



PARADE OF HOMES™

RULES AND AGREEMENT

Rules Published:	January 1, 2019	
Parade Dates:	May 3 - 5 and 10 - 12 of 2019	
Entry Deadline:	Jan. 1 – Feb. 15, 2019	(no late fee)
Entry Deadline:	Feb. 16 – Mar. 15, 2019	(w/late fees)

PARADE DATES and HOURS

Friday, Saturday and Sunday 1:00 PM - 6:00 PM

Event Organizer:	East Texas Builders Association 2023 Alpine Rd., Longview, Texas 75601 Phone 903-758-6416 ♦ Fax 903-758-0695 E-mail: events@easttexasbuilders.org Website: www.easttexasbuilders.org Angela's cell: 903-220-8416
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1. BUILDER AGREEMENT, DEFINITIONS AND TERMS

The East Texas Builders Association (known as ETBA) annually presents the "PARADE OF HOMES™," a program established for the benefit of the association's communities and its local building industry.

The East Texas Builders Association relies upon the participation of local builder members of the association for the continued vitality of the PARADE OF HOMES™ and the East Texas Builders Association.

The East Texas Builders Association intends to promulgate rules and regulations for the PARADE OF HOMES™, which, when promulgated, are automatically incorporated into this agreement.

NOW THEREFORE, for the consideration, the parties agree to the following contract terms:

2. ENTRY

Number of Entries- Limit two (2) entries per builder.

- Parade Builders with two entries may request approval to submit additional entries.
- The request for additional entry(s) must be submitted to the Parade Committee.
- The Committee will conduct a vote among the builders that are participating in the current parade. Collectively, the current parade builders will approve or deny the request for additional entry(s). The parade builder's decision will be final and will apply to all other request for additional entries for the current parade. The Parade Committee will vote only to break a tie.
- If the request for additional entries is received by the deadline; late fees will be waived for the additional entry, if approved.
- If the request for additional entries is submitted after the deadline, late fees will apply.
- The deposit and entry fee are due upon approval.
- No entries will be accepted after the final deadline.
- All other Parade rules apply to the additional entry(s).
- The decision to accept additional entries in one parade, does not limit or alter the ability to accept or deny additional entries in future parades.

Applications (per entry) - Application/agreements for entries may be submitted as early as 9:00 AM on January 2, 2019. The deadline for entries (without late fee) is February 15, 2019. Late fees apply February 16, 2019 – March 15, 2019 and no entries will be accepted after March 15, 2019.

Entry Includes:

- Builder Agreement
- Entry Fee (pg. 2 / section 3.)
- Deposit* (Member \$750 / Non-Member \$1000)
- Floor Plan (full size and 8 ½ x 11 copy)
- Certificate of Insurance (pg. 2 / section 5.)

*The deposit will be returned to the builder no later than 10 days after the parade upon return of all supplies, signs, tickets and money, and provided that the builder has complied with all the rules and regulations listed throughout this agreement.

On or before February 15, 2019, the builder must submit to the ETBA office the following:

- Builder Agreement, entry fee and deposit
- Full size and 8 ½ x 11 copy of final floor plan
- Map of each entry, listing streets nearby and/or the mileage from point A to point B if outside city limits.

On or before March 18, 2019, the builder must submit to ETBA the following:

- List of sub-contractors and suppliers (only ETBA members will be listed)
- Ten “major” features describing the house

On or before May 2, 2019, the builder must submit to ETBA the following:

- Homeowners Agreement and Indemnification Agreement.
- Certificate of Insurance

Note: The parade entry will not be available for show and the deposit will be forfeited if the Homeowners Agreement, Indemnification Agreement and Certificate of Insurance are not on file with the ETBA office by 5:00 PM May 2, 2019.

3. FEES- Entry fee based on membership and heated/cooled square footage of entry.

Sq. Ft.	<u>ETBA Member</u>	<u>Non-Member</u>
Up to 2500	\$1,500	\$3,000
2,501 – 4,000	\$1,800	\$3,500
4,001 – 8,000	\$2,400	\$4,000
8,001+	\$2,800	\$4,500

New Member Fee: A builder must have been a builder member of ETBA for six (6) months prior to the deadline date of March 15, 2019, or they will be charged an additional non-refundable \$500.00 new member fee.

<u>Late Fees</u>	<u>Member</u>	<u>Non-Member</u>
February 16 - 28, 2019	\$125	\$500
March 1 - 15, 2019	\$250	\$750

Late fees will be paid in addition to the entry fee and are not refundable.

4. REMODELS

- Must affect at least 50% of the heated and cooled space of existing home (beyond flooring and paint) or increase the appraised value by 50%.
- Must include remodel of kitchen and/or bath
- Entry must be approved by the Parade Committee prior to submittal
- Must include structural changes, additions or some type of major change and be of interest to the public.
- ETBA will market the entry as a remodel.

5. Insurance- Certificate of Insurance (provided by the builder) for the homeowner and builder. Minimum liability insurance limit of \$500,000 per occurrence required. The parade entry will not be available for show and the deposit will be forfeited if the Certificate of Insurance is not on file with the ETBA office by 5:00 PM May 2, 2019.

6. REFUNDS- Entry fees are not refundable. If the entry is withdrawn by April 1, 2019 the deposit will be refunded.

- 7. HOME PHOTOS-** The main home photo will be taken between March 25 - April 1, 2019. Per the direction of the builder and ETBA's photographer, ETBA will use a finished photo of either the exterior of the home, any interior room, or architectural detail in the parade magazine on the builder's entry page. Final decision of the featured photo is at the discretion of the Parade Committee. If the photo requires photo shopping, the builder will pay the cost to have a professional graphic artist (contracted by ETBA) to "photo shop" the image in order to have an acceptable image for use in the parade magazine. The actual cost of contract labor to digitally enhance the image to bring it up to the Parade Committee's requirement will be deducted from the builder's deposit accordingly. When necessary, the builder will be notified of dates and approximate hours that a photographer will take the picture of their parade entry. If the builder elects to feature the exterior of the home in the picture- it will be the builder's responsibility to remove all signs, trash, portable toilets, vehicles, etc. from the view. Should the photographer have to make multiple trips to your parade entry for a clear picture opportunity, the builder will pay any additional charges occurred due to the excessive trips.
- 8. SETTING AND CHANGING DATES OF PARADE-** The 2019 SPRING PARADE OF HOMES™ will begin on the first and second Friday of May 2019. Therefore, the dates are May 3, 4, 5 and 10, 11, 12. Dates and times will not be changed from the original set dates and there will be no option to recommend changing the original set dates and times of the 2019 PARADE OF HOMES™.
- 9. PROMOTION-** The East Texas Builders Association will promote the PARADE OF HOMES™ in order that attention is placed on the event and that a high degree of visibility is obtained.
- 10. PROFESSIONAL REPRESENTATION-** Each house shown in the PARADE OF HOMES™ shall have the builder or the builder's representative present during all hours of the parade. If the builder is not present, the representative should be able to answer questions. That person should present a professional image for the PARADE OF HOMES™ and the East Texas Builders Association. Such persons can be an ETBA realtor member, ETBA lender member, other ETBA associate member or other individual that is not representing a non-member company.
- 11. COMPLETION REQUIREMENTS-** The builder must diligently pursue the completion of construction of the house so that it is completed by 10 AM on the opening day of the PARADE OF HOMES™. The committee may make inspections of the homes. If the committee determines that the builder's entry is not complete, the builder must formally withdraw his house from the PARADE OF HOMES™.

Should the house be withdrawn after the magazine has been printed, a "not available to show" sign will be placed in the yard and the builder will not be able to show the house. The builder must inform the ETBA office if his/her entry will not be completed and ready to open during the set parade dates & hours.

Any builder who shows their entries not finished or who does not show the home during every set parade date and hour, will forfeit his/her deposit and will not be allowed to enter a parade home in the 2020 SPRING PARADE OF HOMES™. You will need to write a letter to the Parade Committee explaining why your home was not available for showing during every set parade date and hour.

Completed House- A completed house is one that meets all mortgage appraisal standards. This includes all plumbing, floor coverings, painting, staining, carpentry, hardware, electricity, appliances, cabinets, etc. The house must be ready to occupy by a new homeowner.

Landscaping shall be up to each builder, but must include ground cover within a reasonable perimeter of the house, sod or hydro mulch. Back of house landscaping is optional, but must be

graded and clean. Exceptions should be presented to the Parade Committee at least five days before opening dates.

Exterior of house (brick, stone, siding, etc.) shall be 100% complete and must have permanent utility service.

Completion shall also include all trash and debris removed from the interior and exterior of house and garage. Interior and exterior should be neat and orderly. Port-a-potties, excess materials, etc. must be removed. All swimming pools must be fenced or designated as a restricted area. If not completed, swimming pools must be covered and designated as a restricted area.

12. BREACH- If the builder fails to comply with all the rules or fails to reasonably cooperate with the association in promoting and conducting the PARADE OF HOMES™, the association in its sole discretion, may disqualify the builder from participation in the PARADE OF HOMES™. If the builder is disqualified by the association, the builder will forfeit his/her deposit and shall be unable to participate in the 2020 SPRING PARADE OF HOMES™.

13. RELEASE- The undersigned builder releases and forever discharges the association, their officers, directors, agents, employees, members and representatives of any kind and in whatever capacity- and any person or entity in privities with or liable for any one of them of and from all liabilities, causes of action, claims and demands of any kind resulting from:

- All decisions of the committee and the association regarding the PARADE OF HOMES™
- All causes of action resulting from injury to anyone during the PARADE OF HOMES™
- All causes of actions resulting from mental anguish and bodily physical injuries
- All other claims, whether in tort or contract
- All claims for attorney fees, paralegal fees, court costs, cost of investigations
- All damages resulting from the committee's or the association's removal of the builder's home from the PARADE OF HOMES™, whether actual, consequential, exemplary, punitive, trebled, discretionary or otherwise.

14. WITHDRAWALS- If the entry is withdrawn by April 1, 2019 the deposit will be refunded. The entry will not be printed in the parade magazine or in the special section of the Longview News Journal. The builder must notify the ETBA office in writing by April 1, 2019 stating the need to withdraw the entry.

Any builder who withdraws their entry after April 1, 2019 or does not show their entry during every set parade date and hours, will forfeit their deposit and will not be allowed to enter a parade home in the 2020 Spring Parade of Homes™. Where possible, your entry will be marked as "not available for showing" or will be removed from parade advertising. You will need to write a letter to the Parade Committee explaining why your home was not available for showing during every set parade date and hour.

If a house is damaged (due to calamity) after the withdrawal date of April 1, 2019 and the builder feels he/she cannot have the house repaired to completion by opening day of the parade, the builder may write a letter to the Parade Committee requesting a waiver of the rule excluding them from having an entry in the PARADE OF HOMES™ the following year.

Calamities shall include, but not be limited to, catastrophic damage due to wind, fire, flood or sudden rupture of pipes, vandalism or other catastrophic loss.

15. NON-MEMBER TRADE PROFESSIONALS- Sub-contractors and suppliers who are not ETBA members will not be listed on the builder pages in the PARADE OF HOMES™ magazine. Non-

members are not allowed to display signs, business cards or other forms of business advertising in any parade home or on the property of the parade home. If this rule is violated, the parade builder will pay the associate membership dues of the non-member. The membership dues may be withheld from the parade builder's deposit. If the deposit is exceeded, the builder will be invoiced for the amount due.

16.ADVERTISING PRIOR TO PARADE- Participating builders cannot advertise and show the entry/entries as a parade entry prior to the said show dates and time without permission of the committee. The participating builders must advise the real estate broker or agents to not advertise publicly or show to the public, the said house as a PARADE OF HOMES™ entry.

17.OPEN HOUSE- The builder will keep the parade house open to the public at all times during the PARADE OF HOMES™, as established by the ETBA Parade Committee and Board of Directors. If entry is not open during all posted hours of the parade, the result is the forfeiture of the deposit and excludes the builder from having any entries in the 2020 SPRING PARADE OF HOMES™. The builder will need to write a letter to the Parade Committee explaining why the home was not available for showing during every set parade date and hour.

During periods of precipitation or weather warning issued by the National Weather Service, it shall be the decision of the parade builder to close the entry. The builder or their representative must notify ETBA Staff before closing. If the entry is closed because of the precipitation or weather warning issued by the National Weather Service and the precipitation and/or weather warning clears, the house should then be re-opened. If it is safe to do so, the builder or their representative shall remain in the house during the closed time in case the weather clears to re-open the house.

18.TRADEMARK- The "PARADE OF HOMES™" is a registered trademark of the Greater Dallas Association of Home Builders. ETBA paid a fee to use this name. Any form of advertising with this wording should be approved by the ETBA. Please advise realtors and any advertisers of such. Parade builders cannot use any ETBA parade signs, flags or banners on any house that is not a paid entry, nor can the parade builder use any imitation of such items.

19.ADMISSION FEE & TICKETS- Each participating builder understands and agrees that there is a public admission fee to view all entries. Tickets are \$10.00 if purchased prior to May 3rd and \$15.00 if purchased May 3 – 12. All children over the age of 2 must have a ticket (only children 2 and under are admitted free).

For safety, please do not allow ticket sellers to work alone. All tickets and money shall be the responsibility of the parade builder. All remaining tickets and money shall be turned into the ETBA office no later than 24 hours from the last day of the PARADE OF HOMES™.

As part of your parade entry package, each parade builder will receive six free parade tickets to distribute upon their discretion.

20.Mandatory Parade Luncheon- The mandatory parade luncheon is scheduled for Wednesday, May 1, 2019. The parade builder or their representative must attend the designated parade lunch meeting to pick up parade supplies, learn of any important parade updates and complete the Parade Craze app training for ticket selling, redeeming and scanning.

The Parade Committee will review each occurrence of failure to attend and take action as the committee deems appropriate.

21. Homeowners- For custom homes entered in the 2019 PARADE OF HOMES™, the homeowner/s must read the parade rules and sign the Homeowners Agreement. This also applies to any spec house that sells before the parade ends.

The homeowner will sign and return the Homeowners Agreement to the builder and the builder will return the form to the ETBA office.

Buyers cannot be living in the house during the parade, without the participating builder presenting to the East Texas Builders Association's Executive Vice President, a signed agreement to indemnify and hold harmless the East Texas Builders Association, its agents, employees, Parade Committee and Chairman from any claims, causes of action or judgments of any kind arising from or related to the entry/entries participating in the 2019 PARADE OF HOMES™.

A copy of this agreement can be obtained from the ETBA office. The indemnification agreement shall include without limitation, claims for bodily injury, death, damages or loss of personal property, breach of warranty, breach of contract and claims arising out of the acts of subcontractors or agents employed by the builder.

The Homeowner Agreement and the Indemnification Agreement must be submitted to the ETBA office no later than 5:00 PM on May 2, 2019.

22. Returning Items

Welcome Sign- The "welcome to parade home #" yard sign (furnished by ETBA) must be returned to the ETBA office at the close of the parade. Failure to return the signs will result in the builder being charged \$25.00 for each sign or the fee being charged to the builder directly.

Feather Banner Flag- The "Parade Home" red and yellow feather banner flag (furnished by ETBA) must be returned to the ETBA office at the close of the parade. Failure to return the feather banner flag, all parts/poles, and the black carry case will result in a \$250 replacement fee being withheld from the builder's parade deposit or the fee being charged to the builder directly.

Ticket Scanning Device- The ticket scanning device (furnished by ETBA & Parade Craze) must be returned to the ETBA office at the close of the parade. Failure to return the ticket scanning device, box, charging cord and protective case will result in a \$450-\$650 replacement fee being withheld from the builder's parade deposit or the fee being charged to the builder directly.

Credit Card Reader- The credit card reader (furnished by ETBA & Parade Craze) must be returned to the ETBA office at the close of the parade. Failure to return the credit card reader will result in a \$60 replacement fee being withheld from the builder's parade deposit or the fee being charged to the builder directly.

23. Parade Craze License- Notwithstanding any other provision of this agreement, builder hereby grants East Texas Builders Association a non-exclusive, royalty-free, sub-licensable right and license to use all home details, photos, descriptions, drawings, blueprints, advertisements, etc. provided to East Texas Builders Association by builder (collectively, the "Materials") for reproduction, publication, and other use by the East Texas Builders Association and authorized third parties for the promotion and operation of the 2019 Spring Parade of Homes before, during and after the event.

24. Parade Craze Indemnification- Builder hereby represents and warrants that Builder is the owner or licensee of the materials and that Builder has the right and/or license to provide the materials to East Texas Builders Association for use before, during and after the event as set forth herein. Further, notwithstanding any other provision of this agreement, Builder hereby agrees to hold harmless and indemnify East Texas Builders Association from any and all third party claims,

demands, fees, and costs (including reasonable attorney fee(s) associated with the use of the Materials used by East Texas Builders Association in relation to the event.

- 25. Parade Craze Photo Appointment Cancellation-** If a scheduled photography appointment isn't cancelled or rescheduled at least twenty-four (24) hours in advance of the scheduled time, Builder agrees to pay a \$50 cancellation fee. This fee also applies if a Builder, or associated representative, fails to show up to a scheduled appointment or if the home is not properly prepared or suitable for a photo shoot.

26. MISCELLANEOUS

New construction houses entered in the parade cannot be occupied prior to submitting the entry to the ETBA office. Entries will be accepted starting January 2, 2019. Entries that have previously been shown to the public in any parade cannot be entered in the PARADE OF HOMES™, unless the remodel guidelines apply.

All builders with an entry in the parade must be in good standing with ETBA with no outstanding balances over 60 days as of the entry deadline of February 15, 2019.

The builder may allow ETBA trade professionals to demonstrate their goods or services on the property during the parade. There are no fees involved for the trade professional; however, they must be a current member of ETBA.

Parade builders may leave a complete set of construction drawings at the ETBA office for associate members to review for the purpose of submitting a bid. Associate members may not remove the plans from the ETBA office or photocopy the plans unless express permission of the builder is given to do so. The builder is not required to contract with any of the bidders.

You are welcome to bring the associate yard signs, brochures and business cards to the ETBA office for associates to pick up after the parade.

It will be the participating builder's choice to decorate and/or furnish the home.

All rooms in the parade home must be available for showing.

The ETBA office staff will not be responsible for scheduling hostesses to work in the parade houses. Each builder will be responsible for his or her hostess, keeping up with his or her hours and payment of hours worked and will pay directly to the hostesses.

Participating builders cannot use the designated parade flags at any other house that is not a parade entry.

The Parade Committee and/or ETBA's Executive Officer shall review all information submitted for publication in the parade magazine. Submissions deemed incorrect, false, misleading, exaggerated or a poor reflection on the association shall be returned to the builder for re-wording.

Any builder with unpaid judgments filed by a customer, subcontractor or supplier over 120 days as of February 15, 2019 will not be allowed to enter a house in the 2019 SPRING PARADE OF HOMES™.

No builder shall be allowed to assign his/her right to enter a house in the parade by being the builder of record and not as physicality.

Any decision regarding rule violations will be made by the Parade Committee and the Board of Directors and is final and binding.

Front Cover of Parade Magazine

ETBA will sell the opportunity for a builder member to have a photo of a house; he/she built or remodeled, placed on the front cover of the parade magazine.

Front Cover Rules:

- Builder members will bid on the opportunity to have a photo of his/her house featured exclusively on the front cover of the parade magazine with their choice of one of three banners provided by ETBA. The builder's company name and banner may be up to 60% of the size of the "Gallery" text.
- Credit for the front cover will be given on a page within the magazine - up to a quarter page space and may include a picture of the builder.
- The cover photo will be of a whole house, part of a house or architectural detail of the house- at the discretion of the Parade Committee. A photo of the builder is not allowed on the cover.
- The home must be a parade entry of the current parade. All parade rules apply to the cover home and entry fees are in addition to the cover bid.
- Homeowner must sign the Release Agreement for Photography of Property form.
- Minimum bid \$1,500
- Sealed bid process only. Please complete Bid Submission Form.
- Highest bid wins; but, must still be approved by the Parade Committee.
- Please submit sample photo with the bid. A professional photo may be taken after the bid has been won. The cover photo must be finalized by April 1, 2019.
- Only professional quality photo will be accepted for use on the front cover.
- One builder cannot repeat within 2 years; unless no other bids above minimum bid.
- Deadline to submit sealed bid is 5:00 PM, March 15, 2019.

Parade Magazine Cover Bid Submission Form

If you would like to submit a sealed bid on the opportunity to feature a house that you built on the cover of the 2019 SPRING PARADE OF HOMES™ Magazine, please complete and return this form to the ETBA office by 5:00 PM, March 15, 2019, You must submit a sample photo of the house with this sealed bid.

Company Name: _____

Builder Name: _____

Office Phone: _____ Cell: _____

Address of Cover Home: _____

City: _____ Sub- Division (or Acreage): _____

Bid Amount: _____ (Minimum Bid \$1,500)

(For ETBA Office Use Only)

Bid Opened By: _____ Date: _____ Witnesses: _____

Amount: \$ _____ Note: _____ Winning Bid: Yes or No

Release Agreement for Photography of Property

Property Owner: _____

Co-Owner: _____

Property Address: _____

Phone: _____ Alternate Phone: _____

Email Address: _____

By signing this release, I hereby give the East Texas Builders Association and/or its Assigns my permission to use the Images depicting the Property in any Media, for any purpose, which may include, among others, advertising, promotion and marketing. I agree that the Images may be combined with other images, text and graphics and that the Images may be cropped, altered or modified. I agree that I have no rights to the Images, and all rights to the Images belong to the East Texas Builders Association and/or Assigns.

Permission herein granted is absolute and final and shall not be subject to further inspection or approval by the Owner(s) at any stage in the use of the images. I agree that this release is irrevocable and perpetual without any claim for compensation by the Property Owner(s).

The use of the property images shall be unrestricted as to location, quantity or frequency. I have read and understood this Release Agreement for Photography of Property form. I am the Owner of the property, I am at least 18 years of age and I have full legal capacity and right to execute this release and grant the rights herein granted with respect to the Property, and to bind all persons claiming an interest in the Property.

I hereby release and shall hold harmless the East Texas Builders Association, legal representatives, licensees and assigns from all claims or damages including but not limited to defamation or violation of right of privacy or publicity, resulting from or associated with the use of the property images.

Owner's Signature: _____ Date: _____

Co-Owner's Signature: _____ Date: _____



HOMEOWNER AND INDEMNIFICATION AGREEMENT

This agreement is being made and entered into on the ____ day of _____, 2019 by and among East Texas Builders Association, Inc. ("ETBA"), _____ ("Builder") and _____ ("Owner") in connection with the participation of the parties hereto in the 2019 Spring Parade of Homes™, located at _____.

I have read and understand the Rules for the 2019 PARADE OF HOMES™ that my builder is required to follow when entering my home in the 2019 SPRING PARADE OF HOMES™. I/We agree with these rules.

It is specifically UNDERSTOOD and AGREED by and between ETBA, BUILDER, and OWNER that by execution hereof, Owner agrees to and does hereby **INDEMNIFY, SAVE, DEFEND and HOLD HARMLESS** ETBA, its Builder, its agents, servants, employees, successors and/or assigns, from and against any and all liability, loss or damage (including, without limitations reasonable attorney's fees and costs incurred in the investigation, defense and settlement of claims) that Owner may incur as a result of Owner's participation in the 2019 Parade of Homes™.

ETBA

East Texas Builders Association, Inc.

Agent: Angela Daughtry

Title: Executive Vice President

Signed: _____

BUILDER

Company: _____

Builder: _____

Title: _____

Signed: _____

Homeowner(s):

Printed Name

Signature

Printed Name

Signature



BUILDER ENTRY AGREEMENT

Please complete and return to the ETBA office on or before February 15, 2019.

Company Name: _____

Builder's Name: _____

Builder's Phone: _____ Cell: _____

E-Mail Address: _____

Entry Address: _____

City: _____ Sub- Division (or Acreage): _____

Square Footage of Entry (Heated & Cooled) _____

I have READ, I UNDERSTAND and I AGREE to all of the rules for the 2019 PARADE OF HOMES™.

Builder Signature

Date

(For ETBA Office Use Only)

Deposit Amount: _____ Date: _____ Check #: _____

Entry Amount: _____ Date: _____ Check #: _____

Additional Entry Fee (ETBA member less than 6 months) /Amount: _____

Late Fee Amount: _____ Date: _____ Check #: _____

Map: _____ Floor Plans: _____ Subs/Suppliers List: _____ 10 Features: _____

Date Withdrawn: _____ Withdrawal Letter Received: _____

Refund Deposit Amount: _____ Date: _____ Check #: _____