

As partial consideration for my participation in the Cupcake Pilates® Exercise Program (the “**Program**”), I agree as follows:

Assumption of Risk. I AGREE THAT MY PARTICIPATION IN THE PROGRAM, WHETHER I TAKE PART IN ACTIVITIES ON A GROUP OR INDIVIDUAL BASIS, IS AT MY OWN RISK. I UNDERSTAND THAT TAKING PART IN PHYSICAL EXERCISE, FITNESS, AND OTHER PHYSICAL ACTIVITIES COMES WITH AN INHERENT RISK OF SERIOUS OR FATAL INJURY OR OTHER LOSS. ACCORDINGLY, I WAIVE MY RIGHT TO ASSERT ANY CLAIM OR FILE ANY LAWSUIT AGAINST LACY FABIAN AND FABIAN, LLC (COLLECTIVELY, THE “**COMPANY**”) FOR ANY INJURY OR LOSS I MAY SUSTAIN. I ALSO RELEASE AND AGREE TO HOLD HARMLESS COMPANY FROM ANY CLAIM FOR PERSONAL INJURY, DAMAGE, OR WRONGFUL DEATH BY ME, OR MY ESTATE, HEIRS, OR ASSIGNS, ARISING OUT OF MY PARTICIPATION IN THE PROGRAM, INCLUDING CLAIMS ARISING BOTH DURING THE PROGRAM AND AFTER I COMPLETE THE PROGRAM, AND INCLUDING (BUT NOT LIMITED TO) CLAIMS BASED ON NEGLIGENCE OF OTHER PARTICIPANTS OR COMPANY.

No Warranties. I FURTHER UNDERSTAND AND AGREE THAT COMPANY MAKES NO WARRANTIES, EXPRESS OR IMPLIED, AS TO THE PROGRAM, THE RESULTS OF THE PROGRAM, THE PROPERTY ON WHICH THE PROGRAM WILL TAKE PLACE, ANY PERSONS IN ATTENDANCE AT THE PROGRAM, WHETHER I HAVE ANY HEALTH LIMITATIONS THAT WOULD PRECLUDE MY PARTICIPATION IN THE PILATES PROGRAM, OR ANY OTHER WARRANTY, GUARANTY, OR REPRESENTATION, RELATING TO THE PROGRAM. I ACKNOWLEDGE COMPANY’S DISCLAIMER OF THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. ANY STATEMENTS MADE BY COMPANY ARE FOR INFORMATIONAL PURPOSES ONLY, AND DO NOT CONSTITUTE HEALTH OR MEDICAL ADVICE.

Personal Responsibility. Company has advised me to consult a physician before I undertake any physical exercise program. To the best of my knowledge, I am in good health and sufficient physical condition to participate in the Program. I understand that the Program does not provide medical advice or diagnosis, nor does it guarantee any level of weight loss or physical fitness or any other health benefits.