

# TOWN OF BERLIN



## COUNCIL ON AGING

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### **Town of Berlin Durable Medical Equipment Lender's Locker Program Loan Agreement, including Waiver and Release**

The following agreement is a waiver and release for the use of durable medical equipment by the Town of Berlin.

Borrower's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Item(s) borrowing: \_\_\_\_\_

In consideration for being permitted to borrow the equipment without fee, borrower hereby agrees to the following:

1. Borrower will inspect the equipment prior to taking possession of it, and shall notify the Town of Berlin if the equipment appears to be broken, malfunctioning or otherwise unsafe. Borrower shall not take possession of the equipment if Borrower believes the equipment to be broken, malfunctioning or otherwise unsafe.
2. Borrower acknowledges that she/he is taking possession of the equipment "as is" and "with all faults, and that the Town of Berlin had disclaimed all warranties. There is no warranty that the equipment will be fit for a particular purpose. Borrower acknowledges that she/he assumes all risks resulting from the loan and/or use of the equipment.
3. Borrower will not lend the equipment to any other individual or allow any other individual to use the equipment in any manner. The Town of Berlin is not liable for any injury.
4. Borrower hereby will defend, hold harmless, and indemnify the Town of Berlin and its officers, officials, employees, volunteers, and agents from any and all claims, suits, actions, damages, expenses, and liabilities (including reasonable attorney's fees and court costs) allegedly caused by the equipment.

5. Borrower will clean the equipment and return it to the Town of Berlin, in as good a condition as when it was received by the Borrower, excepting wear and tear, when it is no longer being used by the borrower. The Town of Berlin has a right to refuse any equipment being returned if equipment is not in acceptable condition.

Borrower has read the Town of Berlin's Durable Medical Equipment Lender's Locker program policies and procedures, this agreement, waiver and release, and further, understands the she/he gives up substantial rights by signing it, and signs it knowingly and voluntarily.

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Printed name of Borrower

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Signature of Borrower

Date

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Signature of Town of Berlin Representative

Date