

DIGGING RECORDS

14107 S. Parker Road - Homer Glen, IL 60491

(708) 301-0936

diggingrecords@comcast.net

MUSICAL SERVICES CONTRACT

This contract is between the undersigned purchaser, for the personal services of a musical group, represented by the undersigned contractor on the terms and conditions specified below and as further specified on the reverse side if any.

Name of musical group: THE NEVERLY BROTHERS
Place of engagement: Memorial Park
Address: 208 W. Union Street
City, State, Zip: Wheaton, IL 60187
Type of engagement: Wheaton Park District & Wheaton Chamber of Commerce "Taste of Wheaton" - outdoor festival
Day(s), Date(s): Sunday - June 5 th , 2016
Hours of service: 4pm - 6pm (two sets with one 15 minute wardrobe break)
Wages agreed upon: \$1500.00 [discounted price] (\$750.00 advanced deposit and \$750.00 payable in cash or check (terms & amount) immediately upon completion of performance). Purchaser to provide the following items: covered Stage, dressing room area, sandwiches, soda & 1-case bottled water for all band members. Band to provide PA & stage lights. Make checks payable to DIGGING RECORDS, INC.
Advance deposit to be paid: \$750.00 mailed to contractor by 5/22/15. All advanced deposits nonrefundable.

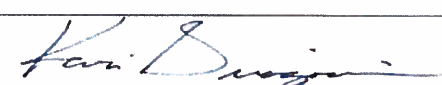
CONTRACTOR RETAINS RIGHT TO VOID CONTRACT IF NOT SIGNED AND THEREBY ACCEPTED BY PURCHASER ON OR BEFORE: APRIL 4TH, 2016

The undersigned "Purchaser" hereby retains the services of the undersigned "Contractor" to provide the personal services of musical group The Neverly Brothers upon the terms and conditions set forth above. The Neverly Brothers are a DBA entity of Digging Records, Inc. Digging Records, Inc. retains the right to replace individual musicians at its discretion at any time prior to or subsequent to the signing of this agreement.

PURCHASER

CONTRACTOR

Date accepted: 3/23/14
Name: Mike Binard - Executive Director Wheaton Park District
Address: 855 W. Prairie Avenue
City, State, Zip: Wheaton, IL 60187
Telephone: (630)510-5051 Sherry Krajelis office (630)665-4710 Wheaton Park District office
email: skrajelis@wheatonparks.org
Signature: 

Date accepted: March 11 th , 2016
Name: Kevin Giragosian - band manager President - Digging Records, Inc.
Address: 14107 S. Parker Road
City, State, Zip: Homer Glen, IL 60491
Telephone #: (708)301-0936
e.mail: diggingrecords@comcast.net
Signature: 

*The signature on this agreement creates a legally binding contract between Digging Records and the purchaser. For purposes of this agreement, a photocopy, facsimile, electronic or other copy shall have the same effect for all purposes as an ink-signed original. **Cancellation:** Contract may be cancelled by contractor verbally or in writing up to Forty-five days prior to date of performance. All deposit monies will be returned to purchaser upon such cancellation. If purchaser prevents musical group from performing, cancels performance, does not fulfill obligations in contract and/or attached rider if any, or if performance is prevented by any other reason out of contractor's or musical group's control, including inclement weather, purchaser agrees to immediately remit full amount of contract to contractor - as well as to indemnify contractor for any and all losses, claims, and expenses, including but not limited to attorney's fees and court costs, that contractor incurs as a result of a breach of this agreement by purchaser. **Indemnification & Hold Harmless:** Purchaser hereby agrees to indemnify, save and hold harmless contractor, its officers, agents and employees, from any and all losses, liability, damages (including but not limited to property damages and tort claims), and expenses (including but not limited to attorney's fees) purchaser may incur arising out of contractor's presence or participation in event. **Governing Law:** This agreement shall be governed by and construed in accordance with the laws of the state of Illinois, without regard to its conflict of laws rules, and any and all disputes shall be settled in a court of competent jurisdiction located in the county of Will, in the state of Illinois. **Entire Agreement:** This agreement constitutes the entire agreement of the parties and supersedes all prior communications, understandings and agreements relating to the subject matter hereof, whether oral or written. **Severability:** If any term of this agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.*

2016 Taste of Wheaton
Wheaton Park District and Wheaton Chamber of Commerce
855 W. Prairie Avenue
Wheaton, IL 60187

PERFORMANCE AGREEMENT

The below mentioned entertainment agrees to perform at 2016 Taste of Wheaton, Memorial Park, 208 W. Union Street, Wheaton, IL 60187 on the following dates and times.

Digging Records Inc dba The Neverly Brothers Band

Sunday, June 5, 2016

4 p.m. – 6 p.m.

Two-50 min sets with one 15 min break for costume change

Sound system will be provided by 2016 Taste of Wheaton committee.

Please list band members by name:

Kevin Giragosian

Kegham Giragosian

Craig Gigstad

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 2016 Taste of Wheaton due to dangerously inclement weather, Digging Records Inc dba The Neverly Brother s Band will be paid full amount and rescheduled for a performance within the 2016 calendar year within the Wheaton Park District's event schedule, date to be determined and agreed upon by performer and Wheaton Park District.

Music shall not be offensive, vulgar, obscene, or inappropriate for the ambiance and atmosphere of the 2016 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 2016 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.

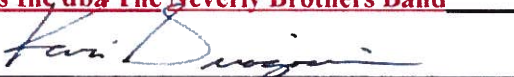
To the fullest extent permitted by law, Digging Records Inc dba The Neverly Brothers Band shall indemnify and hold harmless the 2016 Taste of Wheaton committee its officers, officials, employees, volunteers and agents from and against all claims, damages, losses and expenses, including but not limited 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. Digging Records Inc dba The Neverly Brothers Band shall similarly protect, indemnify and hold and save harmless the 2016 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 Digging Records Inc dba The Neverly Brothers Band's breach of any of its obligations under, or Digging Records Inc dba The Neverly Brothers 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 45 days notice provided to the entertainers.

Today's date: 3/12/16 Agreed payment for such performance(s):\$ \$1,500.00 (50% deposit paid upon signature)

Entertainment's name: Digging Records Inc dba The Neverly Brothers Band

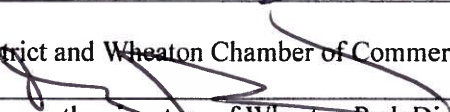
Authorized signature for Entertainment:



2016 Taste of Wheaton, Wheaton Park District and Wheaton Chamber of Commerce,

Authorized signature for event**:

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

 3/23/16