

THE 2010 EMPIRE BREEDERS CLASSIC

For New York Nominated Foals of 2007

Three Year Old Pacers & Trotters with a Filly Division for Each

Sponsored By: Tioga Downs & Vernon Downs, et al.

Fees Collected By: Tioga Downs

For: New York Nominated Pacers & Trotters, Foals of 2007 whose New York nominated Stallion has paid into this race (Subject to USTA Rule 26, Section 26 (b), as published July 26, 2002).

To Be Raced As: A Stake for New York Nominated Three Year Old pacers & trotters in 2010 with a filly division for each.

Estimated Purse: Eliminations (if necessary): \$12,500E; Final: \$250,000E for each division; Consolations: \$12,500E

To Be Raced At: Tioga Downs and/or Vernon Downs, tentatively scheduled for Memorial Day weekend.

Cancellation:

If an event is not raced, Tioga & Vernon Downs' responsibility and liability shall be limited to refunding, without interest, all payments collected toward these events. The Agriculture & NYS Horse Breeding Development Fund's liability shall be limited to only those events that are raced and reserves the right to withdraw its support and funding of these race events at its discretion.

Added Money:

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| The Agriculture & New York State Horse Breeding Development Fund | \$200,000 estimated |
| Stallion Owners | \$100,000 estimated |
| Tioga Downs | \$100,000 |
| Vernon Downs | \$100,000 |

These funds, barring any unforeseen circumstances which may preclude this, in addition to all fees paid in by nominating horsemen shall constitute the purses for this event. All declaration fees will be added to the purses for this event.

Stallion Nomination:

Stallion owners may nominate their eligible stallions for the 2010 event by making a payment equal to the amount of one service fee for the nominated stallion in the year (2006) in which those three year olds eligible to the 2010 event were bred with the minimum payment being \$1,000. Those stallions breeding fewer than twenty mares in the 2006 season may make their nominated progeny eligible to this event with a payment of \$1,000. Stallion payments are due by July 15, 2008 and payable to Tioga Downs. A list of eligible stallions is available at www.tiogadowns.com.

Eligibility:

These events require nominees to have been sired by a stallion standing in the state of New York and registered with The Agriculture & NYS Horse Breeding Development Fund or its agent for the 2006 breeding season when the nominee was bred. The stallion must also be nominated to the 2010 Empire Breeders Classic events. All nominees must have been nominated as a yearling to the New York State Sire Stakes program or made the supplemental payment to those races as called for in their conditions.

A) If a New York eligible stallion that bred fewer than 20 mares in 2006 fails to pay into this event, the owner of that NY eligible stallion's progeny may pay an "in lieu of stallion" fee of \$1,000 to make a single two year old horse eligible for the 2010 race.

Further eligibility requires completion of the regular sustaining payment schedule for three year olds as listed below.

B) If a New York eligible stallion that bred fewer than 20 mares in 2006 fails to pay into this event, the owner of that NY eligible stallion's progeny may pay a supplemental fee of \$6,000 to make a single three year old horse eligible for the 2010 race.

Payments: (US Funds only)

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|---|----------------|---------|----|---|----------------|---------|
| Two Year Old Nominating Payment: | March 15, 2009 | \$350 | OR | Two Year Old "In Lieu Of" Fee: | March 15, 2009 | \$1,000 |
| Three Year Old Sustaining Payment: | March 15, 2010 | \$1,000 | OR | Three Year Old Supplemental Fee: | March 15, 2010 | \$6,000 |
| | | | | Declaration Fee | \$2,500 | |

Declaration:

Declarations for these events will close at the time and date designated on the condition sheet. The declaration fee shall be due at the time of declaration and payable before the horse starts. Declaration fees should be made payable to the host track. No refunds for scratched horses. At the time of declaration, horses declared to race in these events must have a clean charted past performance line that meets the current time requirement of the Host Track within thirty days of the date of declaration for the race.

Notice:

USTA Rule 11 Sec 3 provides: "Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event." This event is not a New York Sire Stakes event and finishers will not be awarded points. All stallion and two year old nomination payments collected in 2009 will be retained by Tioga Downs until dispersed in 2010 with no interest added.

Racing Conditions:

All events will be one heat at one mile. In the event there shall be elimination races or, at the discretion of the sponsors, a preview race, it will be held approximately one week prior to each of the finals. All horses qualifying for the finals must be properly declared for those events. If more than eleven (11) declare to start, the host track may adopt any of the methods of dividing the race then current in the rules and regulations. If elimination races are necessary, the number of horses in finals for these events shall be limited to the number of positions on the starting gate at the host track. Any ties so far as continuing from an elimination race to a final shall be decided by a blind draw. In the event that horses eligible for the final are not declared for the final, additional horses from the elimination races will be selected from those properly declared by taking the horse(s) placing highest in the order of finish in the elimination races to complete the field for the final. The next two properly declared horses placing highest in the order of finish in the elimination races shall be listed as also eligible for the finals and may draw in before scratch time. Elimination winners (if two or more elimination races), in an order determined by lot, may choose their post position for the final. The consolation races shall be comprised of the horses with the highest placing in the eliminations that do not make the final and are declared for the consolation. Horses qualifying for the final may not race in the consolation. A minimum of seven (7) separate interests may be required in any event or the event may be cancelled. All starters are subject to the detention policy of Tioga Downs and/or Vernon Downs.

Money Division:

50%, 25%, 12%, 8% and 5% or USTA standard for less than five places for all races.

Disputes:

All owners, trainers and drivers of horses nominated to this event must be accepted to participate at each Host Track or the entry may be denied without refund of previous payments. Decisions by the Management of Tioga / Vernon Downs and The Agriculture & NYS Horse Breeding Development Fund shall govern all disputes arising from these conditions and its decision shall be final.

Rules:

A nomination to these events is an agreement to the above terms and conditions. Rules of the New York State Racing & Wagering Board, host racetrack and the USTA shall govern unless otherwise specified in these conditions.

Checks made payable to: TIOGA DOWNS

Send to: Racing Office c/o Tioga Downs, LLC. 2384 West River Rd, Nichols, NY 13812 (607) 699-7688