

## **KMXZ –WHATABURGER TEXT TO WIN CONTEST RULES**

No Purchase or Obligation Necessary to enter or win.

### **CONTEST DESCRIPTION:**

**Registration:** Beginning Monday August 31<sup>st</sup> through September 4<sup>th</sup>, 2020 at 2:00pm, (Contest Period)

**Requirements:** Must be 18 years of age or older and have a valid Arizona Driver's License or Government Issued Identification Card.

**Grand Prize:** Five (5) separate individual winners will win one (1) Whataburger \$25 gift card; provided by KMXZ and Whataburger for promotional purposes. (ARV \$25/card)

**HOW TO ENTER/WIN:** Listeners of KMXZ who are legal residents of the 48 contiguous United States residing within the Tucson, Arizona metropolitan area will be able to take part in the KMXZ - Whataburger Text to Win Contest. To participate in the KMXZ - Whataburger Text to Win Contest, listeners must do the following:

1. Listen weekdays to KMXZ (94.9 MIXfm) beginning Monday August 31<sup>st</sup> through September 4<sup>th</sup>, during the 12 noon "Totally 80's" music hour. The KMXZ (94.9 MIXfm) DJ will be giving out the KMXZ contest texting code (88474) and a keyword.
2. On Monday September 7<sup>th</sup>, 2020, five (5) winners will be randomly selected from the qualified entries. Winners will be contacted via phone and/or email on this same date.
3. Winners will have until October 5<sup>th</sup>, 2020 at 2pm to claim prize in person.

### **ELIGIBILITY RESTRICTIONS:**

1. The KMXZ - Whataburger Text to Win Contest is open to listeners of KMXZ who are 18 years of age and older and are legal residents of the 48 contiguous United States residing within the Tucson, Arizona metropolitan area.
2. Employees of KLPX, KFMA, KCMT, KTKT, KMXZ, KFFN, Arizona Lotus Corp, and its subsidiaries, affiliates, general sponsors, advertisers, competitors, promotional partners, other radio stations in the Tucson, Arizona metropolitan area, and members of the immediate families or those living in the same households (whether related or not) of any of the above are NOT eligible to participate or win in this KMXZ - Whataburger Text to Win Contest. For purposes of this contest, immediate family members mean spouses, parents, grandparents, children, and siblings and their respective spouses are not eligible.
4. Persons who have won a prize in another contest or promotion of any kind from Arizona Lotus within the seven (7) day period immediately preceding the start date of the KMXZ - Whataburger Text to Win Contest are not eligible to participate. Only one person per family or household (whether related or not) may win in any promotion from Arizona Lotus during any seven (7) day period.

### **PRIZES:**

1. Dates and times of concerts, trips, events, and activities promoted by event sponsors are subject to change and those changes are deemed to be beyond the control of KMXZ and Arizona Lotus Corp. Changes of venue, cancellation of engagements by performing artists, and/or their management may be permanent in nature. KMXZ and Arizona Lotus Corp. are not obligated to make any effort to find an alternative prize under these circumstances.
2. To the extent that prize elements are provided by third-party providers, winner agrees to look solely to applicable prize providers with respect to any claims, losses, or disputes in connection therewith.
3. No substitution of prize is offered, no transfer of prize to a third party is permitted and non-cash prizes may not be redeemed for cash value, except as determined by station management and/or the sponsor in its sole discretion.

4. Prizes will be awarded only upon winner verification and final approval by KMXZ.
5. KMXZ - Whataburger Text to Win Contest winner must sign and date official station release and waiver forms as requested. Failure to do so will result in winner forfeiting the prize.
6. If for any reason a contest winner provides notice that they have decided not to accept an awarded prize, the winner may be required to sign a release form acknowledging forfeiture of the prize. It will be at the discretion of the KMXZ - Whataburger Text to Win Contest sponsor and / or the contest administrator if another entrant is to be selected as the winner if time permits. Winner will have until October 5<sup>th</sup>, 2020, at 2pm to claim prize in person.
7. In the event any winner is found to be in violation of these Official Rules or is otherwise determined by KMXZ, in its sole discretion to be ineligible, he/she may be required to forfeit the prize or to reimburse KMXZ, and /or any sponsor for the stated value of the prize if such a violation is found after the prize has been used by winner.

#### **GENERAL CONDITIONS:**

1. Winners are responsible for all applicable taxes associated with the receipt of the prize.
2. Any person winning over \$600.00 in prizes will receive an IRS form 1099 at the end of the calendar year for tax purposes and a copy of such form will be filed with the IRS as required by law.
3. No purchase necessary. Contest is void where prohibited. Contest is subject to all applicable federal, state and local laws and regulations
4. Odds of winning depend upon the number of eligible contestants participating during the Contest Period.
5. By participating in the KMXZ - Whataburger Text to Win Contest, the winner or winners agree to have their name, voice, or likeness used in any advertising or broadcasting material relating to this contest, in any media now known or hereafter devised for advertising or promotional purposes without additional compensation, and must sign a public release prior to acceptance of the prize. By entering this contest, each participant agrees to comply with the Official Rules and the decisions of the contest sponsor which shall be final and binding in all aspects relating to the contest.
6. All contest winners will be required to sign a liability release prior to acceptance of any prize. Pursuant to the liability release, the winner or winners will agree to hold KMXZ and Arizona Lotus Corp., and any other contest parties and each of their respective affiliates, subsidiaries, agencies, officers, shareholders, directors, employees, agents and representatives of each of the foregoing, harmless against any and all claims or liability, directly or indirectly related to or arising from or in connection with contest participation or the acceptance, possession or use / misuse of awarded prize or any portion thereof, or participation in prize-related activities, including but not limited to any related travel.
7. Winners must provide valid identification (i.e. via driver's license, passport or other government-issued photo I.D.) to claim their prize.
8. KMXZ retains the right to disqualify any contestant if all of the KMXZ - Whataburger Text to Win Contest Contest rules are not followed. Contest void if prohibited by law.
9. So long as no participant is materially adversely affected, KMXZ reserves the right to make changes in the contest rules, which will become effective upon being announced on the air and / or posted online.
10. KMXZ and Arizona Lotus Corp., participating sponsors and their respective parent companies, subsidiaries, affiliates or their representatives, agents and employees are not responsible for the inability of any contestant to complete or continue a telephone call, facsimile transmission or internet registration due to equipment malfunction, busy lines, inadvertent disconnections, unavailable network, server, Internet Service Provider (ISP) or other connections, communication failures or human error that occur in the transmission, receipt or processing of entries. In addition, KMXZ and Arizona Lotus Corp, participating sponsors and their respective parent companies, subsidiaries, affiliates or their representatives, agents and employees are not responsible for lost, misdirected, mutilated, illegible or incomplete contest entries. Once submitted, entries become the property of KMXZ and will not be returned.

11. By accepting the prize, the winner acknowledges that KMXZ and Arizona Lotus Corp. have neither made, nor are in any manner responsible or liable for, any warranty, representation or guarantee, express or implied, in fact or in law, relative to the prize or to any portion thereof, including but not limited to its quality, mechanical condition or fitness for a particular purpose.

12. KMXZ and Arizona Lotus Corp. its subsidiaries, its affiliates, participating sponsors and any other promotional parties will not assume any responsibility for any changes in the execution of the contest, including; cancellation of the contest as a result of the occurrence of events not within the control of the KMXZ and Arizona Lotus Corp, its subsidiaries, affiliates, participating sponsors, promotional partners and other radio stations, such as acts of nature, strikes, terrorists acts or criminal acts of third parties. In the event, such an act should occur, KMXZ may in its sole discretion, offer the winner comparable prize(s) currently being offered by KMXZ in lieu of the Prize originally awarded.

13. If for any reason, the contest is not capable of running as planned, including without limitation, any suspected evidence of tampering or technological corruption or if any portion of the contest is compromised by virus, bugs, worms or unauthorized human intervention, fraud, an insufficient number of qualified Contest entries, or any other causes beyond the KMXZ and Arizona Lotus Corp's control which, in the KMXZ and Arizona Lotus Corp. sole opinion, corrupts, threatens or impairs the administration, security, fairness, integrity, or proper conduct of the Contest, KMXZ and Arizona Lotus Corp. reserve the right to cancel, terminate, modify or suspend the contest at their sole discretion.

14. Any attempt by an entrant to deliberately undermine the legitimate operation of the contest may be in violation of criminal and civil laws and should such an attempt be made, Arizona Lotus Corp reserves the right to seek remedies and damages (including attorney's fees) from any such entrant to the fullest extent of the law, including criminal prosecution.

15. Copies of contest rules are available upon request during regular business hours, Monday – Friday 10:00a.m. to 2:00 p.m., in the offices of KMXZ located at 3871 N. Commerce Drive Tucson, Arizona 85705. Copies of contest rules may also be made available on [www.mixfm.com](http://www.mixfm.com).