

# GHEEN IRRIGATION WORKS, INC.

## Limited Warranty

Gheen Irrigation Works, Inc. (Gheen) has a long list of satisfied customers that will attest to the fact that we manufacture quality products and stand behind our *Limited Warranty*.

**Limited Warranty.** Gheen products are warranted to be free of defects in material and workmanship for one year from the date of shipment by Gheen to a dealer or other purchaser. Gheen will, at its election, repair, replace or refund the purchase price paid to Gheen when Gheen's inspection discloses a defect occurring in normal usage of a Gheen product during this warranty period. When a warranty repair or replacement is made, it has the same date of warranty limitation as the original part or component.

**Damage Limitations.** Gheen will not be responsible or liable for: (1) Incidental, consequential or secondary damages, such as (without limitation) crop damage, damage caused by flowing water or any other similar expense. (2) Removal, shipping and installation costs. (3) Damages for aggravation, mental anguish, emotional distress or pain and suffering. (4) Damages for personal injury or medical, mental or counseling treatment. (5) Punitive damages. In no event shall Gheen's liability be greater than the amount of the purchase price paid to Gheen for the defective product.

**Warranty Exclusions.** This *Limited Warranty* does not cover the following items: (1) Damage resulting from accidents, fires, floods, storms, electrical malfunctions or acts of God. (2) Damage from alterations, misuse or abuse of any covered part or component by any person. (3) Damage resulting from faulty irrigation system design or failure to use specified parts or components. (4) Damage from pressure exceeding the maximum pressure rating of the part or component (most Gheen fittings rated for 130 psi maximum, some items rated at lower pressures). (5) Damage resulting from use of incompatible fittings or components. (6) Damage resulting from failure to follow Gheen's *Safety Recommendations*.\* (7) Damage resulting from failure to maintain the irrigation system and its parts and components. (8) Aluminum pipe corrosion. In no event shall Gheen's liability be greater than the amount of the purchase price paid to Gheen for the defective product.

**Warranty Disclaimer.** Except as set out in this *Limited Warranty*, Gheen makes no warranties, express or implied relating in any way to products it manufactures or sells. Gheen specifically DOES NOT WARRANT MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. There are no warranties which extend beyond the description on the face of this *Limited Warranty*.

**Warranty Claims.** Any products claimed to be defective shall be returned to the distributor from where it was purchased. The distributor will return the merchandise to Gheen by prepaid transportation for Gheen's review.

**Negotiation & Arbitration.** Any warranty claim will be resolved by direct personal negotiations. If that is not successful, the claim shall be resolved by arbitration administered by the American Arbitration Association in Eugene, Oregon, under its then current *Commercial Arbitration Rules*.

**Attorney Fees.** In the event arbitration or other proceeding is commenced to enforce or interpret any provision of this *Limited Warranty*, the prevailing party shall be entitled to recover in any proceeding or any appeal, a reasonable attorney fee to be set by the trier of fact, including a reasonable sum for collection, in addition to costs and disbursements.

**Partial Validity & Binding Effect.** If any provision of this *Limited Warranty* is held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect. This *Limited Warranty* shall be binding upon the current and all subsequent owners of parts and components manufactured by Gheen.

**Waiver.** No agent, employee or representative of Gheen, nor any other person, is authorized to waive or modify any term or provision of this *Limited Warranty* except in writing signed by Gheen's president.

\* Gheen's *Safety Recommendations* are located in Gheen's current product catalog and can be found at [www.gheenirrigation.com/safety](http://www.gheenirrigation.com/safety).