

BRIAN MCDONALD

PHOTOGRAPHY

TERMS AND CONDITIONS

March 16, 2023

Our terms of trade are set out below and govern our business relationship with real estate agents, companies, and individuals. Please read carefully.

Application of terms and conditions:

These terms apply to all trade carried out between and all real estate agents, companies and individuals. These terms are effective from the above date until these terms of trade are replaced by another document.

Copyright:

The Copyright for all photographs, videos, and other content taken by Brian McDonald Photography during a photographic shoot remain with Brian McDonald Photography and are protected under local and international copyright laws. Copyright is not transferable. Permission is granted to the real estate agent, business, or individual who made the booking with Brian McDonald Photography to use the photographs, videos, and other content from this shoot in the marketing of this property only, for a period of 6 months from the date of the shoot.

Use of any image, video, or content for any additional marketing or promotion, such as for a business or individual (including any use by architects, builders, painters, kitchen suppliers, stylists and other businesses or individuals in any print or web publication), is a violation of copyright. By using the services of Brian McDonald Photography, you are agreeing to be bound by the terms of this agreement.

Image selection:

Brian McDonald Photography will deliver the best possible images, videos, and other content based on the type of photo shoot that has been booked. Unless the property owner is present at the photography session, Brian McDonald Photography will determine what images, videos, and other content are taken. With our experience in photography and real estate marketing, we believe our shot selection will showcase the best possible features of this property.

However, we also recognize that everyone's different, and you may have other ideas about the images, videos, and other content you would like us to deliver for you. With that in mind, if you have any specific or unusual shots that you would like us to take then it would be great if you could be present on site for the shoot to do a pre-shoot walkthrough, or you are welcome to send an email through to Brian McDonald Photography prior to the shoot with specific details. Although we will do what we can with our experience, to determine the best possible angles and shots for this particular property, we cannot be held responsible for not taking images, videos, and other content that we didn't know you wanted. A \$75 fee will be added if Brian McDonald Photography has to return to capture images, videos, and other content that were not specified prior to or during the photography session.

Cancellation Fee:

Brian McDonald Photography must have 24 hours notice of a change in schedule, or a \$65 Cancellation Fee may be charged. Note that changes due to bad weather will not incur a Cancellation Fee.

Travel:

40 miles round trip from Grand Rapids are included in every booking. Each additional 0-20 miles over this amount are subject to a travel charge of \$17.50.

Damage:

Although all care is taken while photographing every home / property, Brian McDonald Photography accepts no responsibility for any damage or breakages during this process.

Brian McDonald Photography and / or staff shall not be held liable for any legal action, claim or damages resulting from or arising out of the publication of the photographs or other use.

Payment:

Agents - All fees must be paid to Brian McDonald Photography within 30 days of account unless otherwise determined in writing between Brian McDonald Photography and the agent. Invoices not paid within 30 days of receipt the invoice will be subject to a \$15 late fee each week the invoice is past due.

Bad Debt:

If an agent or individual arranges for Brian McDonald Photography to photograph a property, person or thing for their own purposes or on behalf of a home owner and does not pay for that service within the required time, the amount owed by the agent is a bad debt of the agent. If an individual arranges for Brian McDonald Photography to photograph

a property, person or thing on his/her own behalf and does not pay for that service within the required time, the amount owed by the individual is a bad debt of that individual.

Recovery of Payment:

All bad debts will be passed on to a debt collecting service. All costs relating to the recovery of overdue accounts will be added to the original fees and must be paid by the person / company who made the booking.

By using the photos supplied by Brian McDonald Photography you are agreeing to the above Terms and Conditions.