your membership in TMRR will include membership in all 3 of the TM non-profit organizations, TMRR, Friends, and RRI.



The terrific video that Aaron Bentsen from 7Idea Productions shot at the 2012 Triennial is now available through the main office at Train Mountain. Give them a call at 541-783-3030 and get your on the way to your place. It's \$30 for the video and \$3 shipping and handling lower 48, \$4 S&H for all others. A most enjoyable video shot by a true video artist and of course our favorite subject, Train Mountain! Enjoy!

HAVE SOMETHING YOU WANT TO SELL?

Place an ad in the Gazette!

1/8 Page: \$25/month or \$250/year

1/4 Page: \$40/month or \$400/year

1/2 Page: \$70/month or \$700/year

Full Page: \$125/month or \$1250/year

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 TMRR BOD, Friends

TRAIN MOUNTAIN RAILROAD

2013 SCHEDULE

2013 WORK WEEK AND TRAIN MEET SCHEDULE

Polar Bear Train Meet

Friday, January 19 - Sunday, January 21, 2013
 (Banquet is Potluck 6:00 Saturday Evening)

Narrow Gauge Work Week

Saturday, May 4 - Thursday, May 9, 2013

Narrow Gauge Train Meet

Friday, May 10 - Sunday, May 12, 2013
 (Banquet is Potluck 6:00 Saturday Evening)

June Meet Work Week

Saturday, May 25 - Thursday, May 30, 2013

June Meet Train Meet

Friday, May 31 - Sunday, June 2, 2013
 (Banquet is Potluck 6:00 Saturday Evening)

Operations Set Up & Work Week

Saturday, June 22 - Thursday, June 27, 2013

Operations Meet

Friday, June 28 - Sunday, June 30, 2013
 (Banquet is Potluck 6:00 Saturday Evening)

September Work Week

Saturday, September 7 - Thursday, Sept 12, 2013

September Train Meet

Friday, Sept 13 - Sunday, Sept 15, 2013
 (Banquet is Potluck 6:00 Saturday Evening)

Fall Colors Train Meet

Friday, October 11 - Sunday, October 13, 2013
 (Banquet is Potluck 6:00 Saturday Evening)

JOIN NOW!

http://www.tmrr.org/Resources/forms/TMRR_Member_App.pdf

TRAIN MOUNTAIN RAILROAD ("TMRR")

PO Box 438 ● Chiloquin, OR 97624

Phone: (541) 783-3030 • Fax: (541) 783-2013 • email: info@trainmountain.org • Website: http://tmrr.org

New Member Application for 2013 Existing Member Renewal for 2013

PLEASE TYPE OR PRINT INFORMATION CLEARLY FOR MEMBERSHIP FILE AND BADGES:

1. Name: _____

For Family Membership please list family member names below. For Renewal Applications, please check box for any person who is a new member.

2. _____ 3. _____

4. _____ 5. _____

Address: _____

Phone: _____

Cell: _____

To help TM offer low cost memberships, please help us cut costs by communicating through email. If you do not have your own email, please give us the email address of a friend or family member through whom we may communicate with you.

email: _____

The Mountain Gazette is only published in an electronic format edition and will be distributed via email. The printed edition will no longer be published.

Yes No TMRR may publish my address/phone number(s)/email information in the Membership Roster.

Failure to select an option will be treated as a "yes."

CHOOSE	Membership Categories	What Do I Get ?										What Can I Do ?						Need		
		Email Gazette Newsletter	Map of Train Mountain	Daily Blog	Laminated Name Badge	1st Year Quality Name Badge	Year Pin	Identifying Pin	Full Size TM Flag	Can Register for Meets	Track Use Between Meets	Can Operate Railbikes at TM	Can Bring Trains to TM	Can Rent Equipment at TM	Can Camp or Motel at TM	Can Hold Official Positions	Minimum Age	Annual Safety Update		
	\$20 Subscription Member	Y	Y	Y	Y															
	\$25 Railbiker Membership	Y	Y	Y	Y					Y	Y		Y					18	Y	
Most Popular	\$50 Individual Membership	Y	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	18	Y	
	\$75 Family Membership 2 individual Memberships & all Kids & Grandkids under 18	Y	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	18	Y	
	\$25 Young Adult Member requires a Sponsoring Member	Y	Y	Y		Y	Y			Y	Y	Y	Y	Y	Y			14	Y	
	\$150 Supporting Member	Y	Y	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	18	Y	
	\$250 Participating Member	Y	Y	Y		Y	Y	Y		1 Free	Y	Y	Y	Y	Y	Y	Y	18	Y	
	\$500 Yard Boss Member	Y	Y	Y		Y	Y	Y		2 Free	Y	Y	Y	Y	Y	Y	Y	18	Y	
	\$1,000 Empire Member	Y	Y	Y		Y	Y	Y	Y	All Free	Y	Y	Y	Y	Y	Y	Y	18	Y	

Enclosed is my payment to "Train Mountain Railroad" for my membership category chosen above.

PLEASE NOTE: Every person listed on your 2013 Membership Application, and Non-member Guests, **MUST** sign a full page Participant Release form before you/they can participate in Train Mountain activities for the year. Upon arrival, **YOU MUST** immediately sign the Participant Release form in the office. Guardians **MUST** sign for children under 18 years of age.

By signing this form, you are agreeing that you will abide with the **Train Mountain Code of Conduct** or be subject to sanctions.

Date: _____

Signature: _____

Date: _____	For Office Use Only	
Check #: _____	Release Signed: _____	Entered into Database: _____

PARTICIPANT RELEASE

This release is executed in Klamath County, Oregon, this day by:

Name (Please Print) _____ Email _____

Address _____

City, St, Zip _____ (“Participant”), individually and as parent and

guardian of: _____ (minor children, if any) as follows:

1. In consideration of being permitted to enter, use, and enjoy any of the property and facilities of “Train Mountain,” including but not limited to freeholds, rights of way, licenses, and leases (together, the “Premises”), whether owned, managed, or controlled by Train Mountain Railroad Museum, Inc., Train Mountain, Inc., Train Mountain Foundation, or any owner of private property for which Train Mountain has an agreement to use part or all of the property for miniature railroading, including but not limited to Friends of Train Mountain, Inc., Klamath & Western Railroad, Inc., and Timberlake Railroad, LLC (together, “Releasees”), for myself, my guests and those I bring and invite, those who I legally represent, and my heirs and assigns (together, “Participant”), I hereby release, waive and discharge Releasees, and their owners, officers, directors, employees, contractors, and agents, from all liability to the Participant, for any and all loss or damage, and any claim or damages resulting from the same, on account of injury to the persons or property of Participant, even injury resulting in death of the Participant, whether caused by the negligence of Releasee or otherwise resulting from permission to enter, use, and enjoy any of the Premises. I will further indemnify and hold harmless Train Mountain from any liability, including claims and any attorney’s fees and costs, losses, or actions which may be presented or initiated by any person that has not separately signed an identical version of this release, who I bring or invite to Train Mountain for any reason, including but not limited to passengers in a miniature train operated by me while on the Premises, whether or not said persons are members of Train Mountain.

2. Participant agrees to indemnify Releasees and each of them from any loss, liability, damage or cost that may incur due to the presence of Participant in or upon the Premises, whether caused by the negligence of the Releasees or otherwise.

3. Participant assumes full responsibility for the risk of bodily injury, death or property damage due to the negligence of Releasees or otherwise while in or upon the Premises, and while maintaining, officiating in, working or for any purpose participating in said activity.

4. Participant warrants that no promise or inducement has been offered or made except as set forth in this release; that this release is executed without reliance on any statement or representation by Releasees or by any agents of Releasees concerning the nature and extent of the injuries and damages, or either of them, or the legal liability for the same. Participant is of legal age, is legally competent to execute this release and is legally competent to accept the full responsibility for the same.

5. Participant agrees that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the laws of the State of Oregon, and that if any portion of this agreement is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect. This release contains the entire agreement between the parties to this release and the terms of this release are contractual and not a mere recital.

6. Participant agrees that all obligations assumed and promises made by Participant under this release shall be binding on my heirs, and the executors and administrators of my estate. Participant further instructs said heirs, administrators, and executors to honor this release and make no claim against Releasees for any claim, loss, damage, or injury which this release purports to cover.

SIGNATURE: _____

DATE: _____