

## License Agreement Notes

The License should be placed in both organizations permanent records and recorded with the Tuolumne County Recorder.

The "License Agreement" item 4 overlaps and is in harmony with the separate document "Declaration - Roads and Streets - CA - Tuolumne - Document - Book 1391 - Page 719 - 5-9-1996". "Declaration - Roads and Streets - CA - Tuolumne - Document - Book 1391 - Page 719 - 5-9-1996" does not discuss cost sharing and leaves the issue open. As a result, it defaults to California Civil Code section 845. California Civil Code section 845 subsections (c) allows for cost sharing via agreement. Cost sharing verbiage does exist in the "License Agreement" item 4.

The "License Agreement" item 5: California Civil Code Section 846 limits the "duty of care" our organization owes to recreational users of our property. Section 846 expressly protects our organization from tort claims by recreational users for injuries sustained on the property so long as we do not charge a fee to use the property for recreational purposes. For example, if our organization were to charge a fee to fish on the lake and someone was injured after they had paid the fee, section 846 would not prevent a valid claim for damages. However, so long as we don't charge a fee, section 846 prevents a valid claim from arising (for public policy reasons) and provides grounds for dismissal of the lawsuit.