



SWING KING
BE THE ONE



WINNERS CLAIM FORM

CONTESTANT AFFIDAVIT OF ELIGIBILITY AND LIABILITY/PUBLICITY RELEASE

I, _____, am submitting this Affidavit with the understanding that it will be relied upon by Digital Golf Technologies, Inc. d/b/a Swing King ("Swing King"), to determine whether I am eligible to receive a prize. I understand that formal notice will be sent to me by mail if I am verified as a winner, and that the decisions of Swing King as to any eligibility and verification as a winner will be final. I understand that if I should be verified as a prize winner, I will be responsible for payment of all taxes on the prize (if any) and all other expenses related to the prize that are not specified in the Official Rules and as set forth below. I further understand that I may be issued a 1099 tax form for the value of the prize. I represent that I have fully complied with the Official Rules located at <https://swingking.com/terms-and-conditions/> and I represent that I have perpetrated no fraud or deception completing this Affidavit or in claiming my prize. I agree, in addition to any other remedies that may be asserted against me, to return any prize, or the present cash value thereof, that may be awarded to me if any statement made by me in this Affidavit is proven to be false.

Except where prohibited by law, in consideration of any prize that may be awarded to me, I hereby grant full permission to Swing King and anyone authorized by it to use my name and/or likeness, in whole or in part, in any and all media worldwide without territorial, time or other use limitation without additional compensation, for the purposes of advertising and trade and in connection therewith.

In consideration of my participation in the Skill Contest, and of the possible award to me of a prize therein, and for other good and valuable consideration, receipt of which is hereby acknowledged, I, for myself, my heirs, executors and administrators, hereby waive, release, discharge and agree to defend, indemnify and hold harmless Swing King and its officers, employees and directors, and anyone authorized by any of them, from any and all losses, damages, costs, expenses, rights, claims, demands, and actions of any kind which I, my heirs, executors or administrators may have, or any other party may have, arising from or in connection with my participation in the Skill Contest, including any video recording in connection therewith, or any use of my name or likeness as set forth herein, including but not limited to personal injuries, death, disability, property damages, and attorneys' fees and expenses for litigation and settlement.

FOR CALIFORNIA RESIDENTS ONLY: I certify that I have read the following provisions of California Civil Code Section 1542: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor." I understand and acknowledge that the significance and consequence of this waiver of California Civil Code Section 1542 is that even if it should eventually suffer additional damages arising out of the facts referred to in the above paragraph it will not be able to make any claim for those damages. Further, I acknowledge that I intend these consequences even as to claims for damages that may exist as of the date of this release but which I do not know exist, and which,



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if known, would materially affect my decision to execute this release, regardless, of whether my lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

I further represent that:

- I am an amateur golfer (as defined by the United States Golf Association (the "USGA") under the "Rules of Amateur Status") who: (i) is at least eighteen (18) years old, or the age of majority in the state in which this Skill Contest was entered, (ii) rightfully engaged in a full round of golf for just consideration at a participating golf course, and (iii) never earned a PGA Professional card nor ever been a Club Professional or Touring Professional (as both terms are defined by the USGA).
- I, prior to playing my "Shot" (as defined below): (i) paid and received a verifiable receipt for a valid contest entry fee at a participating golf course; (ii) am a member of the Swing King Hole in One Club at a participating golf course; or (iii) had my entry fee included or added to my greens fees for daily play, tournaments, or outings.
- I teed-off (my "Shot") between the tee markers in the tee box that met **all 3** of the following conditions: (i) were no closer than the tee markers designated for my handicap, age, and gender (for example, women must tee-off no closer than the women's tee at the hole); (ii) is not more advantageous or closer than the tee markers and tee box from which I had been consistently teeing off during my current round (for example, men playing from the longer men's tee cannot move up to the shorter men's tee at the hole); and (iii) are in any event listed on the scorecard as no closer than 135 yards from the hole for men, and 120 yards from the hole for women.
- My Shot was hit during the normal daylight operating hours of the participating Course for the designated tee box and as set forth in more detail in the Official Rules.
- All equipment I used conformed to USGA Specifications.
- Neither I nor any other party did anything to obstruct or affect the travel or course of the Shot and that the flight of the Shot was not altered other than by natural elements.
- I only took one Shot in the Skill Contest and no mulligans, practice shots, or substitute shots were taken. I agree that all interpretations by Swing King shall be subject to the USGA Rules of Golf available at usga.org.
- I acknowledge that this Winner's Claim form is made in the State of Illinois and shall be construed and interpreted in accordance with the internal laws of the State of Illinois, applicable to contracts made and performed entirely therein without regard to conflicts of laws principles. I agree and consent that jurisdiction and venue of all matters relating to this Winner's claim form shall be vested



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exclusively in the Federal, state and local courts within Cook County and the Northern District of Illinois.

- I declare under penalty of perjury and the laws of the United States that the foregoing and all information below is true and correct. I attest that I have read or have had read to me and I understand all of the foregoing provisions of this document and that I agree to be bound by all of them.

Name of Golf Course: _____

Date of Winning Shot: _____

Tee Time of Claimant: _____ Approx. Time of Winning Shot: _____

Hole Number for Winning Shot: _____

Tees Played During Round: _____

Prize Amount Played for: _____

Distance on Scorecard for Tee Winning Shot was Played From: _____

Your Handicap Index: _____

Name: _____

Home Address: _____

Phone Number: _____

Email Address: _____

Date of Birth: _____

Driver's License Number: _____



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Names of other members in the Claimants Foursome:

Foursome Participant 2 Name: _____

Foursome Participant 3 Name: _____

Foursome Participant 4 Name: _____

Signature: _____

Date: _____

Note: In order to commence the winner's claim process, you must complete and submit the following:

1. *This Winners Claim Form*
2. *Receipt for a valid contest entry fee*
3. *Legible Copy of your Scorecard*
4. *Legible Copy of your Driver's License*
5. *W-9 Form*