

## Official Auction Rules and Terms of Service

Thank you for participating in the Sharks Foundation Auction. The following rules and terms of service apply to all Sharks Foundation Auctions.

**REGISTRATION:** By registering for a Sharks Foundation Auction, you are agreeing to these official rules and terms of service and acknowledging that your information will be shared with the Sharks Foundation, Sharks Sports & Entertainment, LLC and their subsidiaries. Credit card information provided will be maintained in the auction platform until removed by the individual or a Sharks Foundation representative at the request of the individual. By entering a credit card, the individual is acknowledging that all bids are final and allowing the Sharks Foundation to charge the card for items bid at its discretion.

**BIDDING:** Bidding on an item is an irrevocable offer to buy the item at the price in the bid, provided the bidder's offer is the winning bid at the close of the Auction. Each item is its own separate Auction. Bids must be placed through the mobile auction platform, GiveSmart. All bids are final and cannot be adjusted once placed. Bidding is not allowed following the close of the auction. If a bid fails to go through due to a technical difficulty in the system, the Sharks Foundation is not liable and the auction results remain as finalized. The highest dollar amount bid at each Auction's close will be the winning bid for that Auction. All bids are made in increments and are subject to a minimum bid, as posted for each item. The Sharks Foundation keeps track of all unsuccessful bids. It is a violation of law to make bids in a false name or with an invalid credit card, even if such a bid is initially accepted by auction platform. Fraudulent bidders may be prosecuted to the fullest extent of the law. The Sharks Foundation may, at its sole discretion, terminate service should a bidder's conduct fail to conform to these Official Auction Rules and Terms of Service.

**WINNERS:** Winners will be notified via text message immediately following the close of each auction. The text message will include a link to guide the winner through the payment process. All unpaid bids will be automatically charged within one hour of the auction closing.

**ITEM PICK-UP:** Once notified, the winner has **30 days** from the date of the auction to pick-up or schedule delivery of the auction item. Please note, the Sharks Foundation is unable to hold items for longer than 30 days. **If pick-up or delivery of an item is not completed within 30 days, the winner forfeits the item and the item will be donated back to the Sharks Foundation without refund.** The following options are available for obtaining auction items:

- Pick-up from the specific event or game where the auction took place immediately following the auction.
- Pick-up from a San Jose Sharks Home Game at the Sharks Foundation Booth. Please note, this option requires you to schedule the pick-up ahead of time with a Sharks Foundation representative. Pick-ups must be scheduled and confirmed prior to the proposed date of pickup as auction items may not be kept at SAP Center at San Jose.
- Pick-up from the San Jose Sharks offices at SAP Center at San Jose, Monday - Friday from 10AM - 5PM. Please note, this option requires you to schedule a pick-up date and time with a Sharks Foundation representative. Pick-ups must be scheduled and confirmed prior to pick-up.
- Shipped via UPS. Sharks Foundation, in its sole discretion, may charge a fee based on the size of the item won. Please note, the Sharks Foundation is not responsible for any items lost or stolen during the shipping process. If an item is marked as "cannot be shipped" in the auction listing, the item must be picked up in person.

**PAYMENT:** Payment can be made using the credit card on file with the auction platform. All unpaid winning bids will be automatically charged within one (1) hour of the auction closing. Payment must be received prior to item pick-up.

**UNSUBSCRIBING:** If at any time you would like to unsubscribe from the mobile auction platform, text the word “STOP” to 76728 or email the contact below to be removed. Please allow up to 2 business days for the removal to take place.

**CONTACT:** For questions or concerns regarding the Sharks Foundation Auction, email [sharksfoundation@sharksfoundation.org](mailto:sharksfoundation@sharksfoundation.org), Monday - Friday from 9 a.m. – 5 p.m. Pacific Time.