

**2014 Taste of Wheaton**  
**Wheaton Park District and Wheaton Chamber of Commerce**  
**102 E. Wesley Street**  
**Wheaton, IL 60187**

PERFORMANCE AGREEMENT

The below mentioned entertainment agrees to perform at 2014 Taste of Wheaton, Memorial Park, 208 W. Union Street, Wheaton, IL 60187 on the following dates and times.

Frank and Dave Band  
Saturday, June 7, 2014  
3 p.m. – 5 p.m.

No breaks will be taken during performance.  
Sound system will be provided by 2014 Taste of Wheaton committee.

Please list band members by name:

Dave Callaway  
Frank Merkendorfer

This performance will be marketed in performer's website and in any email blasts of upcoming performances.

In the event that this performance is cancelled by officials of 2014 Taste of Wheaton due to dangerously inclement weather, Frank and Dave Band will accept 50% of agreed payment in lieu of a performance on said date/time.

Music shall not be offensive, vulgar, obscene, or inappropriate for the ambiance and atmosphere of the 2014 Taste of Wheaton. Entertainers shall at all times conduct themselves professionally, courteously and appropriately for this family-friendly facility.

Entertainers are solely responsible for properly setting up their equipment and removing equipment. The 2014 Taste of Wheaton is not responsible for the entertainers' personal property and shall not be liable for any damages, lost, or stolen property. All cords, cables, equipment etc. must be properly and safely positioned so as not to create a trip hazard for patrons and staff.

To the fullest extent permitted by law, Frank and Dave Band shall indemnify and hold harmless the 2014 Taste of Wheaton committee its officers, officials, employees, volunteers and agents from and against all claims, damages, losses and expenses, including but not limited to legal fees (attorney's and paralegals' fees and court costs), arising out of or resulting from the entertainers' activities; except to the extent caused in whole or in part by any negligent or wrongful act or omission of a party indemnified hereunder. Sugar High Band shall similarly protect, indemnify and hold and save harmless the 2014 Taste of Wheaton committee, its officers, officials, employees, volunteers and agents against and from any and all claims, costs, causes, actions and expenses including but not limited to legal fees, incurred by reason of Frank and Dave Band's breach of any of its obligations under, or Frank and Dave Band's default of, any provision of the agreement.

The Wheaton Park District reserves the right to cancel this agreement at any time for breach of this agreement, or for any reason other than breach of contract upon 7 days notice provided to the entertainers.

Today's date: \_\_\_\_\_ Agreed payment for such performance(s): \$ 800.00

Entertainment's name: Frank & Dave, Inc  
Authorized signature for Entertainment: Dave M. Callaway

2014 Taste of Wheaton, Wheaton Park District and Wheaton Chamber of Commerce,

Authorized signature: [Signature] 6/20/14

\*\*This agreement will be considered final upon the signature of Wheaton Park District's Director, Michael Benard.

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