

Home Builders Association of Billings

2010 FALL PARADE OF HOMES™

BUILDER PARTICIPATION AGREEMENT

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This Agreement is made this _____ day of _____, 2010,

by and between The Home Builders Association of Billings (HBA) and _____ (Builder).

The address of the house is _____.

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In consideration for the participation of Builder in the 2010 Fall Parade of Homes™, the money agreed to be paid and other valuable consideration, the parties agree as follows:

Section 1 - Purpose

- A. The Home Builders Association of Billings (HBA), through the 2010 Fall Parade of Homes™ Policy Committee (Committee), desires to showcase progressive house designs and innovative products that will result in increased buyer interest in newly constructed homes.

Section 2 – Parade Dates

- A. The 2010 Fall Parade of Homes™ dates are: September 18-19, 2010 and September 24-26, 2010.

Section 3 - Builder Participants

- A. Builder must be a member in good standing of HBA for at least one (1) year prior to the opening of the 2010 Fall Parade of Homes™.
- B. Builder must have been a full-time home builder in the HBA jurisdiction for the last two (2) years before he/she can qualify to apply for entry in the 2010 Fall Parade of Homes™.

Section 4 – Application for Entry

- A. A completed application form, along with the required documentation listed in Section 8, must be submitted to the HBA Office. Incomplete applications will not be accepted.
- B. Any Builder who has at least two (2) years prior parade experience may enter a maximum of two (2) houses in the application process. A separate application, Agreement, and fees shall be submitted for each house. The Committee may, at its discretion, limit the number of entries to one (1) house per Builder.
- C. The Committee reserves the right to limit the total number of houses in the 2010 Fall Parade of Homes™.
- D. Preferences will be given to houses located in and around the cities of Billings and Laurel. Houses located outside this area will be reviewed on a case-by-case basis.
- E. If the Committee determines that a house does not meet the standards or requirements set for the 2010 Fall Parade of Homes™, the Committee may disqualify the house from entry.
- F. Builders understand that the Committee has sole discretion to accept or reject any house application that is submitted.

Section 5 - House Standards

- A. The intent of the Builder showing a house in the 2010 Fall Parade of Homes™ must be to present a house with excellent design, workmanship, and appeal
 - Builder is encouraged to use new and innovative products

- Builder is required to landscape the front of the lot and is encouraged to landscape the entire lot and incorporate extra landscape design features.
 - Builder is required to include interior decorating with wall treatments and furnishings in all areas of the home above grade and is encouraged to fully decorate all areas of the homes.
- B. A condominium unit, a townhouse unit, or each address of a multi-unit project shall be treated as and referred to as a house for purposes of this Agreement.

Section 6 – Entry Requirements

- A. Homes must be constructed on-site.
- B. No minimum market value or square footage requirements will be imposed for the 2010 Fall Parade of Homes™.

Section 7 – Market Exposure of Home

- A. Houses may have open houses after being accepted as a 2010 Fall Parade Homes™ entry, however; houses may not be advertised as a 2010 Fall Parade of Homes™ entry prior to or during the 2010 Fall Parade of Homes™.
- B. Homes may not be occupied prior to the 2010 Fall Parade of Homes™. If a home is sold prior to the 2010 Fall Parade of Homes™, homeowner may not move in until after the show or the home will be removed from the 2010 Fall Parade of Homes™. If home is removed after March 15, 2010, builder will forfeit entry fee and deposit and will be subject to the penalties set forth in Section 14.
- C. Once builder begins final staging/decorating for the 2010 Fall Parade of Homes™, builder must cease holding open houses on the home. Open houses on the property must cease after September 1, 2010 (17 days prior to the 2010 Fall Parade of Homes).
 - a. Exceptions may be made at the Committee’s discretion if the home is part of a charitable project.

Section 8 - Fees

- A. Entry fee will be determined based upon date which application is received.
- B. By submitting an application for entry, Builder agrees to pay the following to the HBA upon approval:
 - Completed applications received on or before March 15, 2010: No entry fee + \$500 deposit
 - Completed applications received between March 16, 2010 – May 3, 2010: \$500 entry fee + \$500 deposit
 - Applications may be submitted after May 3, 2010 and will be reviewed by the Committee on a case-by-case basis.
- C. All entry fees will be used for the purpose of producing and promoting the 2010 Fall Parade of Homes™ to ensure public attention to the greatest extent possible. Any profits generated from the event will revert to the HBA. The Committee shall determine all methods of promotion for the event.
- D. Builder must satisfactorily complete all items of this agreement, to receive a refund of the deposit amount.

Section 9 - Application Approval

- A. Builder must submit the following along with their completed application:
 - Completed and signed Builder Participation Agreement
 - Entry Fee & Deposit payment
 - Address of the home and a map showing lot location, with two major cross streets
 - One (1) set of 11”x17” permittable plans (including floor plans, elevations, and square footage broken down by floor levels)
 - Certificate of Liability Insurance, which meet the criteria set forth in Section 10
- B. House plans and lot location are approved by the Committee. Builder will not be allowed to add to or change house plans or lot location after June 1, 2010.

Section 10 - Liability Insurance

- A. Builder and property owner (if different from Builder) must provide the Committee an original Certificate of Liability Insurance in an amount not less than \$1,000,000 per occurrence. The Certificate must show the coverage in force for the dates of the 2010 Fall Parade of Homes™. HBA must be named as an Additional Insured on the Certificate.

Section 11 - Publication Material

- A. Builder will be required to submit the following materials:
 - Builder biography and photograph
 - A list of suppliers and subcontractors that worked on the house
 - A digital copy of floor plans, in a file format to be specified by the HBA

Section 12 - Builder Meetings

- A. Builder must attend scheduled builder meetings. If Builder misses more than one (1) builder meeting without prior Committee approval, the Committee has the right to disqualify that Builder from the 2010 Fall Parade of Homes™, in which case the penalties set forth in Section 14 will apply.

Section 13 - Construction

- A. Builders may begin construction as early as he/she prefers. The Committee will check the house regularly for progress. The following schedule will help builders determine if they are progressing in a timely manner:
 - May 1, 2010 – framing completed
 - June 1, 2010 – insulation completed
 - July 1, 2010 – interior painting completed
- B. If a house is not progressing in a manner which allows for completion 17 days prior to the show, the Committee will address those concerns with the Builder and reserves the right to withdraw the house from the 2010 Fall Parade of Homes™. In such instance, the Builder will be assessed all fines set forth in Section 14.

Section 14 - Withdrawal of House

- A. Entries withdrawn on or before March 15, 2010 will receive full refund of deposit and will not be assessed any fines.
- B. Any Builder withdrawing a house from the 2010 Fall Parade of Homes™ after March 15, 2010, shall forfeit all entry fees and deposit. Withdrawing a house thereafter shall result in the following fine in addition to forfeiture of all entry fees and deposit:
 - Between June 15, 2010 and July 15, 2010 - \$500 fine
 - Between July 16, 2010 and August 15, 2010 - \$1,000 fine
 - After August 16, 2010 - \$5,000 fine
- C. The Committee reserves the right to disqualify Builder from participation in a future Parade of Homes™ if home is withdrawn from the 2010 Fall Parade of Homes™.

Section 15 - Completion Deadline

- A. The house must be fully completed 17 days prior to the 2010 Fall Parade of Homes™ and the necessary documentation must be submitted to the HBA office no later than September 1, 2010 at 4:30 PM.
- B. If the home is located within the city limits of Billings, a Certificate of Occupancy or Certificate of Final Inspection (no temporary Certificate of Occupancy will be accepted) must be submitted to the HBA 17 days prior to the start of the 2010 Fall Parade of Homes™.
- C. If a home is located outside the city limits of Billings, a code inspection performed by an HBA representative must be completed and results reported to the HBA office 17 days prior to the start of the 2010 Fall Parade of Homes™.
- D. Fully completed is defined as, but not limited to: exterior concrete complete, exterior paint complete, front yard landscaped or final grade complete, rear yard final grade complete, exterior decks complete,

floor coverings complete, carpentry and interior fixtures complete, and final cleanup complete. Also, all roads must be to final grade or paved.

- E. Any Builder whose house will not meet the completion deadline of 17 days prior to the opening of the 2010 Fall Parade of Homes™, as specified by the Committee, will forfeit all entry fees and deposit, and in addition may be assessed a fine of \$5,000. If suspended from participation in future shows, reinstatement to participate in future shows will be granted on a case-by-case basis with approval of the Committee and the HBA Board of Directors.

Section 16 - Safety Inspection

- A. All homes will be subject to a safety inspection, which will be performed by an HBA representative the Monday prior to the beginning of the 2010 Fall Parade of Homes™. All safety issues must be corrected prior to the published times of the event.

Section 17 – ADA Requirements

- A. Builder must provide a visual presentation of the house to be available in a handicap accessible location of the home in accordance with ADA requirements.

Section 18 - Staffing

- A. Builder agrees to have the house open for public showing during the published times of the 2010 Fall Parade of Homes™.
- B. Builder agrees to provide staffing of the house and is responsible for recruiting ticket sellers to work during the event dates. The HBA will not be responsible for recruiting or scheduling personnel for the Builder.
- C. None of Builder's employees or families and none of Builder's agents' employees or families shall be eligible for prize drawings which may be part of the overall 2010 Fall Parade of Homes™ event.

Section 19 - Signage

- A. Interior signage is allowed for HBA members. Subcontractors, suppliers, and other firms who are not members of the HBA will not be allowed to promote their firms nor their products through signage in the house, materials in the garages, staffing the houses, or purchase advertising in the 2010 Fall Parade of Homes™ magazine without payment of an advertising/promotional fee. This rule includes, but is not limited to: car dealers putting cars in driveways, realtors who are marketing the house and/or subdivision, food and beverage dealers selling products, firms providing furniture, art work, accessories, etc.
- B. The only exterior signs allowed on site during the 2010 Fall Parade of Homes™ dates are the site sign provided by the HBA, a sign from a security firm providing protection, and a sign from the landscaping company, provided these companies are HBA members or have paid the non-member advertising fee.
- C. Any form of sales or solicitations on the house site by members or non-members must be preapproved by the Committee at least one week prior to the opening of the 2010 Fall Parade of Homes™. The Committee's decision will be based on the added value that the sales or solicitations have on the event.

Section 20 - HBA & Committee Authority

- A. The Committee will act as an architectural review board to review the plans and specifications of all houses proposed to be entered in the 2010 Fall Parade of Homes™.
- B. Builder agrees that the Committee shall have the sole authority to determine whether a house is ready for exhibition in the 2010 Fall Parade of Homes™.
- C. The Committee has the authority to modify guidelines as needed to increase participation for the overall good of the 2010 Fall Parade of Homes™.
- D. The Committee will strictly enforce all deadlines. If extenuating circumstances exist, however, which are not within the Builder's control, the Committee may, in its discretion, choose not to fine or disqualify a Builder from future participation.
- E. The Committee, which is directed by the Board of Directors to oversee the Parade program, reserves the right to extend the dates for submitting applications, and submission of plans, in the event the Committee

determines the numbers, price ranges, or show quality of the homes applied may be inadequate to present a quality show.

Section 21 - Indemnification

- A. Builder (and homeowner if title has been transferred) signing below, agree to indemnify and hold harmless HBA, its Board of Directors, its agents and employees, and the Committee from any claims, demands, causes of action, or judgments of any kind, which may be made against any or all of them arising out of or relating to participation in the 2010 Fall Parade of Homes™. This indemnification includes claims, without limitation, for bodily injury, death, damage or loss of personal property, breach of warranty, breach of contract, or for any financial loss sustained by participation in the 2010 Fall Parade of Homes™ and shall apply to claims arising out of acts of subcontractors or agents engaged by Builder.

Builder Company Name

Homeowner *(if applicable)*

HBA Representative

Owner or Officer

Homeowner *(if applicable)*