

**Attachment 4:**

**2024**  
**NEW MARK COMMONS HOMES ASSOCIATION, INC.**  
**POOL ACCESS PERMISSION & LIABILITY WAIVER**  
**(Swimmers Age 9-15)**

I acknowledge that I have received and read the New Mark Commons Homes Association, Inc. (the "Association") Pool Rules and Regulations. I further acknowledge the following:

1. All children under 9 years old must be accompanied in the pool by an adult or responsible person 16 years of age or older.

2. An adult or responsible person 16 years or older must be in appropriate swim attire and within arm's reach of any child in the water who has not passed the basic swimming test\*.

3. Children between the ages of 9 and 15 (i.e., the child's 9<sup>th</sup> birthday has passed but he/she has not reached his/her 16<sup>th</sup> birthday) may use the pool unaccompanied by an adult or responsible person 16 years of age or older if he or she passes the basic swimming test each year and has a signed permission form on file with the pool.

By signing this form, I grant my child(ren) named below, permission to access the pool without being accompanied by an adult or responsible person 16 years of age or older. I am the parent or legal guardian of the child(ren) named herein, and in such capacity have the legal authority to sign this form. I acknowledge that the child(ren) named below are between the ages of 9 and 15 and passed the basic swimming test. **I hereby agree that use of the swimming pool is at the child(ren)'s and my own risk. As a condition of my child(ren)'s use of the swimming pool, I on behalf of myself, my heirs and assigns and the child(ren) named herein, expressly agree to hold the Association, its members, directors, officers, agents, employees, independent contractors, their heirs, successors and assigns harmless from any claim, liability, loss, damage, or expense of any kind or nature whatsoever (including personal injury or death) that may arise due to the child(ren)'s use of the pool.** I further acknowledge that the child(ren) will abide by the Pool Rules and Regulations, any posted or published rules or signs, or any instruction given by a lifeguard, and their failure to do so may result in immediate termination of use of the pool. I further acknowledge that the lifeguards are not babysitters for the child(ren) and there is a risk associated with the child(ren)'s use of the pool without supervision by an adult or responsible person age 16 or older. I further acknowledge that I may be held financially responsible for acts of malicious mischief or vandalism by the child(ren) that results in damage to Association property.

Child's Name: \_\_\_\_\_ Age: \_\_\_\_\_ DOB \_\_\_/\_\_\_/\_\_\_

Child's Name: \_\_\_\_\_ Age: \_\_\_\_\_ DOB \_\_\_/\_\_\_/\_\_\_

Child's Name: \_\_\_\_\_ Age: \_\_\_\_\_ DOB \_\_\_/\_\_\_/\_\_\_

Child's Name: \_\_\_\_\_ Age: \_\_\_\_\_ DOB \_\_\_/\_\_\_/\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

**\*Swim Test consists of: swimming ½ the length of the pool with confidence, treading water for 1 minute, and then swimming the remaining length of the pool with confidence. Successful completion of the swim test will be judged by the pool manager at his/her discretion**