

plein air



Grand Marais



JOHNSON HERITAGE POST ART GALLERY

2020 ARTIST-GALLERY AGREEMENT

Parties

_____	Johnson Heritage Post Art Gallery (JHP)
Artist's Name	115 W. Wisconsin St.
_____	P.O. Box 1293
Mailing Address	Grand Marais, MN 55604
_____	(218) 387-2314
Phone	jhp@boreal.org

Email	

Consignment and Display of Paintings for Plein Air Grand Marais

1. **Agency, Purposes.** The Artist appoints JHP as agent of all the paintings created by Artist for 2020 Plein Air Grand Marais for the purposes of promotion, exhibition, and sale.
2. **Exclusive Representation.** The Artist appoints JHP as their sole representative to sell or otherwise make available for acquisition to the public, the Artist's paintings.
3. **Consignment:**
 - a. **Online Only.** The Artist, by submitting painting images for display and sale in JHP's online gallery, agrees that:
 - i. Gallery Commission is 35%.
 - ii. The Artist sets the purchase price in the Painting Submission Form.
 - iii. JHP will add \$35 to the purchase price and pay it to the Artist toward cost of shipping.

- iv. The Artist is responsible for shipping the painting to the buyer.
- v. The Artist may offer the painting for sale framed or unframed, and must indicate which in the Painting Submission Form.
- vi. The Artist agrees to ship the painting promptly upon receipt of buyer's shipping information from JHP.
- vii. The Artist acknowledges that payment from JHP to Artist may be made via Venmo or Facebook Pay promptly upon JHP's receipt of payment from buyer. Paper checks from JHP are issued and mailed only once per month. Artists are encouraged to use electronic payment for security and efficiency.

b. Display at JHP:

- i. The 2020 Competition Exhibit at JHP is scaled back due to limitations in connection with the pandemic. No jurying will be conducted in person, except the Quick Paint. The Competition Exhibit will be juried online between September 18-25, and the physical exhibit at JHP is intended only for painting viewing and sales in Grand Marais by residents and visitors.
- ii. The Artist may bring 1 Competition painting and up to 3 reserve paintings to display in JHP. Contact the Gallery Manager at (715) 791-4946 or johnsonheritagepostgallery@gmail.com or pleinairgrandmarais.org/dropoff to schedule a dropoff time.
- iii. The Artist will submit the accompanying Inventory with paintings at dropoff.
- iv. Paintings displayed in JHP must be framed and ready to hang, and purchase price must include frame. Commission and payment terms are the same as for Online Sales above. JHP will ship to buyers any paintings displayed and sold at the Gallery in Grand Marais.

- 4. **Authority.** Works of art may be accepted only by the Gallery Manager of JHP except as provided for off-the-easel sales.
- 5. **Off-the-Easel Sales.** JHP's 35% gallery commission applies to Artist's off-the-easel sales during the week of Plein Air Grand Marais for Artists in attendance (not to Artists staying home). In the event of an offer to purchase one of Artist's paintings in progress or otherwise outside of JHP while present for Competition Week between September 11-18, 2020, Artist agrees to refer the purchaser to JHP with a note including Artist's name, painting title and price, to pay for the painting at the cashier. JHP shall include the painting in the Artist's Inventory and to pay Artist's share of the price as provided herein.
- 6. **Warranty.** The Artist warrants that all the paintings in the Artist's Inventory and submitted to the Online Gallery are solely the original work of the Artist, and that each painting was created *en plein air* between June 1 and September 18, 2020.

7. **Duration of Consignment.** The Consignment term for exhibited paintings at JHP is Friday, September 18, to Sunday, October 11, 2020. In addition:
 - a. Artist agrees not to request retrieval of their paintings earlier than October 11, 2020.
 - b. Artist must retrieve or make advance arrangements for the removal of exhibited paintings no later than 2 days after the Exhibition closing date of October 11, 2020.
 - c. Packing and shipping charges, insurance costs, other handling expenses and risk of loss or damage incurred in the return of unsold paintings from JHP to the Artist are solely the responsibility of the Artist.
 - d. A volunteer **painting retrieval team** will offer to pick up paintings and deliver them to a location closer to the Artist. A limited number of artists may volunteer to join the retrieval team and enjoy a stay at Sugarloaf Family Cabins in Schroeder the weekend of October 9-11, 2020 (**contact:** Allison Eklund, allison@outdoorpaintersofminnesota.org). Artists will be asked via email to confirm unsold painting shipping or retrieval plans from the exhibit at JHP. **Artists who do not confirm their plans for return of unsold paintings from JHP will be charged for the cost of packing and shipping.**
8. **Responsibility for Loss or Damage; Insurance.** JHP shall be responsible for the safekeeping of exhibited paintings while they are in its custody. JHP shall not be liable to the Artist for paintings' loss or damage, unless the conduct of JHP amounts to greater than ordinary negligence. JHP does not provide insurance for artworks.
9. **Fiduciary Responsibility.** The Artist's share of proceeds from sale of Artist's paintings shall be held in trust for the Artist.
10. **Removal from Gallery.** JHP shall not lend out, remove from premises, or sell any painting except pursuant to the terms of this Agreement.
11. **Pricing, Commission, and Terms of Payment.** JHP shall sell the Artist's exhibited paintings only at the price stated by Artist in the Inventory. JHP's Gallery Commission shall be 35% of the sale price. JHP will collect and remit applicable sales tax. Any change in the sale price of a painting must be communicated to JHP in advance of the painting's sale. JHP shall pay all amounts due to the Artist within thirty (30) days of the closing date of the Exhibit.
12. **Promotion.** The parties agree that JHP shall promote the sale of Artist's exhibited paintings, and may use images of Artist's paintings in social media and/or advertising. JHP agrees to provide adequate display of paintings, and to promptly replace Artist's sold paintings with Artist's paintings in reserve, if any. JHP shall clearly identify each painting with Artist's name.
13. **Reproduction.** The Artist reserves all rights to the reproduction of their paintings, except as provided above for promotion of the exhibit and of Plein Air Grand Marais.
14. **General Conditions.**

- a. JHP has sole authority to determine or direct placement of paintings in the Exhibit, to adjust lighting, affix labels, or otherwise make decisions concerning the layout of exhibit.
- b. No paintings shall be moved or labeled except at the sole discretion of JHP.
- c. Artist may turn in paintings for the JHP Exhibit from 10am to 4pm on Thursday, September 17 and from 8am to 11am on Friday, September 18.
- d. The Exhibit will open at JHP to a limited number of viewers. 12 people at a time may be in JHP at one time. Masks are required for everyone except while giving a presentation. A Zoom reception may be organized Friday night, September 18. A Facebook Live tour is scheduled on Saturday, September 19 at 9:00am with Neil Sherman. Appointments may be made to view the exhibit in person by calling the Gallery Manager at (715) 791-4946. Gallery open hours during the Exhibit are 10-4 on Fridays, Saturdays, and Sundays.

15. Choice of Law; Entire Agreement; Severability. The parties acknowledge that this Agreement is governed and to be interpreted under the laws of the State of Minnesota, that proper venue is in Cook County, Minnesota, and that this is the entire agreement between the parties. Any part of this agreement found enforceable by a court shall not affect the validity and enforceability of the remainder of the agreement.

This 2020 Gallery Consignment Agreement is deemed signed and accepted by the Artist upon submission of painting(s) via Painting Submission Form.

Elizabeth Davis, Gallery Manager
Johnson Heritage Post Art Gallery
115 W. Wisconsin St.
P.O. Box 1293
Grand Marais, MN 55604
(218) 387-2314
jhp@boreal.org

Attachment: Artist's Inventory for paintings displayed at JHP, if any

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2020 ARTIST'S INVENTORY
OF PAINTINGS TO HANG AT JHP
OR SOLD OFF-THE-EASEL IN GRAND MARAIS

Artist's Name

MAIN CATEGORY PAINTING #1: Painting Title: _____ Medium: Price:	QUICK PAINT: Painting Title: _____ Medium: Price:
RESERVE PAINTING #1 Painting Title: _____ Medium: Price:	RESERVE PAINTING #2 Painting Title: _____ Medium: Price:
RESERVE PAINTING #3 Painting Title: _____ Medium: Price:	OFF-THE-EASEL SALE: Painting Title: _____ Medium: Price:
OFF-THE-EASEL SALE: Painting Title: _____ Medium: Price:	OFF-THE-EASEL SALE: Painting Title: _____ Medium: Price: