

MAX C. HEMPT MEMORIAL PACE
At Mohegan Sun at Pocono Downs
\$500,000 Guaranteed 3-Year-Old Pace in 2019

Sponsored By:

Pennsylvania Harness Horsemen's Association

Serviced By:

The Downs at Mohegan Sun Pocono

For:

Foals of 2016 (Subject to USTA Foaling Date Rules).

To Be Raced As:

One race ("Final") for 3-year-old pacers plus any elimination races, if necessary, which is named the Max C. Hempt Memorial Pace ("Event").

To Be Raced At:

The Downs at Mohegan Sun Pocono, Wilkes Barre, Pennsylvania. Definite dates will be published in the USTA 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 any or all of these races at the track designated, the Sponsor reserves the right to change the date and the location of any or all of the races.

Cancellation:

The Sponsor further reserves the right to cancel any or all of the races if for reasons beyond their control it becomes impractical or undesirable in the opinion of the Sponsor to conduct said race(s). If an event is not raced due to circumstances beyond their control, the Sponsor's responsibility and liability will be limited to refunding without interest Nomination, sustaining and entrance fees collected toward canceled event that have not been disbursed at the time of cancellation. These monies will be prorated among the owners of the horses eligible as of the time of cancellation.

The Downs at Mohegan Sun Pocono requires six (6) separate betting interests to start in any event or it may be cancelled.

Purse:

All purses are guaranteed.

The Max C. Hempt Memorial Pace

(3-Year-Old Open Pace).....\$500,000

Elimination races, if necessary, will be guaranteed at a minimum of \$25,000. **NOTE: If entries warrant, there will be a \$75,000 Consolation.**

Payments: (U.S. Funds only)

February 15, 2019 (Nomination).....\$500

March 15, 2019 (1st Sustaining)..... \$1,000

April 15, 2019 (2nd Sustaining).....\$1,500

Entrance Fee-Eliminations.....\$3,500

Nominated horses must be properly identified to the satisfaction of the sponsor at the time of nomination. Payment fees must accompany all nominations. (U.S. funds only) Nomination, sustaining and entrance fees are non-refundable.

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 one hour prior to post time of the first elimination race (if eliminations are necessary) and the Final to be contested, as the case may be.

There will be no refund of entrance fees for horses that do not start unless the horse dies between the time of declaration to start and the start of the race of the Event in which the horse was to compete. All entrance fees shall be made payable to "Downs Racing LP."

Horses must show at least one (1) clean charted line (no breaks) within forty-five (45) days prior to the advertised declaration day and meet the existing time standard. Official workouts will not be accepted.

Note: as provided above, The Downs at Mohegan Sun Pocono requires six (6) separate betting interests to start in any event or it may be cancelled.

The Downs at Mohegan Sun Pocono reserves the right to reject any entry and return entrance fee, declare off any event if conditions warrant, call off any event not filling satisfactory and place entries in their eligible class if entered incorrectly.

Supplemental Declarations & Fees:

Horses may supplement by paying \$30,000 plus the entrance fee at the time of entry for the eliminations.

Payment Distribution:

All payments will be credited to the specific race.

Notice:

USTA Rule 11, Section 3 provides: "Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event."

Waiver:

As a condition of participation in this 2019 The Downs at Mohegan Sun Pocono Early Closing Program, 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 pictures 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:

All races are one dash at one mile. Post positions for all races will be drawn by lot. The Final will be limited to no more than nine (9) horses.

If the number of horses declared into the eliminations are not enough to split into elimination races of at least six (6) separate pari-mutuel interests in each of two eliminations, that race will be held with a single elimination race to "qualify" only enough horses that can be accommodated by the number of positions in the front tier of the starting gate as follows:

a) From the other declared horses, those with the least total earnings in the period from Jan. 1 of that year up to time of declaration, will be selected to race in a single elimination field

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with no more starters than can score in a single tier with no trailers, nine (9) at the Track. Money earnings for races outside the U.S. will be calculated at the exchange rate for U.S. dollars as determined by the USTA.

b) The remaining declared horses, if any (i.e. those with the higher money earnings that cannot be accommodated in the front tier of the elimination field may elect to automatically advance to the Final. If any of the higher money earners, as determined above, elect instead to race in the elimination, other declared horses, in preference of the greatest earnings, may be selected to automatically advance to the Final. If no horses elect to advance to the Final that elimination will be conducted with trailers.

c) The best finishers in the single elimination plus those that have automatically been advanced to the Final will make up the field for the Final. Except for those automatic finalists, preference to qualify for the Final will be given to the horses in their official order of finish in the eliminations.

If two eliminations are required, the first four (4) official finishers, along with the official 5th place finishing horse with the highest earnings in that year, as compiled by the USTA and including the elimination earnings will advance to the Final.

If three eliminations, the first three (3) official finishers will advance to the Final.

If four eliminations, the first two (2) official finishers in each race, along with the official 3rd place finishing horse with the highest earnings in that year, as compiled by the USTA and including the elimination earnings will advance to the Final.

Should there be more than four eliminations; the management of the Track will announce the appropriate procedure in determining the starters for the Final. Horses must have started in the eliminations in order to race in the Final.

Horses that qualify for the Final will not be allowed to elect instead to go into the consolation. If the eliminations are necessary, post positions in the Final will be determined by an open draw.

There will be two (2) "Also Eligibles" for the Final drawn from those horses that do not qualify for the Final as provided above determined first by finishing position and then, if need be, by the highest earnings for the year.

However, should two or more horses tie for the final position(s) to make up a field of nine (9) for the Final and the Also Eligibles by virtue of their finish in the elimination(s) above, such tied horses shall be eliminated from the Final by giving preference to the horse(s) with the highest earnings in that year, as compiled by the USTA and including the elimination earnings. In the event of a dead heat for the last position(s) in one or more of the eliminations to qualify or advance to the Final, a horse in another elimination finishing in the same position and not in a dead heat, regardless of earnings, would have preference over a horse finishing in a dead heat. (i.e. With two eliminations, a horse finishing fifth has preference over the two horses that were dead heated for fifth.)

Finally, if tied horses have equal seasonal earnings, then the finalist(s) will be drawn by lot with each of the horses having trainer or representative present at that draw.

If because of an accident in the elimination race, an insufficient number of horses finish that race and qualify for the Final, the remaining finalist(s) and "Also Eligibles" will be selected by lot from the remaining non-offending horses in that elimination where the accident occurred.

Stable entries will be seeded by lot when possible. All entries will be uncoupled in Eliminations or Finals, including when a trainer chooses to drive one of his entries.

Money Division:

Purses for these races will be divided 50-25-12-8-5%.

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 races.

Disputes:

A nomination to these events is an agreement to all above conditions. 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, USTA rules not in conflict with these conditions to govern, as well as the track rules and regulations of The Downs at Mohegan Sun Pocono. The rules shall be those in effect at the time of race.

**Nomination and Sustaining Checks Payable To
"Downs Racing LP" and Mail To This EXACT address:**
Racing Secretary
Mohegan Sun at Pocono Downs
1280 Route 315
Wilkes Barre, PA 18702