

EXAMPLE OF FORCE MAJEURE PARAGRAPH

This is an example only. Bracketed items { } and [] would be customized to fit the individual circumstance. Fairs are encouraged to seek review from their own legal counsel.

The performance of this Agreement is subject to termination without liability by either party upon:

- a) the occurrence, of any circumstance beyond the control of either party—including, without limitation, acts of God, war, acts of terrorism within a fifty (50) mile radius of {Name of Fair}, government regulations, disaster, pandemic/epidemic illness or other similar emergencies related to communicable diseases if the WHO, CDC or other federal, state or local governmental agency has issued an advisory recommending {limiting seating or admissions to the fairgrounds} to less than fifty (50%) percent of {list the seating capacity or maximum number permitted on the fairgrounds [depending on criteria you choose]}, strikes or threat of strikes (except that neither party may terminate this Agreement for situations involving that party's own employees), civil disorder, or curtailment of transportation facilities, or

- b) upon the prediction by the National Oceanic and Atmospheric Administration, any agency of the United States Government, or any agency of the Government of the State of (State where Fair is located) of the occurrence, of any circumstance beyond the control of either party—including, without limitation, acts of God, war, acts of terrorism within a fifty (50) mile radius of {Name of Fair}, government regulations, disaster, pandemic/epidemic illness or other similar emergencies related to communicable diseases if the WHO, CDC or other federal, state or local governmental agency has issued an advisory {limiting seating or admissions to the fairgrounds} to less than fifty (50%) percent of {list the seating capacity or maximum number permitted on the fairgrounds [depending on criteria you choose]}, strikes or threat of strikes (except that neither party may terminate this Agreement for situations involving that party's own employees), civil disorder, or curtailment of transportation facilities, to the extent that such event or circumstance makes it illegal, impossible or economically impracticable for the {Fair to be held or for the performance to be held [depending on whether this contract is for a single activity or performance; or performances or activities that occur during the entire fair]}. In such event or circumstance either party may upon written notice to the other party delivered prior to the cessation of such Force Majeure event or circumstance, terminate this Agreement. Notwithstanding the foregoing, {Name of Fair} shall

have the unilateral right to cancel all or any portion of the 2021 {Name of Fair} at any time due to an event or circumstance of Force Majeure by providing notice thereof to {name of other party to this agreement} by the most rapid and effective means possible. In the event that {Name of Fair} cancels the 2021 Fair (or portion thereof) and provides written notice of termination due to such Force Majeure event or circumstance, it may do so without any liability hereunder and the parties will refund on a pro-rata basis all fees and deposits paid by to the other party.