



American Cancer Society
2022 Northern Colorado Cattle Baron's Ball
Official Free Charitable Drawing Rules-Kimber K6S Revolver

DESCRIPTION:

NO PURCHASE OR PAYMENT OF ANY KIND IS NECESSARY TO ENTER OR WIN. A PURCHASE OR PAYMENT WILL NOT INCREASE YOUR CHANCES OF WINNING. Funds raised will benefit the mission of the American Cancer Society, a 501(c)3 organization. Open to residents of Colorado. Void where prohibited by law and outside the United States. Subject to all federal, state and local laws, regulations, and ordinances. Free Drawing begins on September 17th, 2022 at 5:30:01 p.m. Mountain Time ("MT") and ends on September 17, 2022 at 9:30 p.m. MT (the "**Free Drawing Period**"). American Cancer Society, Inc.'s computer is the official time keeping device for this Free Drawing. THIS FREE DRAWING IS IN NO WAY SPONSORED, ENDORSED OR ADMINISTERED BY, OR ASSOCIATED WITH THE WEB HOST/PLATFORM AND TELEVISION OR SOCIAL MEDIA OUTLETS USED TO PROMOTE THE FREE DRAWING, INCLUDING: Wix.com, GiveSmart. ENTRANTS AND PARTICIPANTS RELEASE AND HOLD HARMLESS Jim & Kirsten Humphrey, GiveSmart. FOR ANY RESPONSIBILITY FOR THIS SWEEPSTAKES. YOU UNDERSTAND AND AGREE THIS SWEEPSTAKES IS NOT ENDORSED, SPONSORED OR ADMINISTERED BY Wix.com, GiveSmart.

ELIGIBILITY:

The AMERICAN CANCER SOCIETY® ("**ACS**") 2022 Northern Colorado Cattle Baron's Ball Free Drawing (the "**Free Drawing**") is open to legal U.S. residents currently residing in Colorado who are at least 21 years old as of the date of entry. ACS Inc. ("**Sponsor**"), and its affiliates, subsidiaries, representatives, consultants, contractors, legal counsel, advertising, public relations, promotional, fulfillment, and marketing agencies, website providers, and each of their employees, officers, and directors (collectively, the "**Free Drawing Entities**"), and members of their immediate families (spouses, parents, siblings and children, regardless of where they live) and those living in the same household are not eligible to enter or win. Participation constitutes participant's full and unconditional agreement to these Official Rules and to Sponsor's decisions, which are final and binding in all matters related to the Free Drawing and which Sponsor may decide in its sole discretion. Winning a prize is contingent upon fulfilling all requirements set forth herein.

SPONSOR:

American Cancer Society, Inc.; 3380 Chastain Meadows Pkwy NW, Suite 200; Kennesaw, GA 30144.

HOW TO ENTER:

NO PURCHASE OR PAYMENT OF ANY KIND IS NECESSARY TO ENTER OR WIN. During the Free Drawing Period, purchase a ticket from a designated ticket seller and make a suggested donation of \$100. Donations may be made in any amount by credit card. All entrant information should be completed upon request for ticket and include first name, last name, phone number, email address, and home address. Upon completion of your donation you automatically will be entered with one (1) entry into the Free Drawing. To obtain an entry without a contribution, send an email with the information specified above to Rachel.befort@cancer.org. Limit 15 entries per person. You must provide all required information to be eligible to enter and win.

LIMIT 15 entries per person. ADDITIONAL ENTRIES MAY BE DISQUALIFIED. Automated or bulk entries or entries submitted by third parties may be disqualified. Entries must be submitted by the participant. No copies, facsimiles, or mechanical reproductions of the entry form will be accepted. Multiple participants are not permitted to share the same email address. Any attempt by any participant to obtain more than the stated number of plays and/or entries by using multiple and/or different identities, forms, registrations, email addresses, logins, or any other methods will void that participant's plays and/or entries, and that participant may be disqualified at Sponsor's discretion. In the



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event of a dispute as to any entry, the authorized account holder of the email address associated with the pertinent account will be deemed to be the entrant. The "authorized account holder" is the natural person assigned an email address by an Internet access provider, online service provider or other organization responsible for assigning email addresses for the domain associated with the submitted address. Potential winners may be required to show proof of being the authorized account holder to the Sponsor or forfeit the prize. Entries that are incomplete, illegible, corrupted, false, lost, late or misdirected, deceptive or otherwise not in compliance with the Official Rules may be disqualified from the Free Drawing at Sponsor's sole and absolute discretion. All potential winners are subject to verification before any prize will be awarded. Normal Internet access, phone, and usage charges imposed by your online or phone service may apply.

SELECTION OF WINNER:

On September 17, 2022 Sponsor will select the name of potential winner(s) of prize(s) in a random drawing from among all entries received. The odds of winning are based on the number of eligible entries received. There will be two hundred (200) total tickets printed. The potential winner(s) will be notified in person on September 17, 2022.

If a potential winner(s) cannot be contacted in person via email, telephone, and/or registered mail after the first attempt to contact him/her, or if he/she fails to sign and return the Affidavit/Declaration of Eligibility, Liability & Publicity Release or any other documentation that Sponsor may require, in its sole discretion, within the required time period (if applicable), [if potential winner(s) and any companion are unavailable to travel within any time period specified by Sponsor,] or in the event that a potential winner is disqualified for any reason, Sponsor will award the applicable prize(s) to an alternate winner selected by a random drawing from among all remaining eligible entries. If Sponsor are unable to determine and verify a potential winners(s) after repeated alternate drawings or if Sponsor fails to receive a sufficient number of entries to correspond to the number of prize(s) available to be awarded, Sponsor reserves the right to not award the all prize(s). If a winner declines the prize, they must sign a Prize Waiver form.

Verification of Potential Winner(s): ALL POTENTIAL WINNER(S) ARE SUBJECT TO VERIFICATION BY SPONSOR, WHOSE DECISIONS ARE FINAL AND BINDING IN ALL MATTERS RELATED TO THE FREE DRAWING. A PARTICIPANT IS NOT A WINNER OF ANY PRIZE UNLESS AND UNTIL PARTICIPANT'S ELIGIBILITY HAS BEEN VERIFIED AND PARTICIPANT HAS BEEN NOTIFIED THAT VERIFICATION IS COMPLETE.

PRIZE:

There will be 1 prize awarded. Prize consists of (1) Kimber K6s First Edition 2 in Revolver

Total ARV of prize to be awarded: \$1,999

PRIZE RESTRICTIONS:

Any and all applicable federal, state, and local taxes and all fees and expenses related to acceptance and use of prize not specifically stated herein, including but not limited to, change of air travel fees, ground transportation, automobile insurance, meals, incidentals, passenger tariffs or duties, surcharges, service charges or facility charges, personal charges at lodging, security fees and/or other expenses, are the responsibility solely of winner(s). Prize(s) cannot be substituted, assigned, transferred, or redeemed for cash; however, Sponsor reserves the right to make equivalent prize substitutions. Prize(s) cannot be used in conjunction with any other promotion or offer. Only the number of prizes stated in these Official Rules is available to be won in the Free Drawing. If, by reason of a print or other error, more prizes are claimed than the number set forth in these Official Rules, prize winner(s) will be selected



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in accordance with the winner selection method described above from among all eligible claimants making purportedly valid claims to award the advertised number of prizes available.

Society staff and volunteers involved in the Free Drawing and their immediate family members may not participate. Society staff is defined as anyone employed in any capacity by ACS or the ACS Cancer Action Network. Volunteers involved in the Free Drawing are defined as ACS event chairs and committee members; volunteers not involved in the Free Drawing operations - who issue entries - may participate. Additionally, associates and immediate family of and its affiliates may not participate. Immediate family members of staff, volunteers, and associates and affiliates of include spouse, domestic partner, mother, father, siblings, children, grandchildren, and grandparents.

SPONSOR SHALL HAVE NO LIABILITY FOR ANY PERSONAL INJURIES, DEATH, PROPERTY DAMAGE, OR OTHER DAMAGES OR EXPENSES RESULTING FROM OR ARISING OUT OF ANY TRAVEL RELATED TO THE PRIZE OR ANY OTHER ASPECT OF PRIZE WINNER'S ACCEPTANCE OR USE OF THE PRIZE.

Terms of this item please read before bidding:

- Prospective transferee must be at least 21 years of age and a resident of Colorado.
- The item will not be available to take home night-of event. The firearm transfer should be between the owner and the transferee.
- Background check must be completed on the prospective transferee with a FFL (Federal Firearms Licensee), aka a licensed gun dealer. Winner is responsible for all background check and transfer fees.
- Transferors must identify transferees with a valid government issued photo ID and verify the name, date of birth, and address given by the transferee.
- A CO Concealed Handgun permit does not constitute valid ID for the purposes of the firearms background check; however, it may be used to establish CO residency if the valid ID does not.
- Approval of the transfer from the CO Bureau of Investigation is required after the background check is completed and before the new owner takes possession.
- Results of the background check and approval/non-approval from the Bureau must be provided to the winner.
- If winner cannot accept the firearm or lawfully obtain possession, the ticket price or winning donation bid can be refunded and the item will be forfeited.

TAXES AND OTHER FEES:

Winner(s) will be responsible for applicable local, state, and federal sales and withholding taxes, fees, and all expenses associated with ownership.

Prior to award of prize, winner(s) must complete an [IRS Form W-9](#) and other related documents, provide picture identification, or pay ACS all applicable withholdings with guaranteed funds (e.g., cashier's check, money order, etc.).

If the winner(s) does not provide [IRS Form W-9](#) or taxpayer ID number, they must pay ACS **31.58%** in backup withholding before receiving the prize, as follows:



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- The federal backup withholding tax on a prize with a fair market value of \$1,999 is \$631.28

If applicable, state and local tax withholding will be calculated and withheld based on winner's legal residence and the associated state law.

The winner(s) will receive IRS Form MISC-1099, postmarked by January 31, 2023, to complete their annual tax returns. Entrants should consult with their tax advisor regarding charitable deductions and taxes associated with drawing winnings.

GENERAL CONDITIONS:

Participation constitutes participant's full and unconditional agreement to these Official Rules and to Sponsor's decisions, which are final and binding in all matters related to the Free Drawing. Sponsor, and its agencies are not responsible for lost, late, incomplete, damaged, stolen, misdirected, or illegible entries; lost, interrupted, or unavailable network, server, or other connections, telephone transmission problems, or garbled transmissions or miscommunications; computer or software malfunctions, or damage to a user's computer equipment (software or hardware); technical failures; or other errors or malfunctions of any kind whether human, mechanical, electronic, or otherwise. Proof of sending or submission of entry will not be deemed proof of receipt by Sponsor. Sponsor's failure to enforce any term of these Official Rules shall not constitute a waiver of that provision.

WARNING: ANY ATTEMPT BY A PARTICIPANT OR ANY OTHER INDIVIDUAL TO DELIBERATELY DAMAGE ANY WEBSITE ASSOCIATED WITH THIS FREE DRAWING OR UNDERMINE THE LEGITIMATE OPERATION OF THE FREE DRAWING MAY BE A VIOLATION OF CRIMINAL AND CIVIL LAW, AND, SHOULD SUCH AN ATTEMPT BE MADE, SPONSOR RESERVES THE RIGHT TO PROSECUTE AND SEEK DAMAGES FROM ANY SUCH PERSON TO THE FULLEST EXTENT PERMITTED BY LAW. Sponsor reserves the right to disqualify any individual it finds to be attempting to tamper with or undermine the entry process, any website associated with the Free Drawing, and/or the legitimate operation of the Free Drawing; to violate the Official Rules; or to act in an unsportsmanlike or disruptive manner or with the intent to annoy, abuse, threaten, or harass any other person.

Sponsor reserves the right to cancel, suspend and/or modify the Free Drawing, or any part of it, if any fraud, technical failures or any factor beyond Sponsor's reasonable control impairs the integrity or proper functioning of the Free Drawing, as determined by Sponsor. If, for any reason, the Free Drawing cannot be run as planned, Sponsor may disqualify any suspect entries and (a) suspend the Free Drawing and modify the Free Drawing to address the impairment, then resume the Free Drawing in a manner that best conforms to the spirit of these Official Rules; and/or (b) terminate the Free Drawing and award the prize at random from among the eligible, non-suspect entries received up to the time of the impairment.

LIMITATION OF LIABILITY AND RELEASES; PUBLICITY:

BY PARTICIPATING IN THIS FREE DRAWING, PARTICIPANT AGREES THAT FREE DRAWING ENTITIES, Jim & Kirsten Humphrey, GiveSmart, Wix.com AND THEIR RESPECTIVE PARENT COMPANIES, AFFILIATES, SUBSIDIARIES, REPRESENTATIVES, CONSULTANTS, CONTRACTORS, LEGAL COUNSEL, ADVERTISING, PUBLIC RELATIONS, PROMOTIONAL, FULFILLMENT AND MARKETING, WEBSITE PROVIDERS, WEB MASTERS, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, REPRESENTATIVES, AND AGENTS (THE "RELEASED PARTIES") WILL HAVE NO LIABILITY WHATSOEVER FOR, AND SHALL BE HELD HARMLESS BY PARTICIPANTS AGAINST, ANY LIABILITY FOR ANY INJURIES, LOSSES OR DAMAGES OF ANY KIND TO PERSONS, INCLUDING PERSONAL INJURY OR DEATH, OR PROPERTY



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RESULTING IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, FROM ACCEPTANCE, POSSESSION, MISUSE, OR USE OF THE PRIZE, ENTRY, OR PARTICIPATION IN THIS FREE DRAWING OR IN ANY FREE DRAWING-RELATED ACTIVITY, OR ANY CLAIMS BASED ON PUBLICITY RIGHTS, DEFAMATION OR INVASION OF PRIVACY, OR MERCHANDISE DELIVERY. THE RELEASED PARTIES ARE NOT RESPONSIBLE IF THIS FREE DRAWING CANNOT BE ADMINISTERED OR CONDUCTED OR ANY PRIZE CANNOT BE AWARDED DUE TO CANCELLATIONS, DELAYS, OR INTERRUPTIONS RESULTING OR ARISING FROM ACTS OF GOD, WAR, OR TERRORISM, CIVIL UNREST, STRIKES, SUPPLY SHORTAGES, NATURAL DISASTERS, WEATHER, EPIDEMICS, COMPLIANCE WITH ANY LAW OR ORDER OF A GOVERNMENTAL AUTHORITY, OR ANY OTHER SIMILAR ACT, EVENT, OR OCCURANCE BEYOND THE REASONABLE CONTROL OF THE SPONSOR. [BY PARTICIPATING IN THIS FREE DRAWING, PARTICIPANT AGREES THAT THE RELEASED PARTIES WILL NOT BE RESPONSIBLE OR LIABLE FOR ANY INJURIES, DAMAGES, OR LOSSES OF ANY KIND, INCLUDING DIRECT, INDIRECT, INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES TO PERSONS, INCLUDING DEATH, OR TO PROPERTY ARISING OUT OF ACCESS TO AND USE OF ANY WEBSITE ASSOCIATED WITH THIS FREE DRAWING OR THE DOWNLOADING FROM AND/OR PRINTING MATERIAL DOWNLOADED FROM SUCH SITE.

EXCEPT WHERE PROHIBITED BY LAW, PARTICIPATION IN THE FREE DRAWING CONSTITUTES PARTICIPANT'S GRANT TO SPONSOR (WHICH GRANT WILL BE CONFIRMED IN WRITING ON REQUEST OF SPONSOR), AND THE RELEASED PARTIES THE RIGHT AND PERMISSION TO PRINT, PUBLISH, BROADCAST, AND USE, WORLD WIDE IN ANY MEDIA NOW KNOWN OR HEREAFTER DEVELOPED, INCLUDING BUT NOT LIMITED TO THE WORLD WIDE WEB, AT ANY TIME OR TIMES, THE PARTICIPANT'S ENTRY, NAME, PORTRAIT, PICTURE, VOICE, LIKENESS, OPINIONS AND BIOGRAPHICAL INFORMATION (INCLUDING BUT NOT LIMITED TO HOMETOWN AND STATE) FOR ADVERTISING, TRADE, AND PROMOTIONAL PURPOSES (INCLUDING THE ANNOUNCEMENT OF HIS OR HER NAME ON TELEVISION OR RADIO BROADCAST) WITHOUT ADDITIONAL CONSIDERATION, COMPENSATION, PERMISSION, OR NOTIFICATION.

WITHOUT LIMITING THE FOREGOING, EVERYTHING REGARDING THIS FREE DRAWING, INCLUDING ALL PRIZES, ARE PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT. SOME JURISDICTIONS MAY NOT ALLOW THE LIMITATIONS OR EXCLUSIONS OF LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES OR EXCLUSION OF IMPLIED WARRANTIES, SO SOME OF THE ABOVE LIMITATIONS OR EXCLUSIONS MAY NOT APPLY. CHECK LOCAL LAWS FOR ANY RESTRICTIONS OR LIMITATIONS REGARDING THESE LIMITATIONS OR EXCLUSIONS.

While participating in events held or sponsored by the American Cancer Society, Inc., ("ACS") "social distancing" must be practiced and face coverings worn at all times to reduce the risks of exposure to COVID-19. Because COVID-19 is extremely contagious and is spread mainly from person-to-person contact, ACS has put in place preventative measures to reduce the spread of COVID-19. However, ACS cannot guarantee that its participants, volunteers, partners, or others in attendance will not become infected with COVID-19. Go to <https://www.cancer.org/about-us/policies/covid-19-safety-acknowledgement.html> for the American Cancer Society's full COVID-19 Safety Acknowledgment -- Liability Waiver and Release of Claims.

DISPUTES:

This Free Drawing is governed by the laws of the United States. Except where prohibited, participant agrees that: (1) any and all disputes, claims and causes of action arising out of or connected with this Free Drawing or any prize awarded shall be resolved individually, without resort to any form of class action, and exclusively by the United States



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District Court for the state of Colorado or the appropriate State Court located in Weld County, CO (2) any and all claims, judgments and awards shall be limited to actual out-of-pocket costs incurred, including costs associated with entering this Free Drawing not to exceed fifty US Dollars (US\$50.00), but in no event attorneys' fees; and (3) under no circumstances will participant be permitted to obtain awards for, and participant hereby waives all rights to claim, indirect, punitive, incidental and consequential damages and any other damages, other than for actual out-of-pocket expenses, and any and all rights to have damages multiplied or otherwise increased. All issues and questions concerning the construction, validity, interpretation and enforceability of these Official Rules, or the rights and obligations of the participant and Sponsor in connection with the Free Drawing, shall be governed by, and construed in accordance with, the laws of the State of Colorado, without giving effect to any choice of law or conflict of law rules (whether of the State of Colorado or any other jurisdiction), which would cause the application of the laws of any jurisdiction other than the State of Colorado.

PRIVACY:

Information collected from participants is subject to the Sponsor's Privacy Policy, which can be found at <https://www.cancer.org/about-us/policies/privacy-statement.html>. Entities may use participants' and/or referrals' personal information submitted with entry for purposes of prize fulfillment and/or for future marketing by Sponsor, such as to notify them of a product or promotion that Sponsor thinks may be of interest. Sponsor will not sell personal information submitted with entry to outside solicitors.

OFFICIAL RULES AND WINNERS LIST:

For a copy of the Official Rules, visit www.cbbnoco.com . Send a self-addressed, stamped envelope for receipt by December 1, 2022 to PO Box 370207 Denver, CO 80237 For a copy of the Winners List.

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