

RUIDOSO DOWNS 2022 THOROUGHBRED RACING TERMS AND CONDITIONS

The undersigned represents that he/she and all persons for whom he/she is acting agree to be bound by and comply with the New Mexico State Racing Commission (NMRC) Rules of Racing, the Ruidoso Downs' race meeting conditions, and the acts and decisions of the NMRC and All American Ruidoso Downs LLC (AARD) management. Further, that all horses owned in whole or in part by the undersigned are subject to the acts and decisions of the NMRC and the racing officials, and agree to be bound by these terms and conditions. All stall assignments, entries in stakes and all other races, are received and accepted subject to compliance with all conditions, rules and regulations of the NMRC and All American Ruidoso Downs, LLC (AARD). It shall be the Nominator's responsibility to notify AARD of ownership and address changes and to make timely payments. If a final date for a payment falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the next business day. AARD management reserves the right to establish the appearance and arrival time to Ruidoso Downs enclosure for any horse entered in a Ruidoso Downs Race.

AARD, further reserves the right to conduct drug or soundness testing, either via NMRC or independently, on any nominated horses at any time while at their current domicile and undersigned agrees to provide access to that horse's domicile to collect test samples. Refusal to provide access to eligible horses on demand by NMRC or AARD shall result in a rescission of eligibility and forfeiture of any payments made in connection with any races.

ELIGIBILITY AND NOMINATIONS: The race is open to foals of 2020 which are registered with The Jockey Club (TJC) and are also registered as NM Bred if applicable. It is the owner's responsibility to nominate only NM Bred horses. No refunds will be issued for horses that are not accredited NM Bred. Nominations to races at AARD do not guarantee stall space. If one or more horses are withdrawn before the race, those horses being withdrawn must be specified at time of payment. Nominators must identify horse(s) associated with all payments. Nominations to this race may be refused or rescinded, without liability, at any time prior to the actual running. There will be no refund of prior nomination or sustaining payments in the event nominator discontinues payments on any horse. Nominations and sustaining fees will be accepted after the payment deadline only through the USPS, FedEx or other recognized delivery services postmarked no later than midnight of the payment deadline. Credit card payments will only be accepted if Nominations Secretary is contacted during business hours prior to the payment due date. Any bank returns for invalid payment constitute non-payment. For all nominating and sustaining payments except the trial entry fee, there will be a grace period of 48 hours to establish acceptable postmarks. An Administrative Fee of 10% will be deducted from all payments. In case of dispute, the only satisfactory evidence of payment shall be a bank cleared check, credit card receipt mail receipt each bearing a transaction date that adheres to the above policy. All decisions as to valid payment acceptance shall be made by AARD.

For any nominating and sustaining payments except the trial entry fee which are unpaid by the deadline, an owner may re-establish eligibility of his/her horses by submitting payment equal to twice the unpaid amount due within 30 days following each deadline. Issuance of an "NSF Check" or stopping payment on a check or credit card tendered to cover any fee shall be absolutely prohibited and shall constitute non-payment.

All owners must have a valid New Mexico Racing Commission Owner's license, and an account with the Horsemen's Bookkeeper. Prior to entry, the owner is required to have all funds deposited with the Horsemen's Bookkeeper to cover the expense of starting that horse. No horse will be allowed to start unless this requirement is met.

AARD has a responsibility to its patrons, horsemen, and equine athletes to reach for the highest possible standards of performance and compliance, and to maintain a safe, fair and impartial racing enterprise. AARD holds itself to those standards of ethical conduct to protect the interests, safety, and welfare of all racing participants to create an environment of fairness and safety for horses, owners, trainers, and customers. In order to promote these goals and as a condition to remain eligible to the futurity and to participate in any of its races AARD reserves the right to administer a polygraph exam to a nominee's owner, trainer, trainer's employees. This polygraph test may be administered at any time, including post-race, and will be done by a licensed examiner. The exam will encompass any information pertaining to possible regulatory violations.

TRIAL RACES: Qualifiers are to be determined by the order of finish in their respective trial division and not by their trial finish time. Trials and finals shall be conducted on the specified dates or alternative dates in the event the races cannot be run on said date(s). Each trial shall consist of not more than ten (10) horses. If ten (10) or less horses enter the trials and the trials are canceled, only the ten (10) horses that entered the trials are eligible to enter the final. AARD reserves the right to run trials over multiple days, designating equal numbers of qualifiers from each day to participate in the finals. The trials shall be raced under the same conditions as the final except for the invitational race for non-qualifiers having an also-eligible list and the final not having an also eligible list. AARD reserves the right to conduct the time trials on a non-race day.

AARD reserves the right to supplement trial purses using funds from the nomination account. Times of all horses which finish the trial races will be determined by the photo finish system which determines the finish times for each horse. In the event horses in the same trial race are given identical positions, the selection of which horse will participate will be determined by order of finish posted by the racing officials. If a dead heat occurs in a trial, those horses will draw to determine which horse shall participate in the drawing for the final. Any horse drawn out of the final by this method shall receive \$1,000 deducted from the purse account. If the front gates on the starting gate fail to open due to mechanical failure, or if a horse is left outside the gate when the field is dispatched during the running of the trials, such horse shall be declared a nonstarter and all nominating, sustaining and entry fees paid by the current owner shall be refunded. During the running of the final, such horse will be declared a nonstarter and shall be classified as a scratched horse and shall be paid last place purse money in said race.

The decisions of the Stewards shall be final, and entries are accepted only on the condition that those persons nominating, and/or starting a horse in the trials and/or final, agree to abide by the decision of the stewards and/or the NMRC. All then current rules adopted by the NMRC supersede any condition of these races. AARD reserves the right to hold trials for this race on a non-race day.

AARD, subject to the approval of the NMRC, reserves the right to change the date of the running of the trials and final, or to transfer these races to any track within the State of New Mexico. AARD reserves the right to cancel these races, without notice, at any time prior to the actual running thereof, without liability, except for the return of the nominating and sustaining fees paid by owners for the then-eligible horses less the administrative fee.

ENTRIES: All qualifiers must pass the entry box. All qualifiers must be declared official starters in the final to receive any purse monies. If a final qualifier is ruled ineligible for any reason other than a positive test for illegal substances, resulting from post-race testing or out of competition testing, the owner will earn last place purse money. If more than one horse should be ruled ineligible as described above, or scratched from the final, then the purse monies to be otherwise paid shall be added together and divided equally among those scratched from the final. If a qualifier is ruled ineligible to compete due to a positive test for illegal substances prior to entry, that horse will not earn any purse money and the next eligible time trial qualifier from the same day of trials will be eligible to enter the final. If after entry into the final a horse(s) is/are ruled ineligible to start for any reason other than a positive test for an illegal substance, that/those horse(s) will be scratched from the race and earn last place money as described above. If after entry a horse is ruled ineligible to start due to a positive test for illegal substances, that horse will be scratched and will not earn any purse money.

PURSE: The nomination fees, sustaining fees, less the administrative deduction, and earned interest thereon, plus added money will be distributed according to payout schedule for each race. For the Mountain Top NM Bred Thoroughbred Futurity, the added money of \$40,000 is from the following entities; \$15,000 from the New Mexico Horse Breeders Association, \$25,000 from the Ruidoso Downs Racing Purse Account. For the Rio Grande Seniorita and Senior Futurities, the added money of \$45,000 is from the following entities; \$30,000 from the New Mexico Horse Breeders Association and \$15,000 from the Ruidoso Downs Purse Account. These amounts are subject to NMHBA approval.

AARD reserves the right to amend these terms of participation and competition at its discretion and at any time within the parameters of the rules and regulations of the New Mexico Racing Commission.