

## **La Mesa Chamber of Commerce CRV Drive Away Raffle Official Rules and Regulations**

La Mesa Chamber of Commerce (LMCC), a tax exempt organization under Section 501 (c)(6) of the Internal Revenue Code, is conducting this raffle pursuant to California Penal Code Section 320.5, et seq. to raise funds for ongoing charitable purposes. The Rules and Regulations of the LA MESA CHAMBER OF COMMERCE raffle are set forth below. By purchasing a raffle ticket the purchaser agrees to be bound by these rules and regulations. LMCC's interpretation and application of the rules and regulations shall be final.

The Grand Prize Drawing for the Grand Prize (a 2010 Honda CRV from DCH Honda of Lemon Grove), as well as other prizes will be conducted by LMCC on Friday January 7, 2011, subject to rescheduling as more particularly described below. Tickets will not be sold after December 23, 2010. Tickets may sell out before that time. The drawing for prizes is open to the public, but the winner does not need to be present to win.

Only 4,000 tickets will be sold. The chances of winning are based on that number. If fewer tickets are sold, your chances of winning the Grand prize and other prizes improve. The IRS has taken the position that amounts paid for chances in raffles, lotteries or similar drawings for valuable prizes are not gifts, and consequently do not qualify as deductible charitable contributions.

If the car is chosen as the prize, the Grand Prize winner assumes all fees, local, state and federal taxes (including but not limited to income taxes based on the value of the car), financing costs (including, but not limited to, closing costs, and DMV tax and fees) which must be paid when the Car is transferred to the winner. Likewise, there are federal taxes and there may be state and/or local tax consequences if the winner selects the alternate cash prize. (See Prizes section below) These consequences may apply to other prizes as well. LA MESA CHAMBER OF COMMERCE takes no responsibility for any tax liabilities. Consult your tax advisor. This offer is void where prohibited by law, and all federal, state and local laws and regulations apply.

**BY ENTERING THIS RAFFLE, ENTRANTS ACCEPT AND AGREE (1) TO BE BOUND BY ALL THE RULES, LIMITATIONS AND RESTRICTIONS SET FORTH HERE AND (2) THAT THEIR NAMES AND/OR LIKENESSES MAY BE DISCLOSED TO AND USED BY THE NEWS MEDIA AND MAY OTHERWISE BE USED BY LA MESA CHAMBER OF COMMERCE AND DCH HONDA OF LEMON GROVE FOR PUBLICITY PURPOSES AND IN LISTS OF PRIZE WINNERS TO BE PUBLISHED IN AREA NEWSPAPERS AND ANNOUNCED ON THE LMCC RAFFLE WEBSITE. OTHER RULES AND REGULATIONS MAY APPLY. PLEASE CONTACT LA MESA CHAMBER OF COMMERCE IF YOU HAVE QUESTIONS. LMCC'S INTERPRETATION AND APPLICATION OF THE RULES AND REGULATIONS SHALL BE FINAL.**

**BY ENTERING THIS RAFFLE, EACH PARTICIPANT RELEASES LMCC AND DCH HONDA OF LEMON GROVE, ITS DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS FROM ANY AND ALL LIABILITY FOR INJURIES, LOSSES OR DAMAGES OF ANY KIND CAUSED BY PARTICIPATING IN THE RAFFLE OR WINNING ANY PRIZE OR RESULTING FROM ACCEPTANCE, POSSESSION, USE OR MISUSE OF ANY PRIZE, AND EACH WINNER AGREES TO INDEMNIFY AND HOLD LA MESA CHAMBER OF COMMERCE AND DCH HONDA OF LEMON GROVE HARMLESS FROM ANY AND ALL LOSSES, DAMAGES, RIGHTS, CLAIMS AND ACTIONS OF ANY KIND ARISING IN CONNECTION WITH OR AS A RESULT OF PARTICIPATING IN THE RAFFLE OR THE WINNER'S ACCEPTANCE OR USE OF ANY PRIZE.**

**FURTHER, EACH PARTICIPANT HEREBY WAIVES THE PROVISIONS OF CIVIL CODE SECTION 1542 WHICH STATES THE FOLLOWING: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR".**

### **Tickets:**

Tickets are \$25.00 each or packs of 5 tickets for \$100. Only one eligible person may be entered in the raffle per ticket sold. If the name of more than one person is submitted with a ticket purchase, and that ticket is selected as a winning ticket, then the person named first will be deemed the holder of record of that ticket and declared the winner. Division of prize by a group purchasing a ticket in common shall be to the sole responsibility of the person named as the holder of record of that ticket, should that ticket be selected as a winner.

Early ticket purchases will be included in an early bird drawing. Tickets purchased by July 30, 2010, will be eligible for the Early Bird Drawing (drawing date on or about August 16th, 2010). All such tickets, including all winning tickets from Early Bird Drawings, will be included in the Grand Prize drawing.

LA MESA CHAMBER OF COMMERCE reserves the right to reject any entry form that is submitted with payment that does not constitute "good funds." All defective or physically altered entry forms will be immediately disqualified by LMCC. Prior to the Grand Prize drawing, LA MESA CHAMBER OF COMMERCE will make a reasonable effort to notify the individual and/or entity that submits such an entry form or one which has been rejected because the credit card or check did not clear that the entry has been rejected by attempting to make contact through the information provided at the time of submitting the purchase request. All orders for tickets for the Early Bird Drawings must be received and/or purchased by the indicated deadline. Any orders received after these deadlines will be held for the subsequent drawings, if applicable and Grand Prize drawing. LA MESA CHAMBER OF COMMERCE assumes no responsibility for lost, late, misdirected or non-delivered mail or fax messages, or any other failure to receive orders or deliver receipts prior to the drawing deadlines.

**A RAFFLE PARTICIPANT'S SOLE AND EXCLUSIVE REMEDY FOR LMCC'S BREACH SHALL BE LIMITED TO THE RETURN OF THE PURCHASE PRICE PAID FOR HIS OR HER RAFFLE TICKET(S). IN NO EVENT SHALL LMCC OR DCH HONDA OF LEMON GROVE, ITS DIRECTORS, OFFICERS, EMPLOYEES, AGENTS OR REPRESENTATIVES BE LIABLE TO ANY PARTY FOR ANY LOSS OR INJURIES TO EARNINGS, PROFITS OR GOODWILL, OR FOR ANY INCIDENTAL, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES OF ANY PERSON OR ENTITY WHETHER ARISING IN CONTRACT, TORT OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.**

### **How to Purchase:**

An individual can purchase as many tickets as he or she may wish, subject to availability. To purchase tickets: use the order form provided and fax the order form to (619-465-1693) or you may mail it to La Mesa Chamber CRV Drive Away, 8080 La Mesa Blvd. #212 La Mesa, CA 91942 or call 619-465-7700 providing your name, credit card billing address, phone number along with your credit card number, credit card security code and expiration date. Tickets cannot be purchased on the raffle website or by email. Any entry form submitted by email will be rejected. All entries must include payment by check, money order, cash or credit card. LA MESA CHAMBER OF COMMERCE reserves the right to reject any entry form that is submitted with payment that does not constitute good funds." No refunds will be made except under the following circumstances: any ticket order with payment received after 4,000 tickets have been sold or after December 23, 2010 will be returned. No other refunds are available except in the exclusive discretion of LMCC. LA MESA CHAMBER OF COMMERCE assumes no responsibility for lost, late, misdirected or non-delivered mail or fax messages, or any other failure to receive orders or deliver receipts prior to the drawing deadlines.

### **Selection of Winners:**

La Mesa Chamber of Commerce raffle Grand Prize Drawing will be held on January 7, 2011 from all eligible raffle tickets. Winners need not be present to win. LA MESA CHAMBER OF COMMERCE will conduct the Early Bird drawing on or about August 16th, 2010 (Early Bird Drawing). The Refer-A-Friend Drawing (See Bonus Drawings) will be held on January 7, 2011. All drawings are open to the public. Winners will be notified according to the contact information provided to LA MESA CHAMBER OF COMMERCE at the time of ticket purchase. If the grand prize winner cannot be located by 5:00 p.m., January 15, 2011, after attempting to make contact through the information provided at the time of purchasing the ticket, such winner will be deemed to have elected the cash alternate prize and another winner will not be selected for such prize. In addition to the list of winners posted on the LMCC raffle web site, a list of winners may be obtained from LA MESA CHAMBER OF COMMERCE or by sending a self-address, stamped envelope to La Mesa Chamber CRV Drive Away, 8080 La Mesa Blvd. #212 La Mesa, CA 91942 within one week of the drawing.

In order to collect his or her prize, a ticket winner must sign and deliver to LMCC: (a) a sworn affidavit of eligibility in accordance with these Rules and applicable law, including without limitation that he or she is at least 18 years old; (b) such written information as is required by any applicable tax and/or real estate laws, including without limitation his or her Social Security Number; (c) proof of identity in forms satisfactory to the LA MESA CHAMBER OF COMMERCE showing that the person claiming the prize is the same person who is named on the winning raffle ticket; and (d) the winning ticket stub. Winners of prizes of \$1,000 or more may be required to submit a W-2G, Form 5754 or similar tax form (provided by LMCC) for tax withholding purposes.

### **Winning Odds:**

The odds of winning a prize will depend on the number of tickets sold. If all 4,000 tickets are sold the odds of winning the Grand Prize is 1 in 4,000.

## **Eligibility:**

Anyone 18 years of age or older may enter. LA MESA CHAMBER OF COMMERCE employees, members of the Board of Directors, authorized agents and employees thereof, consultants, attorneys, independent accountant firm, and their spouses and children living in the same household are excluded from participating and are not eligible to win a prize. All federal, state, and local laws and regulations apply. The raffle is void where prohibited or restricted by law. An affidavit of eligibility may be required from prize winners.

## **Prizes:**

Subject to the sale of a minimum number of tickets (described below), the Grand Prize is the \$20,000 Honda CRV located at DCH Honda of Lemon Grove, and referred to in all raffle materials. Alternatively, the Grand Prize winner may elect to receive a onetime payment of \$15,000.00 cash payment (except as stated below). The Grand Prize winner must make an election in writing between the car and the onetime cash payment no later than 5:00 p.m. January 14, 2011. A minimum of 2,000 tickets must be sold by 5 p.m., December 23, 2010 for the Grand Prize winner to have a choice of the car or the \$15,000.00 cash payment. If fewer than 2,000 tickets are sold by 5 pm Friday December 23, 2010, the raffle will be held as scheduled, and prizes will be awarded as advertised with the exception that the Grand Prize winner will receive a onetime cash payment of \$7,500. At the option of LMCC, the drawing date for the grand prize may take place earlier if all raffle tickets have been sold.

## **Early Bird Drawing 1:**

**Prizes:** \$3,000 cash

## **Grand Prize Drawing:**

- **Grand Prize:** \$20,000 Honda CRV or \$15,000 onetime cash option\*
- **2nd Prize:** \$2,000 cash
- **3rd Prize:** \$1,000 cash

## **Refer-A-Friend Drawing:**

- **Prize:** \$3,000 cash
- **For every person who purchases a ticket and provides the name of the referring party (who must also be a registered ticket holder) at the time of purchase, the referring party will receive one ticket entry for the Refer-A-Friend Drawing. Drawing will be held at the time of the Grand Prize drawing.**

## **General Terms and Conditions:**

**THE CAR, IF SELECTED, WILL BE TRANSFERRED TO THE GRAND PRIZE WINNER AS IS, WHERE IS, AND WITH ALL FAULTS". LA MESA CHAMBER OF COMMERCE DOES NOT PROVIDE ANY GUARANTEE OR WARRANTY, EXPRESSED OR IMPLIED, IN CONNECTION WITH THE CAR AND ACCEPTS NO LIABILITY OR RESPONSIBILITY REGARDING OR CONDITION OF THE CAR. LA MESA CHAMBER OF COMMERCE DOES NOT WARRANT THAT THE CAR IS OF MERCHANTABLE QUALITY OR THAT IT CAN BE USED FOR ANY PARTICULAR PURPOSE. NO EXPRESS WARRANTIES ARE GIVEN AND NO AFFIRMATION OF LA MESA CHAMBER OF COMMERCE BY WORDS AND/OR ACTIONS WILL CONSTITUTE A WARRANTY.**

At the time of closing, all federal and state income taxes based on the value of the CAR, a value of \$20,000 will be due from the Grand Prize winner. If the Grand Prize winner selects the alternate award of a onetime cash payment of \$15,000 instead of the Car as well as winners of Early Bird Prize, Refer-A-Friend Prize and all Prizes of \$5,000 cash or more, all appropriate and required federal and state taxes will be withheld by LA MESA CHAMBER OF COMMERCE in accordance with federal and state law and LA MESA CHAMBER OF COMMERCE will remit the balance of the cash prizes to the winners. LA MESA CHAMBER OF COMMERCE makes no guarantee that the Grand Prize winner will be able to sell the Car for the value of \$20,000, nor is there any guarantee that the Internal Revenue Service (IRS) will accept that value of the CAR for the purpose of determining any income tax that may be due from the winner. LA MESA CHAMBER OF COMMERCE takes no responsibility for any tax liabilities. Consult your tax advisor.

**ANY CONTROVERSY OR CLAIM ARISING OUT OF OR RELATING TO THE CONTRACT, OR THE BREACH THEREOF, SHALL BE SETTLED BY BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION (PURSUANT TO ITS EXPEDITED PROCEDURES) UNDER ITS COMMERCIAL ARBITRATION RULES, AND JUDGMENT ON THE AWARD RENDERED BY THE ARBITRATOR MAY BE**

**ENTERED IN  
ANY COURT HAVING JURISDICTION THEREOF.**

By purchasing a raffle ticket and choosing to participate in the raffle, each raffle participant acknowledges and agrees that LA MESA CHAMBER OF COMMERCE has the right, in its sole discretion, to elect not to proceed with the raffle for any reason whatsoever or for no reason, and in such event: a participant's sole and exclusive remedy shall be to receive a refund of the full price paid by such participant for each raffle ticket purchased, without interest.

**Registration with the State of California:**

By letter from the Attorney General's office, La Mesa Chamber of Commerce has registered with the Department of Justice under Raffle Registration Number RF0003733 and is authorized to conduct raffles in California pursuant to the provisions of Penal Code section 320.5 for the raffle period which begins May 17, 2009 and ends December 23, 2010.