

# 2010 JUNE PARADE OF HOMES™ BUILDER CONTRACT

Revised November 2009

## Definitions, Terms, and Rules

Date: \_\_\_\_\_

Association: Tyler Area Builders Association  
1504-A West Grande Boulevard  
Tyler, TX 75703

Association Phone No.: 903-561-3964

Builder's Name & Address: \_\_\_\_\_

Builder's Work Phone No.: \_\_\_\_\_

Cell No.: \_\_\_\_\_

Fax No. : \_\_\_\_\_

E-Mail: \_\_\_\_\_

Entry Address: \_\_\_\_\_

Street

City & Zip Code

Entry Location: Subdivision: \_\_\_\_\_

(Road, Street, etc.) \_\_\_\_\_

(Lot/Block) \_\_\_\_\_

Parade Dates: June 6 – 14, 2009

|               |                 |   |
|---------------|-----------------|---|
| Parade Times: | Monday - Friday | 6:00 p.m. – 9:00 p.m.                                   |
|               | Wednesday       | 10:00 a.m. – 2:00 p.m. <b>and</b> 6:00 p.m. – 9:00 p.m. |
|               | Saturdays       | 10:00 a.m. – 6:00 p.m.                                  |
|               | Sundays         | 2:00 p.m. – 6:00 p.m.                                   |

Whereas, the Tyler Area Builders Association (also known as TABA) annually presents the "Parade of Homes™", a program established for the benefit of the Association's communities and its local building industry; and,

Whereas, the Tyler Area Builders Association relies upon the participation of local builder members of the Association for the continued vitality of the Parade of Homes™ and the Tyler Area Builders Association; and,

Whereas, the Tyler Area Builders Association intends to promulgate rules and regulations for the Parade of Homes™, which, when promulgated, are automatically incorporated into this agreement.

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

1. Entry Fee: A total Early Bird entry fee of \$2,000 is to be submitted by Builder on or before 4:00 pm on the final business day of January, 2009. The entry fee includes a non-refundable fee of \$1,500 to the Association and an additional refundable fee of \$500 to be returned after the last day of the Parade of Homes™ and when all supplies, tickets and money have been returned, provided Builder has complied with all the rules, regulations and deadlines.  
A total entry fee of \$2,500 is to be submitted after January 31, 2009 and before 4:00 pm on February 15, 2009. **THIS IS THE FINAL CONTRACT SUBMITTAL DATE AND NO APPLICATION WILL BE ACCEPTED AFTER THIS DATE.** The entry fee includes a non-refundable fee of \$2,000 to the Association and an additional refundable fee of \$500 to be returned after the last day of the Parade of Homes™ and when all supplies, tickets and money have been returned, provided Builder has complied with all the rules, regulations and deadlines.
2. Presentation: The Tyler Area Builders Association will promote the Parade of Homes™.
3. Open House:
  - A. Builder will keep his house open to the public at all times as established by the Parade of Homes™ Committee during the Parade of Homes™. Builder will have a representative in the house when it is open for viewing by the public.
  - B. Parade homes must remain open during all Parade hours. If a house is closed at any time during the established Parade hours this will be considered a breach of contract and the parties hereto agree that all fees and deposits paid by Builder will be retained by TABA.
4. Limitation of Homes: No more than four homes per builder member can be entered.
5. Builder Information:
  - A. In addition to the contract and entry fee, Builder must submit to TABA a floor plan and elevation for each house to be built on the “entry location”.
  - B. On or before March 10, 2009, Builder must submit to TABA the following **(information must be provided digitally on a disc or by e-mail, in Microsoft Word format)**:
    - 1) Builder’s biography; and
    - 2) Names of suppliers and subcontractors (the “sub list”); and

- 3) Physical address and map showing location of home (with 2 major streets or roads) or a map from Map Quest; and
- 4) One color picture of Builder; and  
       \_\_\_\_\_ Use same picture       \_\_\_\_\_ Will provide new picture
- 5) Amenities List of up to 12 bulleted items (no more than 7 words per line);

Failure to submit any of the above documents by the required date will result in the forfeiture of \$500 of the required refundable fee.

C. Builder may change the address of the entry at any time between January 31, 2009 and April 3, 2009 (the final date to withdraw with no penalty). An additional non-refundable fee of \$500 + the cost of a new rendering will be paid to the TABA for each change. Switching the location of the entry, floor plan and/or elevation after the April 3<sup>rd</sup> deadline will constitute Builder not meeting deadline.

6. Price range of home:

|                       |       |                |
|-----------------------|-------|----------------|
| Sold _____            | OR    | For Sale _____ |
| Under \$150,000       | _____ |                |
| \$150,000 – \$250,000 | _____ |                |
| \$250,000 – \$400,000 | _____ |                |
| \$400,000 – \$650,000 | _____ |                |
| \$650,000 +           | _____ |                |

7. The entry must be a new home, have never been occupied, and will not be occupied during the Parade of Homes™.

8. Remodels:

- A. Must be at least 50% of existing home or 50% of the appraised value.
- B. Must include remodel of kitchen and/or bath.
- C. Entry must be approved by the Parade of Homes™ Committee prior to submittal.
- D. Must include structural changes, additions or some type of major change and be of interest to the public.
- E. Must not be occupied during the Parade of Homes™ dates.

9. Withdrawal:

- A. Builder agrees that the withdrawal date for removing the entry from the Parade of Homes™ magazine is April 3, 2009. If a home is withdrawn after that date, the entry fee will not be returned and the home will appear in the magazine. To withdraw from the Parade with no penalties, other than any expense incurred by the Association, the TABA Office must receive a written letter by 4:00 pm on April 3, 2009. Builder shall pay the cost of any completed artist rendering.
- B. If a home is officially withdrawn AFTER the above date, it is:
  - 1) Marked “Not Available to Show” on the Builder’s page in the magazine; or

- 2) Taken out of the magazine and replaced with a full-page ad at the Builder's expense if withdrawn before the printing deadline.
- 3) Builder will be responsible for all expenses incurred by TABA as a result of the withdrawal of a home after the withdrawal deadline.

C. Any home not ready to show or not open at the opening time of the first day of the Parade of Homes™ shall be considered withdrawn.

D. Withdrawing a home from the Parade of Homes™ after April 3, 2009 will result in the Builder's exclusion from the next year's Parade of Homes™ and loss of all deposits/fees. Homes open when marked "Not Available to Show" will not be sanctioned by the TABA.

10. Completion Requirements:

A. The Builder must complete construction of the house by noon on Friday (June 4, 2010) prior to the opening day of the Parade of Homes™. The Parade of Homes™ Committee will make inspections of the homes beginning Monday (May 31, 2010) prior to the opening of the Parade. Any home deemed not complete by the Parade of Homes™ Committee shall be withdrawn from the Parade by the TABA Executive Committee. Should the house be withdrawn by the Executive Committee after the magazine has been approved for publication,

- 1) A "Not Available to Show" sign will be placed in the Parade of Homes™ yard; and
- 2) TABA Staff will e-mail notification that the house has been withdrawn to all other Parade builders and provide a flier suitable for printing that can be printed by each builder and passed out to attendees.
- 3) The Builder will not be able to show the home; and
- 4) The Builder will be excluded from the following Parade of Homes™.

B. A completed house is one for which Builder has secured a certificate of occupancy from the city and/or one which meets all mortgage appraisal standards. This includes all plumbing, floor coverings, painting and staining, carpentry, hardware, electricity, landscaping, appliances, etc. The home must be ready to be occupied by a new homeowner.

C. Landscaping shall include, at a minimum, ground cover within a reasonable perimeter of the house, sodded grass or hydro mulch at least one inch tall average height, complete in front with shrubbery and seasonal flowers. Back of home landscaping is optional but must be graded and clean.

D. Exterior of home (brick, etc.) shall be 100% complete. House must have permanent services for water and electricity.

E. Completion shall also include removal of all trash and debris from the interior and exterior of home and garage. Interior and exterior should be neat and orderly. Port-a-potties, excess materials, etc. must be removed. All swimming pools shall be 100% complete.

11. Remedies: Unless otherwise provided herein, Builder will lose any current deposit; and the Association may disqualify the Builder from participation in the following Parade of Homes™ if Builder breaches this contract or the rules

incorporated herein. If the Association disqualifies the Builder as provided above, the Builder will lose his current entry fee.

Builder's sole remedy for any breach of this contract by the Association is a refund of Builder's entry fee.

12. Non-Members/Advertisers: Subcontractors, realtors, and suppliers who are not TABA members-in-good-standing will not be listed in the Parade of Homes™ magazine and may not advertise in any form in a Parade home. If a non-member advertises at a Parade home, in any form, Builder of that Parade home shall be responsible for the non-member's dues, payable to TABA no later than 30 days from the last day of the Parade of Homes™. If Builder fails to timely remit payment the full refundable fee of \$500 will be retained by TABA.
13. Advertising Prior to Parade: Builder cannot advertise the address of Parade homes prior to the show dates and times. Builder must advise real estate brokers, agents, sub-contractors and suppliers that the homes' addresses may not be advertised prior to the show dates.
14. Open House:
  - A. During the dates of the Parade of Homes™, a TABA member will not hold an open house (i.e. signs, banners, showing of properties) other than the paid entry or entries for the Parade of Homes™. This will include all properties completed or under construction by the Builder. The only exception to this rule will be a model home. (\*\*\*) A model home is defined as a house built by the Builder, staffed and open to the public during normal business hours for a six-month period.) In the case of a model home, the Builder may continue normal hours of operation only. If the model is not normally open during the weekends, then it shall not be open during the weekends of the Parade of Homes™.
  - B. Model homes open on a regular basis prior to the Parade and subdivisions not participating in the Parade of Homes™ will be exempt from this policy.
  - C. No home shall be included in the Parade of Homes™ if it has previously been included in any showing for the public.
15. Trademark: The "Parade of Homes™" is a trademark of the Greater Dallas Association of Home Builders. TABA pays a fee to use this name each year. Any form of advertising with this wording must be approved by the TABA. Please advise realtors and any advertisers of this policy.
16. Builder Proofing: Builder will be required to proof their renderings and all information for the magazine. Any mistakes in the printed magazine will be the responsibility of the Builder.
17. Requirements: Parade of Homes™ Builders must be TABA builder members for a one-year period (one full year from the previous year's final entry deadline), in good standing, and with no past-due accounts. Builder or Builder's representative from the Builder's company must attend Parade meetings. Failure to attend

meetings violates this agreement and results in forfeiture of the \$500 refundable fee for each home built by the Builder in non-attendance.

18. Tickets:

A. All tickets and money from ticket sales shall be the responsibility of the Builder. Payment for tickets sold in the form of the Builder’s check or money order and all unsold tickets shall be turned in to the TABA office no later than three working days from the last day of the Parade of Homes™. TABA cannot accept cash from Builder for tickets sold.

B. If Builder is not in compliance with the above paragraph, then Builder must prepay for tickets for the next Parade with a current valid credit card.

19 Any marketing activity not previously mentioned in this agreement must be approved by the Parade of Homes™ Committee two weeks prior to the opening day of the Parade. Any activity deemed inappropriate by the Parade of Homes™ Committee will not be allowed.

20. Any matter regarding rule violations will be referred by the Parade of Homes™ Committee to the TABA Board of Directors; and the decision of the TABA Board of Directors is final and binding.

TYLER AREA BUILDERS ASSOCIATION:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Date

BUILDER hereby accepts the terms of this agreement:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Date