

2024 APPALOOSA CRICKET BARS FUTURITY TERMS & CONDITIONS:

By signing the front page of the nomination form, the signee has read this document and represents and warrants that (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 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.

The nominator, owner and owner's agents and representative understand that the race administrator along with OQHRA, Will Rogers Downs or the Oklahoma Horse Racing Commission may implement safety or animal welfare protocols or controls over pre-race activities, testing, surveillance, and on-grounds activities ("Protocols") and agree to be bound by such Protocols. If race administrator deems it necessary for additional assistance in maintaining the integrity of this race all expenses for such assistance may be deducted from the gross purse.

Any prohibited medication positives will result in loss of eligibility to participate in trials or final as determined by Oklahoma Horse Racing Commission (OHRC) or OHRC Stewards. If pre-race examination or substance testing prior to or following a race is refused by owner or trainer of 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 all hair testing requirements included in these conditions.

- 1. ELIGIBLE HORSES:** ApHC registered foals, born in 2022, and which are owned or nominated by owners who agree to the conditions of this race(s) as follows, are 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 If one or more nominations are withdrawn prior to the running of the trials, it is the owner's responsibility to specify which horses are being withdrawn and which horses are to remain eligible when making payments.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. 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 due date. Any returned check(s) constitutes 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 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.
- 3. LATE AND SUPPLEMENTARY NOMINATIONS:** Double payments missed to date until the August payment for late nominations. Supplemental payment at time of entry of \$3000 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.
- 4. ADDED MONEY AND PURSE DISTRIBUTION:** The Net Purse will consist of all nomination fees, sustaining fees, late fees, plus \$10,000 added money provided by racetrack Horsemen's Purse Account and \$2500 added money from Oklahoma Breeding Development Fund; less 15% of the gross purse (excluding added money) for administrative and advertising expenses. The Net Purse will consist of \$7500 from O.A.R., \$5,000 from ApHC (pending ApHC BOD approval), and \$10,000 from the racetrack Horsemen's Purse Account. Oklahoma Bred added money will only be paid to accredited Oklahoma Bred horses. Oklahoma Bred Funds in the futurity final will pay five places (60%, 20%, 11%, 6% and 3%).

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All Oklahoma Bred Funds will be distributed by the OHRC. The Futurity purse will pay 10 places (38-20-15-10-7-2-2-2-2-2) and distributed by the Horsemen's Bookkeeper at Will Rogers Downs. 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.

- 5. 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 Oklahoma Horse Racing Commission. Every entry for the trials associated with this race must have a negative hair test for prohibited substances, within 90 days of the trials for the race, in accordance with the same pre-entry hair test requirements implemented by Will Rogers Downs. Additionally, the **TOP 15 qualifiers** for the Futurity, based on trial times, will be required to provide a negative hair test for prohibited substances, after the trials and before entry date for the final for such race, in accordance with the same pre-entry hair test requirements implemented by Will Rogers Downs. A positive report for any prohibited substance or *failure to present a horse(s) for testing at the published date and time* will result in loss of eligibility to participate in trials or final of such races.

If a horse is declared ineligible for any reason, before entries close for the final, the next fastest horse from the same day of trials as the ineligible horse will be moved up. If a qualifier to the futurity final dies or becomes injured (and is otherwise eligible to enter the final) that horse will receive last place money. Injured qualifiers must present for testing unless they have received a written waiver from the OHRC Stewards. Test results will be reported to the host track officials and notification of positives will be sent to the trainer of the nominated horse.

By submitting a signed nomination form for this race, 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 trial 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 trial 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 trial 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 administrator arising from or related to the hair testing which is the subject of this paragraph.
 - f. A report of the result of an unofficial 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.
- 6. ENTRY:** Entries in all races must be made through the entry box at Will Rogers Downs Racing Office by the closing time for entries in that race. Nominations to the race do not guarantee the availability of stalls at Will Rogers Downs Race Track for nominated horses.
- 7. TIME TRIALS:** Will Rogers Downs and OQHRA will determine if there are enough entries to conduct one or two days of trials based on possible number of entries for the trials. Horses shall qualify based on time and order of finish. Times will be determined only to the limit of the timer, the only exception is when two or more horses have the same exact time and in the same trial heat. Then the order of finish shall also determine the preference in qualifying for the final. Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of the 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

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(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, tail wind, off-track, etc. In the event of a timer malfunction of a trial race, the stewards will use the technological aide 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.

***TIES IN TIME TRIALS:** If only one day of trials is conducted and a tie for the 10th fastest time occurs, 11 horses will be allowed to run in the final and purse will be adjusted accordingly. No more than 11 horses will be allowed to run in the final if trials are conducted. If more than two horses are tied for 10th place, the final two positions will be determined by lot. If two days of trials are conducted, the five fastest qualifiers from each day will advance to the final. If a tie occurs for the 5th fastest time at the end of trials for that day, the final position will be determined by lot between all horses with that time. If a horse is withdrawn, scratched, or deemed ineligible for any reason after the time trials and before entry for the final (or juvenile, if applicable) only a horse that ran in the time trials on the same day is eligible to move into that specific horse's position. A horse from the other day of time trials (if there were two days) is not eligible to move into that position.

- 8. FINAL:** The finalists for the Futurity will be determined by taking the ten (10) fastest times from all the trials. The final will consist of a field of no more than ten (10) horses unless otherwise determined within these conditions. In addition to the pre-entry hair testing, **only the fastest 15 qualifiers for the 2024 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. This sample will be collected at a time and location approved by the race administrator in conjunction with the OQHRA who facilitates the collection of hair samples. 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.**

In the event ten (10) or fewer horses are eligible prior to the trials, participation in the trials will not be required to qualify for the final. Race Administrator 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 final with the 11th and 12th place horses receiving no money. If a horse is withdrawn, scratched, or deemed ineligible for any reason after the time trials and before the final only a horse that ran in the time trials on the same day is eligible to move into that horse's position. A horse from the other day of time trials is not eligible to move into a position earned during the other day of time trials.

- 9. 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 horse may be ineligible for receipt of any purse money. After the entry date for the final, the purse money that might have been due to such horse will be divided proportionately (based on purse percentages) among the other starters in such 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 final. If, prior to the entry date for the final a horse is ruled ineligible for the final as provided above, the next eligible horse may be entered in such race. In the event there are no trials and only a Finals, the horse must be declared a starter to be eligible for purse money.

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10. **RACE DATES:** The race administrator reserves the right to reschedule, postpone, revise the conditions for, or cancel the races for any reason that it deems sufficient. The race administrator also reserves the right, at their discretion, to transfer any futurity or derby to any racetrack situated in Oklahoma. Any nomination to the races may be refused without liability by the race administrator for any reason at any time prior to the actual running of the final races. If the races are canceled, all nominating and sustaining payments theretofore paid, less the amounts deducted for advertising, accounting, membership and administrative expenses, will be refunded.
11. **RACE CONDITIONS:** Race administrator reserves the right to amend these terms of participation and competition at its discretion and at any time with the parameters of the rules and regulations of the Oklahoma Horse Racing Commission.
12. **CHANGE OF ADDRESS:** The owner of a horse nominated to the race is responsible for notifying race administrator of the sale of a horse nominated to the race or of a change in the owner's address.
13. **ADMINISTRATOR:** The race is administered by Oklahoma Appaloosa Racing (Michael Moss). All disputes as to the eligibility to participate in the trials for this race will be determined in the sole discretion of the race administrator and the decision of race administrator will be absolute, final, and binding.
14. **RACING RULES:** The race dates and the race conditions are subject to approval by race administrator, OQHRA, Will Rogers Downs, and the Oklahoma Horse Racing Commission. The decision of the stewards or the Oklahoma Horse Racing Commission in all matters under their authority 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 Oklahoma Horse Racing Commission or any other applicable governmental authority or the race administrator.

NOMINATION FORM MUST BE SIGNED ON FRONT PAGE

Please sign and return nomination form along with your payment to:

O.A.R.
P.O. Box 219
Ramona, OK 74061

If you have any questions regarding any part of this nomination form or race conditions, please contact the Race Administrator, Michael Moss for the Cricket Bars Futurity at
(918) 812-4016 cell
Email: mwmroper@yahoo.com

PLEASE RETAIN A COPY FOR YOUR RECORDS