

**American Cancer Society
2023 Tyler Cattle Barons' Gala
Truck Official Raffle Rules**



DESCRIPTION:

This raffle is conducted by the American Cancer Society, Inc. (ACS). Open to residents of Texas, 18+. Void where prohibited by law and outside the United States. Subject to all federal, state, and local laws, regulations, and ordinances. Raffle begins on April 1, 2023, at 12:00:01 a.m. Central Time (“CT”) and ends on [June 10, 2023, Day, at 9:30:00 p.m. CT (the “Raffle Period”). American Cancer Society, Inc.’s computer is the official time keeping device for this Raffle. THIS RAFFLE IS IN NO WAY SPONSORED, ENDORSED OR ADMINISTERED BY SUSAN ROBINSON FINE JEWELRY. ENTRANTS AND PARTICIPANTS RELEASE AND HOLD HARMLESS SUSAN ROBINSON FINE JEWELRY FOR ANY RESPONSIBILITY FOR THIS RAFFLE. YOU UNDERSTAND AND AGREE THIS RAFFLE IS NOT ENDORSED, SPONSORED OR ADMINISTERED BY SUSAN ROBINSON FINE JEWELRY.

Funds raised will benefit the mission of the American Cancer Society, a 501(c) 3 organization. The financial statements of the American Cancer Society, Inc. may be found on cancer.org.

ELIGIBILITY:

The AMERICAN CANCER SOCIETY® (“ACS”) 2023 Tyler Cattle Barons’ Gala Truck Raffle (the “Raffle” is open to legal U.S. residents currently residing in Texas who are at least 18 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, and each of their employees, officers, and directors (collectively, the “Raffle 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 Raffle 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.; P.O. Box 140069, Dallas, TX 75214

HOW TO ENTER:

During the Raffle Period, purchase a ticket for \$100. Purchases may be made by cash, debit card, or check. Checks should be made out to the American Cancer Society. All entrant information should be completed upon purchase of ticket(s). Tickets are available for purchase from ACS staff, volunteer ticket sellers, and select registered participants during the raffle sales period. All entrant information should be completed upon request for ticket and include first name, last name, phone number, email address, and home address. Upon purchase you automatically will be entered with one (1) entry into the raffle. You must provide all required information to be eligible to enter and win. By entering, you agree that Sponsor may contact you via the contact information provided.

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Please note: By entering in this raffle, you signify and agree that your entry and any other materials submitted in connection with this raffle may be posted on Sponsor's website and/or applications associated with the raffle in a manner that is consistent with these Official Rules. You must provide all required information to be eligible to enter and win. All potential winners are subject to verification before any prize will be awarded.

FIFTY (50) ENTRIES PER PERSON OR HOUSEHOLD. 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. Any attempt by any participant to obtain more than the stated number of [entries and/or] plays by using multiple and/or different identities, forms, [registrations, email addresses, logins, or any other methods will disqualify that participant's entries, and that participant and/or entries may be disqualified. Multiple participants are not permitted to share the same email address. In the event of a dispute as to any registration, the authorized account holder of the email address used to enter will be deemed to be the participant. 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 specifying an invalid, non-working, or inactive email address will be disqualified. Incomplete, illegible, or untimely entries will be disqualified.

SELECTION OF WINNER:

At Texas Rose Horse Park located at 14078 TX-110, Tyler, TX 75700 on June 10, 2023, at 9:45 pm CT. Sponsor will randomly select the name of potential winner of prize from a physical receptacle among all entries received. odds of winning are based on the number of eligible entries received. There will be one thousand total tickets printed. The potential winner will be notified by email and/or telephone on or about June 12, 2023. In the case of inclement weather or act of nature that interferes with the planned drawing date/time, the drawing will be held on **Sunday June 11, 2023**, at **Texas Rose Horse Park at 11:00am CT**

Except where legally prohibited, potential Prize winner/s must sign and return, within seven (7) days of being notified, an Affidavit/Declaration of Eligibility, Liability & Publicity Release in order to claim his/her prize.

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 winner(s) after repeated alternate drawings or if Sponsor fails to receive a sufficient number of entries to

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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 Raffle 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 RAFFLE. 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 one 2023 GMC Elevation edition crew cab. Approximate Retail Value ("ARV") of Prize: \$59,410. Total ARV of prize to be awarded: \$59,410.

There is no alternative cash prize option. Prizes may not be substituted or transferred until after award.

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 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 Raffle. If, by reason of a print or other error, more prizes are claimed than the number set forth in these Official Rules, prize winner will be selected 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.

ACS staff, defined as anyone employed in any capacity by ACS, ACS CAN, or the ACS national Board of Directors, may not participate. No ACS volunteers, Event Chairs, Committee Members, Team Captains, or event participants will not be involved with the Free Drawing operations. Volunteer ticket sellers are eligible to win if they obtain an entry from another designated ticket seller

Associates and immediate family of Hall Buick GMC and its affiliates may not participate. Immediate family members of staff, volunteers, and associates and affiliates of Susan Robinson Fine Jewelry include spouse, domestic partner, mother, father, siblings, children, grandchildren, and grandparents.

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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 ACCEPTANCE OR USE OF THE PRIZE.

TAXES AND OTHER FEES:

Winner will be responsible for applicable local, state, and federal sales and withholding taxes, fees, tax, title and licensing of the vehicle and all expenses associated with ownership.

The Federal withholding tax on a prize with a fair market value of \$59,410 is \$14,258 (24%). State and local tax withholding will be calculated and withheld based on winner's legal residence and the associated state law.

If the winner 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:

- The federal backup withholding tax on a prize with a fair market value of \$59,410 is \$18,762

The winner will receive a W2-G, postmarked by January 31, 2024, to complete their annual tax returns.

Winners may not donate any prize, including monetary prizes, back to ACS. Winners must accept prize and must complete any applicable IRS filings and pay any applicable state and Federal taxes. If a winner declines the prize, they must sign a *Raffle Prize Waiver* form.

The IRS has taken the position that raffle ticket purchases are not gifts and therefore do not qualify as a charitable donation. Entrants should check with their tax advisor regarding tax components of ticket purchases or taxes associated with raffle 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 Raffle. 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.

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WARNING: ANY ATTEMPT BY A PARTICIPANT OR ANY OTHER INDIVIDUAL TO DELIBERATELY UNDERMINE THE LEGITIMATE OPERATION OF THE RAFFLE 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, and/or the legitimate operation of the Raffle; 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 Raffle, 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 Raffle, as determined by Sponsor. If, for any reason, the Raffle cannot be run as planned, Sponsor may disqualify any suspect entries and (a) suspend the Raffle and modify the Raffle to address the impairment, then resume the Raffle in a manner that best conforms to the spirit of these Official Rules; and/or (b) terminate the Raffle and award the prize at random from among the eligible, non-suspect entries received up to the time of the impairment. Once the drawing has taken place, there will be no refunds given for any reason. If you are removed or ejected from the event venue for any reason, you are not eligible for a refund on your entry fee.

LIMITATION OF LIABILITY AND RELEASES; PUBLICITY:

BY PARTICIPATING IN THIS RAFFLE, PARTICIPANT AGREES THAT RAFFLE ENTITIES, SUSAN ROBINSON FINE JEWELRY 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 RESULTING IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, FROM ACCEPTANCE, POSSESSION, MISUSE, OR USE OF THE PRIZE, ENTRY, OR PARTICIPATION IN THIS RAFFLE OR IN ANY RAFFLE-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 RAFFLE 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 OCCURRENCE BEYOND THE REASONABLE CONTROL OF THE SPONSOR. [BY PARTICIPATING IN THIS RAFFLE, 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 RAFFLE OR THE DOWNLOADING FROM AND/OR PRINTING MATERIAL DOWNLOADED FROM SUCH SITE.

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EXCEPT WHERE PROHIBITED BY LAW, PARTICIPATION IN THE RAFFLE 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 RAFFLE, 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.

COVID-19 SAFETY INFORMATION:

While participating in events held or sponsored by the American Cancer Society, Inc., ("ACS"), consistent with CDC guidelines, participants are encouraged to practice hand hygiene, "social distancing" and wear face coverings 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 Raffle 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 Raffle or any prize awarded shall be resolved individually, without resort to any form of class action, and exclusively by the United States District Court for the District of Texas or the appropriate State Court located in Smith County, Texas (2) any and all claims, judgments and awards shall be limited to actual out-of-pocket costs incurred, including costs associated with entering this Raffle 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 Raffle, shall be governed by, and construed in accordance with, the laws of the State of Texas,

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without giving effect to any choice of law or conflict of law rules (whether of the State of Texas or any other jurisdiction), which would cause the application of the laws of any jurisdiction other than the State of Texas.

PRIVACY:

Information collected from participants is subject to the Sponsor's Privacy Statement, 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 <https://www.tylercattlebaronsgala.org> or by emailing melissa.ivey@cancer.org

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