

## 2017 USTA Foundation Opening Night Gala Live and Silent Auction Rules

All auction proceeds benefit the *USTA Foundation Incorporated* (“*USTA Foundation*”). The buyer’s contribution equals only the amount paid in excess of the reasonable approximate values of the packages. Estimates of retail values and descriptions of items are based on information provided by the donors and are deemed reliable. Purchasers may not request exchanges or refunds from any donor or the *USTA Foundation*.

All packages are subject to the terms and conditions stated by donors. The *USTA Foundation* reserves the right to add, remove or substitute individual components of any auctioned package, in its sole and absolute discretion. All items are “as is” with no warranties and no redeemable cash value. All Auction items must be redeemed by 11:59 pm EDT on August 27, 2018 (“Redemption Date”). Any auction packages not redeemed by the Redemption Date, shall be deemed null and void. All costs and expenses, including without limitation any taxes are the responsibility of the successful bidder and recipient of the auction item. Please consult with your tax advisor regarding deductibility of any amounts paid for auction items or packages.

The live and silent auction will take place during the 2017 USTA Foundation Opening Night Gala at the US Open in Flushing, NY, on August 28, 2018.

Successful bidders who attend the event will have the option to pay by credit card through the following website: [www.ustafoundation.com](http://www.ustafoundation.com) or by check. Please make checks payable to “*USTA Foundation Incorporated*.” All bids are binding, and all sales are final; there will be no refunds, exchanges, or substitutions for auction items by the successful bidder or recipient. Please bid carefully. Successful bidders are responsible for paying for the auction items they successfully bid on – no exceptions. Successful bidders may not resell auction items or any part thereof.

The successful bidder waives any and all claims for liability or indemnification against the *USTA Foundation Incorporated* and the donor(s). Neither the *USTA Foundation Incorporated* or any of its affiliates nor any donors are responsible for property damage, death or personal injury, or damages of any other nature, whether to winners, travel companions or other parties that may arise from the use of auctioned items. Successful bidders and travel companions (and parent or guardian of any such individual under the age of majority) may be required to sign liability waivers and publicity releases in forms designated by the *USTA Foundation Incorporated*.

Except as specifically included in the package description, all costs and expenses (which may include, without limitation, hotel, meals, airport transfers, airline taxes and surcharges, ground transportation, and incidentals), as well as security fees, taxes and booking fees (if applicable) are the responsibility of the successful bidder.

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USTA Foundation Incorporated (USTA Foundation) is the United States Tennis Association Incorporated’s philanthropic entity that provides grants and scholarships and through tennis, helps underserved youth to improve in academics and strive for excellence. USTA Foundation is a 501(c)(3) tax-exempt, not-for-profit, charitable and educational organization. IRS ID #13-3782331. This request for financial support is for the purpose of funding programs and operations of USTA Foundation. Donations received shall not constitute an endowment of funds and may be expended in their entirety for the state purpose. A copy of USTA Foundation’s most recent annual report is available by contacting USTA Foundation at 70 West Red Oak Lane, White Plains, NY 10604 or the New York State Attorney General Charities Bureau at 120 Broadway, 3rd Floor, New York, NY 10271. Consult with your tax advisor regarding all donations. Good and services are associated with these packages. Please contact the USTA Foundation regarding the fair market value. ©2017 USTA Foundation, 70 West Red Oak Lane, White Plains, New York 10604. All rights reserved.