

## 2023 Rose Festival Treasure Hunt Official Rules & Regulations

The Portland Rose Festival to provide clues to the secret location of a hidden treasure, and the first hunter to find it will win \$1,000. To participate, read the daily written clues provided on **RoseFestival.org Sunday, May 28, 2023** and hunt for the hidden treasure. See more details below. **NO PURCHASE OR PAYMENT OF ANY KIND IS NECESSARY TO RECEIVE CLUES OR WIN THE PRIZE. A PURCHASE OR PAYMENT WILL NOT INCREASE YOUR CHANCES OF WINNING. YOU HAVE NOT YET WON.**

BY PARTICIPATING IN THE 2023 ROSE FESTIVAL TREASURE HUNT (THE "TREASURE HUNT" OR "PROMOTION"), PARTICIPANTS ACCEPT AND AGREE TO BE BOUND BY ALL TERMS AND CONDITIONS IN THESE OFFICIAL RULES & REGULATIONS ("OFFICIAL RULES"). WINNING IS CONTINGENT ON FULFILLING ALL REQUIREMENTS SET FORTH IN THESE OFFICIAL RULES. ANY VIOLATION OF THESE RULES MAY RESULT IN DISQUALIFICATION, WITHOUT NOTICE OR OTHER OBLIGATION TO THE VIOLATOR. ALL DECISIONS OF SPONSOR ARE FINAL AND BINDING IN ALL RESPECTS. VOID WHERE PROHIBITED BY LAW.

- 1. Sponsor.** The sponsor of this Promotion is the Portland Rose Festival Foundation (1020 SW Naito Parkway, Portland, OR 97204),
- 2. Promotion Period.** The Promotion begins at 10:00 a.m. Pacific Daylight Time ("PDT") on Sunday, May 28, 2023 and ends when Sponsor has verified and announced that a winner has found the hidden treasure and been awarded the prize or, in the event the hidden treasure is not found and the prize awarded by June 12, 2023, the contest will terminate and no prize will be awarded.
- 3. Eligibility.** The Rose Festival Treasure Hunt is open only to legal residents of the fifty (50) United States who are at least twenty-one (21) at the time of participating and who can provide proof of U.S. residency; however, note that the hidden treasure will be located in one the following counties in Oregon or Washington so you will need to be there to hunt for the treasure: Multnomah, Clackamas, Clark, Washington, or Yamhill. Residents of U.S. territories and possessions; U.S. military installations in foreign countries; and all locations not physically located within the continental United States are excluded from this Promotion. Employees, officers, directors, agents, independent contractors, and advertising and promotion agencies of Sponsor and its parent companies, subsidiaries, and affiliates, and each of their immediate family members (spouse, parents, siblings, and children) and household members of such individuals are not eligible to participate. This Promotion is subject to all applicable federal, state, and local laws and regulations. Sponsor reserves the right to disqualify any participant that Sponsor determines, in its sole discretion, is ineligible to participate.
- 4. How to Participate; Treasure Hunting Rules.** To participate, read the daily written clues provided on RoseFestival.org starting May 28, 2023 and hunt for the hidden treasure. **Hunters are NOT permitted to communicate with The Portland Rose Festival staff or Treasure Hunt Sponsors for additional clue clarification, advice or assistance.** The treasure to be found is a 2.5-inch by 3-inch block of Lucite with a special Rose Festival Medallion imbedded in it. The block will be placed in a small metal case and will be hidden on public property in one of five counties: Multnomah, Clackamas, Clark, Washington, or Yamhill. The treasure will not be buried, and no structure or object will need to be disturbed to find it.

Treasure hunting should be limited to daylight hours. Hunters must be respectful of others' privacy, property, and person. **THE TREASURE WILL NOT BE HIDDEN ON PRIVATE PROPERTY, AND SEARCHING ON PRIVATE PROPERTY IS EXPRESSLY PROHIBITED.** Areas being searched should be left undisturbed, in the same condition as before the search. Any treasure hunter found to have violated these rules, in Sponsor's sole discretion, will be ineligible to win the prize, even if the treasure hunter finds the treasure.

The first hunter to find the treasure must contact the Game Master and bring it to the Portland Rose Festival Foundation office (1020 SW Naito Parkway, Portland, OR 97204) for validation of the treasure and eligibility and to redeem the prize described below. The hunter with the treasure must provide to Sponsor their name, date of birth, email address (if any), physical address, and phone number and comply with all other requirements in these Official Rules.

5. **Prize and Winner:** There will be only one (1) prize winner. Only one (1) prize (described below) will be awarded to the participant who locates the treasure and is deemed by Sponsor, in its sole discretion, eligible to win. LOCATING THE TREASURE AND PRESENTING IT TO SPONSOR WILL NOT AUTOMATICALLY MAKE THE TREASURE FINDER THE ACTUAL PRIZE WINNER. Receiving the prize is contingent upon meeting all eligibility requirements and compliance with these Official Rules. In the event Sponsor deems a potential winner ineligible, Sponsor reserves the right to hide the treasure within one of the following counties again and to allow the Promotion to continue: Multnomah, Clackamas, Clark, Washington, or Yamhill. The ineligible participant will no longer be allowed to participate in the Promotion.

The prize consists of \$1,000, Portland Rose Festival Foundation, 1020 SW Naito Parkway, Portland Oregon 97204.

The Internal Revenue Service requires a Form 1099 MISC to be filed by any prize winner if the value of any prize received by the winner is \$600 or more. Sponsor will issue a Form 1099 MISC to the prize winner for the total ARV of the prize, and the prize winner is solely responsible for filing this completed form with the Internal Revenue Service.

ALL APPLICABLE FEDERAL, STATE, AND LOCAL TAXES AND OTHER GOVERNMENT CHARGES ASSOCIATED WITH ACCEPTANCE AND USE OF THE PRIZE IS THE SOLE RESPONSIBILITY OF THE WINNER. All expenses and items not specifically mentioned in these Official Rules are not included and are the winner's sole responsibility. By participating, the winner waives the right to claim as a cost of winning the prize, the cost of taxes arising out of the prize or any other cost associated with obtaining or using the prize. The prize may not be exchanged, substituted, transferred, or assigned by the winner. Sponsor reserves the right in its sole and absolute discretion to award a substitute prize of equal or greater value if the prize (or any portion thereof) described in these Official Rules is unavailable or cannot be awarded for any reason. The ARV of the prize represents Sponsor's good faith determination. That determination is final and binding and cannot be challenged or appealed. If the actual value of the prize turns out to be less than the stated ARV, the difference will not be awarded in cash or otherwise. Additional restrictions, conditions, and limitations may apply.

Sponsor will coordinate prize pick-up or delivery with the winner directly. If Sponsor delivers the prize via mail, the prize will be deemed delivered to the winner once the prize is delivered by Sponsor to the U.S. Postal Service or other common carrier of Sponsor's choosing. Sponsor will not be responsible or liable for a lost, stolen, or damaged prize once delivered to the U.S. Postal Service or other common carrier, or for any loss or damages arising out of or relating to the delivery the prize.

6. **Odds of Winning:** The odds of winning the prize depend on the number of eligible individuals who participate in the Promotion.

7. **Publicity Release; Affidavit of Eligibility.** The potential winner must sign a publicity release and affidavit of eligibility before award of the prize. Requiring the potential winner to sign such documents, however, in no way limits these Official Rules or the releases contained herein.

The winner may be announced on Sponsor's websites, social media sites, and/or in other marketing materials. Each participant acknowledges and agrees that if he, she, they are the winner, their personally identifying information may be disclosed to third parties, including on a winner's list, as required by law. Further, each participant acknowledges and agrees that if they are the winner, their personally identifying information is subject to Portland Rose Festival Foundation's privacy policy, located at <http://www.rosefestival.org/privacy-policy>. Each participant acknowledges and agrees that they has read,

understands, and agrees to the Portland Rose Festival Foundation privacy policies, which are incorporated into and made a part of these Official Rules by this reference. However, notwithstanding anything to the contrary in this privacy policy, each participant acknowledges and agrees that if they are the winner, Sponsor may use their personally identifying information for marketing Sponsor's services, products, offers, and events to them. The winner may unsubscribe from receipt of such marketing communications at any time. Neither the winner nor any participant will be required to disclose personal financial information to participate.

Unless prohibited by law, acceptance of the prize shall constitute and signify the winner's agreement and consent that Sponsor, and third parties on Sponsor's behalf, may use the winner's name, city and state of residence, biographical data, voice, statements, image, likeness, and/or prize won (collectively the winner's "Name and Likeness") for marketing and promotional purposes and for any other business purpose, in any media, now known or hereafter developed, throughout the world, including on the Internet, without providing additional notice, consent, review opportunity, or consideration to the winner. Each participant agrees that, if they are the winner, Sponsor (and third parties on Sponsor's behalf) has(ve) the unrestricted, absolute, perpetual, and worldwide right to reproduce, copy, exhibit, display, perform, transmit, broadcast, distribute, modify, create derivatives of, and otherwise use the winner's Name and Likeness. Each participant agrees that, if they are the winner, Sponsor may alter the winner's Name and Likeness and may combine the winner's Name and Likeness with other materials and information (including without limitation, text, data, images, photographs, illustrations, animation and graphics, or video or audio segments of any nature, in any media or embodiment, now known or hereafter developed). Each participant accepts and acknowledges that Sponsor shall not be obligated to use the winner's Name and Likeness, and Sponsor shall not incur any liability whatsoever to the extent Sponsor chooses to refrain from any exploitation of its rights hereunder.

**8. Release.** By participating, each participant assumes all liability for and all risk of any injury or damage caused or claimed to be caused by participation in this Promotion. Sponsor expressly disclaims any and all responsibility and/or liability for death, injury, or loss to any person or property relating to participants' participation in the Promotion and/or the delivery, possession, use, or misuse of the prize. By participating, each participant (i) agrees to release the Portland Rose Festival Foundation and each such entity's respective parent companies, subsidiaries, affiliates, and advertising and promotion agencies, and each such company's officers, directors, employees, agents, and independent contractors (collectively, the "Releasees") from any and all liability for any and all causes of action (however named or described), losses, damages, injuries, death, damage to or loss of personal property, costs and expenses (including reasonable attorneys' fees) of any kind arising out of or relating to participant's participation in this Promotion; the winner's acceptance, possession, use, or misuse of the prize; and/or Releasees use of your Name and Likeness under Section 7 above (including without limitation liability from claims for libel, defamation, invasion of privacy or right of publicity, or violation of any other right); and (ii) agrees to hold harmless and indemnify the Releasees from and against all losses, liability, damages, injuries, death, damage to or loss of personal property, causes of action (however named or described), and/or costs and expenses (including reasonable attorneys' fees) of any kind, arising out of or relating to participant's participation in the Promotion; the winner's acceptance, possession, use, or misuse of the prize; and/or Releasees use of your Name and Likeness under Section 7 above (including without limitation liability from claims for libel, defamation, invasion of privacy or right of publicity, or violation of any other right). The prize must be accepted as awarded, and the prize will be awarded "AS IS" and "AS AVAILABLE" with no guarantee, warranty, or representation, express or implied, in fact or in law.

**9. Limitation of Liability.** Releasees are not responsible for: (i) Any incorrect or inaccurate information, whether caused by participants, printing or typographical errors, or by any of the equipment or programming associated with or utilized in the Promotion; (ii) technical failures of any kind, including without limitation malfunctions, interruptions, or disconnections in phone lines, network availability, server or other connections, hardware or software, or other equipment; or other disruption related to Internet traffic, viruses, or otherwise; (iii) forces beyond the reasonable control of Sponsor that may cause the Promotion to be disrupted or corrupted; (iv) unauthorized human intervention in any part of the operation of the Promotion; (v) technical or human error that may occur in the administration of the Promotion; or (vi) any death, injury or damage to persons or property which may result, directly or indirectly, in whole or in

part, from a participant's participation in the Promotion.

**10. Disputes; Additional Limitations of Liability.** Except where prohibited, participant agrees that: (i) These Official Rules, and the rights and obligations of the participants and Sponsor in connection with the Promotion, shall be governed by, and construed in accordance with, the laws of the State of Oregon, without giving effect to any conflict-of-law rules that would result in the application of the laws of any other jurisdiction; (ii) any and all disputes, claims, and causes of action arising out of or connected with this Promotion or the prize awarded shall be resolved individually, without resort to any form of class action, and exclusively by the courts located in Multnomah County, Oregon, and participants submit to the exclusive jurisdiction and venue of the courts located in Multnomah County, Oregon for any and all causes of action relating to this Promotion; (iii) any and all claims, judgments, and awards shall be limited to the greater of (a) actual out-of-pocket costs incurred by the applicable participant relating to the Promotion, including costs associated with entering and participating in the Promotion and claiming the prize (if any), or (b) USD 25.00; but in no event will any participant be awarded attorneys' fees; (iv) under no circumstances will participants be permitted to obtain awards for, and participants hereby waive all rights to claim, indirect, punitive, special, exemplary, incidental, and consequential damages; and (v) under no circumstances will participants be permitted to obtain awards for, and participants hereby waive all rights to have, damages multiplied or otherwise increased. **SOME JURISDICTIONS DO NOT ALLOW THE LIMITATION OR EXCLUSION OF LIABILITY FOR CERTAIN DAMAGES SO THE ABOVE MAY NOT APPLY TO YOU.**

**11. General:** The Portland Rose Festival Foundation reserves the right to cancel, suspend, and/or modify this Promotion if fraud or technical failures or any other factor beyond their reasonable control compromise the integrity of the Promotion, as determined by the aforementioned in their sole discretion. Sponsor reserves the right, in its sole discretion, to disqualify any individual who Sponsor finds to be tampering with the operation of the Promotion or to be acting in violation of the Official Rules of this Promotion or any other promotion or in an unsportsmanlike or disruptive manner. Sponsor's failure to enforce any term of these Official Rules shall not constitute a waiver of such term on another occasion or any other term. Unless required by law, Sponsor is not required to review or respond to any correspondence received from a participant.

**CAUTION:** Any attempt by any person to defraud Sponsor in connection with the Promotion, to damage any website, or to otherwise deliberately undermine the legitimate operation of the Promotion, may be a violation of criminal and civil laws and subject to criminal and civil penalties. Should such an attempt be made, Sponsor will disqualify any such person from the Promotion, without notice to such person, and Sponsor reserves the right to seek damages and other remedies from any such person to the fullest extent permitted by law and to cooperate in the prosecution of any such conduct.

**12. Winner Posting:** Name of winner will be posted on Rose Festival website and made public as a News item.

**13. Questions:** These Official Rules are on file with the Portland Rose Festival Foundation office. Questions regarding these Official Rules or the Promotion may be directed to the Portland Rose Festival at 503-227-2681. Rose Festival Treasure Hunt clues are conceived and produced by an independent Clue Master not employed by the Rose Festival or the event sponsors. **Hunters are not allowed to contact the Rose Festival or Sponsors for additional clue information or clarification.**

**Consumer Disclosure: You have not yet won. No purchase or payment of any kind is necessary to participate in or win this Promotion. A purchase or payment will not increase your chances of winning. One prize of \$1,000 from the Portland Rose Festival Foundation will be awarded to the eligible participant who first finds the hidden treasure. The odds of winning depend on the number of eligible participants. Restrictions apply: Must be 21 years of age, U.S. resident, and located in Multnomah, Clackamas, Clark, Washington, or Yamhill County in order to hunt for the treasure; winner responsible for all taxes and expenses not specifically included in the prize.**

**Promotion begins at 10:00 a.m. Pacific Daylight Time on May 28, 2023 and ends when Sponsor has verified and announced that a winner has found the hidden treasure and been awarded the prize. Sponsor: Portland Rose Festival Foundation (1020 SW Naito Parkway, Portland, OR 97204)**

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