

2023 CRICKET BARS FUTURITY RACE CONDITIONS

Added Money and Conditions Subject to OHRC Approval

In addition to Paragraph 2 of these Race Conditions and as a condition for participation in this race, all horses nominated to the Cricket Bars Futurity may be subject to substance testing by the OHRC. Any prohibited medication positives may result in loss of eligibility to participate in trials or finals as determined by OHRC Stewards. If pre-race examination or substance testing prior to or following a race is refused by the owner or trainer of an eligible horse and results in the horse being ineligible to participate there will be no refund of payments. Eligible participants will be required to comply with a requirement for hair testing prior to entry if such requirement is imposed by the racetrack and approved by the OHRC.

1. ELIGIBLE HORSES. For 2021 ApHC (Appaloosa) registered foals, which are owned or nominated by owners who agree to the special terms of Paragraph 2. Substance Tested, are the only horses eligible to enter the race. All horses must be Parentage Verified. An owner may nominate as many horses as desired. If one or more nominations are withdrawn prior to the running of the trials, it is the owner's responsibility to specify which horses are being withdrawn and which horses are to remain eligible when making payments. Either a copy of the registration certificate or the application for registration must be provided by the owner/nominator no later than the due date for the July payment if the horse remains eligible.

2. SUBSTANCE TESTING. As a condition for participation in this race, all horses nominated to the Cricket Bars Futurity will be subject to substance testing by the OHRC. In addition to the pre-entry hair testing requirement by Will Rogers Downs, every entry for the trials in this race will be required to have a negative hair test for prohibited substances in accordance with the same pre-entry hair test requirements implemented by Will Rogers Downs that was collected within 90 days of the trials for this race. Additionally, the owner of the TOP 15 qualifiers for this race, based on trial times, agree that they MAY be required to provide a negative hair test for prohibited substances, in accordance with the same pre-entry hair test requirements implemented by Will Rogers Downs, after the trials and before the final for this race. A positive report for any prohibited substance will result in loss of eligibility to participate in trials or finals.

By submitting a signed nomination form for this race, the undersigned, by or on behalf of the owner of the nominated horse, the owner's agents and representatives, and the owner's heirs and assigns (including any future owner of the nominated horse) agrees to be subject to and abide by the results of the initial (commonly referred to as the "sample A test") hair testing of the nominated horse and voluntarily and irrevocably waives the following:

- a. Any and all rights to have a secondary or split sample tested,
- b. Any and all rights to a hearing (whether formal, informal, by written submission or in-person) to contest the results of the initial test or the resulting denial of entry in the race, whether a qualifying race or final race,
- c. Any and all rights to contest, under any circumstances or grounds, the results of the initial test or the resulting denial of entry in the race, whether a qualifying race or final race,
- d. Any and all rights to challenge the results of the initial test or resulting denial of entry in the race, whether a qualifying race or final race, directly or indirectly, before any court or other tribunal; and
- e. By their entry into the race, all participants irrevocably waive any legal claim they might have against OQHRA and/or Will Rogers Downs, its officers, executive committee members, its employees, or race sponsor arising from or related to the hair testing which is the subject of this paragraph.
- f. A report of the result of an un-official test submitted as a requirement of eligibility for entry is not admissible for any purpose in any OHRC proceeding arising from a positive report of an official test administered by OHRC.

Test results will be reported to the host track officials and notification of positives will be sent to the trainer of the nominated horse. The Race Sponsor will send a list to the racing office of the host racetrack for the specific race(s) to notify them of horses that are eligible to enter races based on the results of hair tests.

3. PURSE MONEY. The Net Futurity Purse will consist of all nomination fees, sustaining fees, late fees, plus the \$25,000 added money which includes \$10,000 from Oklahoma Appaloosa Racing, \$5,000 from Appaloosa Horse Club, and \$10,000 TATPF - Tulsa Area Tribal Purse Fund (pending OHRC approval) and \$2,500 added money from Oklahoma Breeding Development Fund; less 15% of the gross purse (excluding added money) for administrative and advertising expenses. Oklahoma Bred added money will only be paid to accredited Oklahoma Bred horses and is subject to approval by the OHRC. Oklahoma Bred Funds in the futurity final will pay five places (60%, 20%, 11%, 6% and 3%). All Oklahoma Bred Funds will be distributed by the OHRC. Finals will pay 10 places and distributed by the Horsemen's Bookkeeper at Will Rogers Downs as follows: 38% to winner, 20% to second horse, 15% to third horse, 10% to fourth horse, 7% to fifth horse, 2% to sixth horse, 2% to seventh horse, 2% to eighth horse, 2% to ninth horse, 2% to tenth horse. In the event there are fewer than 10 finalists, the purse funds will be distributed proportionately between the actual number of participants based on the original formula for distribution.

4. PAYMENTS. Except as provided herein, the failure to make all payments on or before the designated dates will result in a termination of the nomination and all prior nominating and sustaining payments will be forfeited. All payments must be postmarked no later than the due date and should be sent by registered or certified mail. The sender's receipt must be date stamped by the United States Postal Service and presented as proof of mailing if date discrepancies occur. Postage metered dates will not be accepted if payments are not received by the due date. United States Postal Service date stamped metered mail will constitute evidence of mailing if dated, mailed, and stamped on or before the due date. All returned checks constitute no payment. In the event a sustaining payment is late (the "Late Payment"), a nomination of the Eligible Horse will not be terminated if, on or before the due date of the next immediate sustaining payment (or the entry date if the Late Payment is the last sustaining payment), the person nominating the Eligible Horse

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pays (a) such next sustaining payment; (b) the Late Payment; and (c) an additional amount equal to the Late Payment. The foregoing provision will not apply to consecutive sustaining payments

5. LATE NOMINATIONS AND SUPPLEMENTS. Payments and late payment fees missed to date until the August payment for late nominations. Supplemental payments at time of entry of \$3,000 must be paid to the Horsemen's Bookkeeper at Will Rogers Downs. Payment must be made by cashier's check or other immediately available funds on deposit.

6. ENTRY. Entries in all races must be made through the entry box at Will Rogers Downs Racing Office by closing time for entries in that race. Nominations to the race do not guarantee the availability of stalls at Race Track for nominated horses. In accordance with OHRC 325:25-1-5 for entry back in the final, a finalist that is physically disabled or dead may be entered for purse payment purposes.

7. TIME TRIALS. In the event there are fewer than 16 trials all trials may run on one day. In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in time trials will be determined only to the limit of the timer, the only exception is when two or more horses have the same exact time in the same trial heat. Then the order of finish shall also determine the preference in qualifying or the finals. Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish. Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one hundredth (1/100) of a second, or to the maximum accuracy of the electronic timing device. No adjustments shall be made in the times recorded in the time trials to account for head wind, tailwind, off-track, etc. In the event of a timer malfunction of a trial race, the Stewards will use the technological side of video frame by frame analysis to assign times to each participating horse in that trial. Every qualifier eligible to enter the final will be required to remain on the grounds and stabled in the barn area of the racetrack after the trials and until the running of the final.

8. FINALS. The finalists for the Futurity will be determined by taking the ten (10) fastest times from all the trials. In addition to the pre-entry hair testing, only the fastest 10 qualifiers for the 2022 Futurity based on trial times will be eligible and required to comply with collection of another hair sample which will be collected and tested after the trials and prior to entry for the final at a time and location set by the race administrator. Any horse failing to produce a clean hair test free of prohibited substances will not be eligible to enter the Final regardless of the qualifying time. The finals will consist of a field of no more than ten (10) horses, except in the event (12) or fewer horses enter the trials. In the event twelve (12) or fewer horses are eligible prior to the trials, there will be no trials; however, eligible horses must enter on a date for entry to trials to be eligible to run in the final. Race Sponsor and the Racing Secretary may determine that in the event not more than 12 horses are eligible to enter trials, there may be no trials and a 12-horse gate may be used for the finals with the 11th and 12th place horses receiving no money. Any remaining purse money with respect to such withdrawn horses will be distributed proportionately to those horses running in the juvenile in accordance with purse distribution percentages.

9. TIES. In the event that all trials are conducted on one day and a tie for the 1 of the fastest time occurs, 11 horses will be allowed to run in the final. If more than two horses are tied for 1 of the places, the final two positions will be determined by lot. In the event the trials are run over two days and a tie occurs for the 5th fastest time on one day, the same rule would apply. If an 11-horse field is run in the finals the purse will be adjusted accordingly. No more than 11 horses will run in the final if trials were conducted.

10. SCRATCHES. If a horse is ruled ineligible by the stewards or the Oklahoma Horse Racing Commission for entry into either the trials or the final or if the stewards scratch or disqualify a horse from either a trial or the final described herein for a rule violation, such a horse may be ineligible for receipt of any purse money. After the entry date for the finals, the purse money that might have been due to such horses will be divided proportionately (based on purse percentages) among the other starters in such a race. If, after the entry date for such race, one or more horses are withdrawn from the final for any reason other than ineligibility or a rule violation, the purse monies (in inverse order of finish) equal to the number of withdrawn horses for such race will be distributed equally to the owners of the horses

withdrawn from such a final. If, prior to the entry date for the final a horse is ruled ineligible for the final as provided above, the next eligible horses may be entered in such races. In the event there are no trials and only the finals, the horse must be declared a starter to be eligible for purse money.

11. CHANGE OF ADDRESS. The owner of a horse nominated to the race is responsible for notifying race sponsor of the sale of a horse nominated to the race or of a change in the owner's address.

12. RACE DATES. The race sponsor reserves the right to reschedule, postpone, revise the conditions for, or cancel the race for any reason that it deems sufficient. Any nomination to the race may be refused without liability by the race sponsor for any reason at any time prior to the actual running of the final race. If the race is canceled, all nominating and sustaining payments heretofore paid, less the amounts deducted for advertising, accounting, and administrative expenses, will be refunded.

13. RACING RULES. All disputes as to the eligibility to participate in this race will be determined in the sole discretion of the race sponsor and the OHRC Stewards and the decision will be absolute, final and binding. The race date and the race conditions are subject to approval by race sponsor, the racetrack, and the Oklahoma Horse Racing Commission. The decision of the stewards or the OHRC in all matters under their jurisdiction will be final. Nominations are accepted only on the condition that those persons nominating or starting a horse in the trials and the final agree to abide by these race conditions, the rules and regulations promulgated by Will Rogers Downs, the Oklahoma Horse Racing Commission Rules of Racing (Pari-mutuel), and all other rules, regulations and conditions promulgated by the OHRC or any other applicable governmental authority or the race sponsor.

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The undersigned has read this document and represents and warrants (i) he/she is the owner of all interests in the nominated horse or has full authority on behalf of the owner or owners of the nominated horse to execute this nomination and bind that all persons with a legal interest in the nominated horse to the conditions, requirements, restrictions, and waivers set forth on this nomination form and race conditions, and (ii) these conditions shall be binding on any future owner of any interest in the nominated horse.

I have read and approve the foregoing race conditions:

Owner Name Printed: _____

Owner Signature: _____

NOMINATION FORM

Name of Horse	Sire	Dam	Breeder

Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Managing Partner: _____ Managing Partner Phone Number: _____

Trainer: _____ Trainer Phone Number: _____

Signature: _____ Date: _____

This form must be signed and returned with payment payable to Oklahoma Appaloosa Racing with reference to the 2023 Cricket Bars Futurity for the nomination to be accepted.

Oklahoma Appaloosa Racing
4455 Winchester Drive
El Reno, Oklahoma 73036

If you have any questions regarding any part of this nomination form or the race conditions, please call Jacque Vulgamore at 405.630.8162 or by email oklahomaappaloosaracing@gmail.com.