

MAX HEMPT MEMORIAL STAKE NO. 58

and James M. Lynch (Filly Division)

For 3-Year-Old Pacers in 2012

OWNED AND SPONSORED BY: Mohegan Sun at Pocono Downs

SERVICED BY: The Hambletonian Society, Inc.

FOR: Foals of 2009 (Subject to U.S.T.A. Foaling Date Rules).

TO BE RACED AS: Two races. Max Hempt Memorial for 3-Year-Old Pacers (Open) and the James M. Lynch for 3-Year-Old Pacing Fillies (Filly Division).

TO BE RACED AT: Pocono Downs, Wilkes-Barre, Pa. Definite dates will be published in the *U.S.T.A. Stakes Guide* in the year of the races. If for any reason it becomes impractical or undesirable, in the opinion of the Sponsor to hold either one or both of these races at the track designated, the Sponsor and the Hambletonian Society reserve the right to change the date and the location of either or both races.

CANCELLATION: The Sponsor further reserves the right to cancel either or both of the races if for reasons beyond its control it becomes impractical or undesirable in the opinion of the Sponsor to conduct said race or races. If an event is not raced due to circumstances beyond its control, the Sponsor's responsibility and liability will be limited to refunding without interest nomination, sustaining and entrance fees collected toward canceled events that have not been disbursed at the time of cancellation. If canceled after the first 2-year-old payment, these monies will be prorated among the owners of the horses eligible at the time of cancellation. If canceled prior to the first 2-year-old payment, the nomination fees will be refunded to the nominators.

ESTIMATED PURSE:

Max Hempt Memorial (Open).....\$350,000 (estimated)
James M. Lynch (Filly Division).....\$300,000 (estimated)

Actual 2009 total purses were:

Max Hempt Memorial (Open).....\$375,175 (2 eliminations)
James M. Lynch (Filly Division).....\$312,925 (2 eliminations)

ADDED MONEY: The Sponsor will add \$65,000 to the Open race and \$35,000 to the Filly Division.

NOMINATION FEE: May 15, 2010.....\$10 (U.S. Funds only)

Nominated horses must be properly identified to the satisfaction of The Hambletonian Society at the time of nomination.

SUPPLEMENTAL NOMINATIONS: There are no supplemental nominations allowed for either the Open or the Filly Division.

FUTURE PAYMENTS: (U.S. Funds only)

	<u>COLTS</u>	<u>FILLIES</u>
On 2-Year-Olds		
March 15, 2011 Sustaining Fee	\$250	\$200
On 3-Year-Olds		
February 15, 2012 Sustaining Fee	\$500	\$400
Entrance Fee	\$2,500	\$2,000

DECLARATION: Entrance fee shall be due with declaration to start at the track where the race is being held at the time and date posted on the Condition Sheet.

Entrance fee shall be due at time of declaration and payable not later than 1:00 p.m. on the day said race is to be contested. All entrance fees shall be made payable to Pocono Downs.

Horses must show at least one (1) clean charted line (no breaks) within thirty (30) days prior to the advertised declaration day and meet the existing time standard.

FILLY NOTICE: A filly which is properly nominated and sustained, but not declared to start in the Filly Division, may start in the Open race upon 1) proper declaration and 2) payment of a) the entrance fee required for the Open race plus b) the difference between any lower nominating and sustaining fees for the Filly Division and the higher nominating and sustaining fees for the Open race. In such event previous payments in the Filly Division shall remain therein and shall be forfeits. A filly may not declare or enter in both races.

Filly Declaration for the Open.....\$150 plus Entrance Fee

SUPPLEMENTAL DECLARATIONS: Three-year-old pacers not otherwise eligible may enter and start in their respective divisions by payment of a supplemental declaration fee:

Max Hempt Memorial (Open).....\$25,000 plus Entrance Fee
James M. Lynch (Filly Division).....\$15,000 plus Entrance Fee

All supplemental declaration fees shall be due at 12:00 noon, one (1) day prior to the time of normal declaration, and shall be in U.S. Funds. Supplemental declaration fees and entrance fees shall be payable not later than one hour prior to the post time of the first elimination heat (if eliminations are necessary) or the race to be contested, as the case may be. All starting and supplemental entrance fees shall be made payable to Pocono Downs. There shall be no refunds for scratched horses.

PAYMENT DISTRIBUTION: Nomination fees will be divided equally between the Open and the Filly Division. All other payments will be credited to the specific race minus the service paid to The Hambletonian Society.

NOTICE: U.S.T.A. Rule 11, Section 3 provides: "Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event." The Hambletonian Society, Inc. will construe payment to require that cash or check duly honored upon presentation be received at the time specified in U.S.T.A. Rule 12, Section 4.

WAIVER: As a condition of participation in the Max Hempt Memorial No. 58 (the Open and/or the Filly Division), the Owner(s) of the nominated horse(s) hereby grants to the Sponsor, its representatives, successors, and assigns the absolute right to copyright and publish, use or reuse still and motion photographic images of its horses, drivers, trainers, employees, officers and agents, in whole or in part, in composite or in distorted character, with or without use of names, in color or otherwise, for the purpose of promotion, advertising, trade or other lawful purpose in any and all media. Owner(s) waives any right to inspect and/or approve the finished product or the copy that may be used in connection therewith or the use to which it might be applied. Owner(s) further agrees to inform his drivers, trainers, employees, officers and agents of the authority granted to the Sponsor herein, to hold Sponsor harmless from any and all liability and damages, and to indemnify the Sponsor from same should any such owner(s), driver(s), trainer(s), employee(s), officer(s) and agent(s) challenge Sponsor's rights herein as set forth above.

RACING CONDITIONS: There will be Elimination or Preview events held one week prior to the main event. The elimination heat or heats or the preview will race for 20% of the value to date, the added money and the entrance fees of the division entered. The final will race for 80% of the total purse. Declarations for the final event and for the elimination or preview events will close at the time and date posted on the Condition Sheet. All events to be raced one dash at one mile.

If nine (9) or fewer starters are declared, a preview race may be held. *Declared starters need not start in the Preview race in order to be eligible to start in the final.*

If ten or more are declared, one of the following elimination plans will be used:

If one (1) elimination event is required, the first nine (9) finishers will be eligible for the final.

If two (2) elimination events are required, the first four (4) finishers from each division plus the (1) fastest fifth place finisher will be eligible for the final making a field of nine (9).

If three (3) elimination events are required, the first three (3) finishers in each division will be eligible for the final making a field of nine (9).

If four (4) elimination events or more eliminations are required, eligible horses will be selected for a final field of nine (9) in a method consistent with the above procedures.

If two or more horses tie (including dead-heats) for the last qualifying position or positions in the finish of any elimination race(s), thereby "qualifying" more horses than can be accommodated in a single tier, the remaining qualifying horses to advance to the Final shall be selected based on a horse's lifetime earnings, as compiled by the U.S.T.A., including any elimination race earnings. Once the single tier has been filled, all other tied horses shall be deemed eliminated.

In addition, two horses will be selected from those in the eliminations that do not qualify for the final to be designated "Also Eligible" ("AE") for each final. The preference to determine which is the first "Also Eligible" ("AE1") shall be determined by taking the horse that placed highest in the official order of finish of all elimination divisions, but did not qualify for the final;

Stable entries will be seeded by lot when possible. Post positions for eliminations or preview and final will be an open draw and determined by lot. No refund for scratched horses.

All starters are subject to the detention policy of the race track.

MONEY DIVISION: Purses for both the Open and the Filly Divisions will be divided 50-25-12-8-5% for each heat or dash.

DRIVERS AND TRAINERS FEES: The drivers and trainers fees may be disbursed in accordance with the policy of the track at the time of the race.

DISPUTES: In the case of any dispute as to the interpretation of these conditions, the decision of the Sponsor shall be final. All fees and payments in any race are accepted on the condition that all claims, objections and appeals arising out of these races or with respect to any interpretation of any rules or conditions of the races, or otherwise shall be decided by the Sponsor.

RULES: Unless otherwise specified and except as may be affected by the rules of the Pennsylvania Harness Racing Commission, U.S.T.A. rules not in conflict with these conditions to govern, as well as the track rules & regulations of Pocono Downs. The rules shall be those in effect at the time of race.

NOMINATION AND SUSTAINING CHECKS PAYABLE TO AND MAIL TO:

The Hambletonian Society, Inc.
Cranbury Gates Office Park
109 South Main Street, Suite 18
Cranbury, NJ 08512-3174

