

Purpose of the Waiver:

The primary purpose of this waiver is to release Delta Metals and Delta Building Centers from any liability related to "oil canning" in their Board and Batten (smooth pan) siding and Snap-lock, smooth pan, 2-bead roofing products. By signing, the customer acknowledges and accepts that oil canning is an inherent characteristic and will not be considered a product defect.

Key Definitions and Explanations:

- **Oil Canning:** The waiver clearly defines oil canning as "a visible waviness or rippling of the (non-striated) metal that affects metal roofing and siding." This helps ensure the customer understands what the waiver is addressing.
- **Inherent Characteristic:** It emphasizes that oil canning is an "inherent characteristic of the (non-striated) metal roofing and siding systems." This is a crucial point, as it frames oil canning not as a flaw in manufacturing but as a natural phenomenon associated with the material.
- **Causes of Oil Canning:** The waiver lists several common causes, including:
 - Expansion and contraction of metal
 - Overtightened fasteners
 - Uneven substrate
 - Underlayment not being flat
 - Settling of a structure
 - Mishandling of metal panels
 - Roll forming

This comprehensive list reinforces the idea that many factors beyond the manufacturer's control can contribute to oil canning.

Exclusion of Warranty/Guarantee:

- "Many conditions causing oil canning are beyond the control of manufacturing, and as such we offer no warranty nor guarantee of any form for the presentation of oil canning on Delta Metals products." This is a critical clause, explicitly stating that no warranty or guarantee covers the appearance of oil canning.

- **Customer Acceptance and Release of Liability:**
- "The purchasing party is herein notified and by signing this legal disclaimer knowingly and willingly accepts to release Delta Metals and Delta Building Centers for all claims of product defect for the presentation of oil canning In Delta Metals roofing and siding systems." This is the core of the waiver, where the customer, by signing, legally agrees to:
 - Being notified about oil canning.
 - Knowingly and willingly accepting its potential occurrence from using a non-striated profile.
 - Releasing Delta Metals and Delta Building Centers from any claims that oil canning constitutes a "product defect."

Advice for a Customer:

If you are a customer being presented with this waiver, consider the following:

1. **Read Carefully:** Ensure you fully understand all terms before signing.
2. **Visual Expectations:** Understand that your smooth pan siding or roofing may not appear perfectly flat and could exhibit waviness.
3. **Alternative Products:** If the aesthetic of perfectly flat metal is paramount, you might inquire about alternative metal panel profiles or materials that are less prone to oil canning (though most smooth metal panels are susceptible to some degree). Ribbed or textured panels tend to hide oil canning better.
4. **Installation Importance:** While the waiver covers manufacturing, proper installation can mitigate *some* causes of oil canning. Ensure you have a qualified installer. However, even perfect installation cannot entirely prevent inherent oil canning.
5. **Seek Clarification:** If any part of the waiver is unclear, ask Delta Metals for clarification before signing.

In essence, this waiver is a standard industry practice for metal panel manufacturers, designed to manage customer expectations and limit liability for an aesthetic characteristic that is largely unavoidable with smooth metal surfaces.

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Signature

Print

Date