

# Official Entry Form-Bourbon Donation BTAC/Van Winkle 2019

Name of Organization: \_\_\_\_\_

Contact or Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Describe your organization. Include a mission statement and who is served by your organization.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Describe your event. Include details related to how a winner for the donation item(s) will be chosen, date, time and location of the event, if known.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please include proof of non-profit status with this application. See Terms and Conditions for acceptable proof of eligibility. \*KY Charities--A copy of the Temporary Auction License (KRS 243.036) must be provided at pickup if disposal of product is through a raffle.**

# Party Town Bourbon Donation Terms and Conditions

## BASIC REQUIREMENTS:

- Applicant must be a 501(c)(3) nonprofit organization located in the States of Ohio, Indiana or Kentucky.
- Applicant must send a letter of application between October 1, 2019 and October 31, 2019 with a description of the nonprofit organization and the event to be held to raise funds for the organization as it relates to the donation.
- Applicant representative must be at least twenty-one (21) years of age at the time of application and be able to pick up the donation from Party Town. No donations will be shipped under any circumstances. KY Charities will be required to provide a copy of the Temporary Auction License (KRS 243.036) at time of pickup.

Before you submit an Application to the BTAC/Van Winkle Bourbon Whiskey Charitable Donation (“Donation”), please read the Terms and Conditions below. By applying, you signify that you and the Eligible Entity on whose behalf you are submitting the Application agree to be bound by these Terms and Conditions.

## WHO CAN APPLY:

The Donation is open to Eligible Entities who apply via an Authorized Representative. An Eligible Entity is an existing nonprofit organization under Section 501(c)(3) of the United States Tax Code [26 U.S.C. Section 501(c)(3)] at the time the Application is submitted that is located in Ohio, Indiana, or Kentucky. Eligible Entities will be required to submit proof of eligibility to Party Town LLC in the form of an Employer Identification Number, IRS Determination Letter, Articles of Incorporation, Certificate of State Registration, or other form of government-issued documentation deemed acceptable by Party Town LLC in its sole and absolute discretion. Proof of eligibility will be evaluated by Party Town LLC in its sole and absolute discretion.

An Authorized Representative is an individual who is (a) 21 years of age or older, (b) a legal resident of one above mentioned states, and (c) a legally authorized representative of an Eligible Entity for purposes of submitting an Application to the Donation. An Authorized Representative may be required to submit written proof of his or her authorization to apply to the Donation on behalf of an Eligible Entity. Proof of authorization will be evaluated by Party Town LLC in its sole and absolute

discretion. Party Town LLC is not responsible or liable for any disputes between individuals and organizations arising under or related to the Donation.

Party Town LLC reserves the right to disqualify any individual, entity, or organization that is determined, in our sole and absolute discretion, to be (a) tampering or attempting to tamper with the application process, the operation of the Donation; (b) violating these Terms and Conditions; (c) violating the terms of service, conditions of use and/or general rules of any Party Town application process; or (d) acting in an unsportsmanlike or disruptive manner, or with intent to annoy, abuse, threaten, harass any other person or acting fraudulently in any manner.

#### APPLICATION REQUIREMENTS:

During the Application Period [from 12:00 a.m. Eastern Time (“ET”) on October 1, 2019 to 11:59 p.m. ET on October 31, 2019], an Authorized Representative must submit a letter of application (including without limitation providing the date of the Eligible Entity’s fundraising event that will take place no later than December 20, 2020), and either mail by USPS or drop off in person at the physical location of Party Town LLC (6823 Burlington Pike Florence, KY 41042) to submit an Application.

Limit one (1) Application per Eligible Entity during the Application Period.

After submission, Applications may be reviewed for compliance with these Terms and Conditions. Such review does not relieve the Eligible Entity from responsibility for compliance with these Terms and Conditions. Applications that do not comply with these Terms and Conditions or that otherwise contain prohibited or inappropriate content as determined by Party Town LLC, in its sole and absolute discretion, may be disqualified at any time. Party Town LLC, in its sole and absolute discretion, will make the final determination as to which Authorized Representatives, Eligible Entities, and/or Applications will be deemed accepted and eligible for participation in the Donation.

#### SELECTION PROCESS:

Representatives of Party Town LLC will select Eligible Entities as potential Participants in the Donation. The number of Eligible Entities will be determined by the number of bottles made available to Party Town LLC through the the three tier distribution process in place to regulate the sale of alcohol in the Commonwealth of Kentucky. Each potential Participant will be required to sign and return Affidavit of

Eligibility/Liability & Publicity Release (“Release”) within 10 days of first attempted notification. Failure to comply within this time period may result in disqualification and selection of an alternate potential Participant. In such event, Party Town LLC will have no further responsibility to the potential Participant in connection with the Donation. Party Town will award at least one (1) bottle of BTAC/Van Winkle to each selected Participant, subject to verification of eligibility and compliance with these Terms and Conditions and determined by the volume of applicants as related to the availability of said bottles. Bottle type/brand to be determined at the sole discretion of Party Town LLC. Participants will be announced on the Party Town LLC website on or about December 1, 2019.

#### TAXES:

Party Town LLC recommends that all Eligible Entities review their Application with their legal/tax advisor to determine their potential tax liability, if any, in connection with obtaining said brands of whiskey from Party Town LLC as part of this Donation. If there is any tax liability, it will be the sole responsibility of the Eligible Entity.

#### GENERAL:

If for any reason the Donation is not capable of being administered as planned, including without limitation, lack of sufficient number of Eligible Entities or Applications to support the continuation of the Donation, infection by computer virus, bugs, tampering, unauthorized intervention, fraud, technical failures, or any other causes which corrupt or affect the administration, security, fairness, integrity or proper conduct of the Donation, or for any reason Party Town LLC deems, in its sole and absolute discretion, that the Donation is not meeting the expected goals, Party Town LLC reserves the right, in its sole and absolute discretion to cancel, modify or terminate the Donation.

By submitting an Application to Party Town LLC, each Eligible Entity represents and warrants that, if it is selected as a Participant in the Donation, it will (a) complete its fundraising event involving the bottle(s) of donated whiskey by no later than December 20, 2020; (b) report the amount fundraised by the bottle(s) of donated whiskey by no later than December 31, 2020; and (c) dispose of the bottle(s) of donated whiskey in accordance with all applicable laws and regulations.

Party Town LLC reserves the right, in its sole and absolute discretion, to require an Eligible Entity and/or Authorized Representative to submit to a confidential background check to confirm eligibility and help ensure that the use of any person in advertising or publicity for the Donation will not bring Party Town LLC into public disrepute, contempt, scandal or ridicule or reflect unfavorably on Party Town LLC, its agents or the Donation as determined by Party Town LLC in its sole and absolute discretion.

These Terms and Conditions and their performance will be binding on the Eligible Entity, the Authorized Representative, and their respective heirs, administrators, executors, successors and assigns.

The construction, validity, interpretation and enforceability of these Terms and Conditions and this Donation will be governed by and construed in accordance with the laws of the State of Kentucky without giving effect to any choice of law or conflict of law rules. By submitting an Application, entrants consent to the jurisdiction and venue of the federal, state and local courts located in Kentucky. Notwithstanding the foregoing, entrant acknowledges that Party Town LLC may nonetheless: (1) seek to obtain injunctive or other equitable relief from any court to enforce the provisions of these Terms and Conditions; and/or (2) bring an action in any court to protect or interpret any of Party Town's purported intellectual property rights.

Eligible Entity will execute any documents (after being afforded a reasonable opportunity to review and/or confirm the same) and do any other acts as may be reasonably required by Party Town to further evidence or effectuate Party Town's rights as set forth in these Terms and Conditions. Eligible Entity appoints Party Town as its attorney-in-fact (which appointment is irrevocable and coupled with an interest), with full power of substitution and delegation, but only to execute any and all such documents, or perform such acts, which Eligible Entity fails to execute (after being afforded a reasonable opportunity to review and/or confirm the same).