

Tracy Holmes Fine Art

Art4racing.com

Commission Contract

General Painting & Portrait

This is a contract between the "Client" _____ located at:

Street: _____ City: _____

State: _____ Zip: _____ Phone: _____

Email _____ Fax _____

This serves as the Preliminary Contract for the Client and Tracy Holmes the "Artist". Final Contract to proceed after the details and photos for work are agreed upon.

Client wishes to commission the artist to create an artistic:

___ Painting ___ Portrait

of _____ the "subject". By entering this contract, Client acknowledges that they have reviewed other Paintings and or portraits of the artist and is familiar with the artist style and wishes to have a fine art painting/portrait of the subject completed by the artist in oils.

It is understood that specifications of the commission may change after detail discussion prior to the photo session. These changes will be reflected in the final contract. The purpose of this preliminary contract is to define the scope of the work and responsibility of each party prior to execution of the final contract.

Client: _____

Subject: _____

Medium: Oil _____

Brief Description: Head ____, Bust ____, Three Quarter ____, Full ____

Back Ground: Minimal ____, Detail ____, if detail explain:

Additional Subjects define:

Initial size estimate: _____ Price: \$_____ plus travel and shipping if required. Price does not include framing. This is an initial estimate of the cost of the commissioned artwork or portrait based on the current description of the work. Final cost and description of work will be completed at the photo session, or after the decision identifying the photo to be utilized for the commission, along with the final contract.

Client has made a non-refundable deposit of \$100 to secure a position on the waiting list. Based on the current schedule, a photo session may be scheduled before the 1st, 2nd, 3rd, 4th quarter of _____, or Client may furnish Artist with their own commission photos if preferred.

Specific Portraits and General Painting Commissions including the “Likeness of Persons”

A portrait is more than just capturing a likeness of a person’s physical features. A portrait is a unique blend of ones physical appearance, and inward spirit captured by the artist’s response to the individual.

It is not critical, however, when possible, an initial meeting, generally at the Client’s location, is scheduled to for the purpose of 1) meeting the client/subject; 2) seeing where the portrait will hang; 3) completing the final contract; 4) conducting a photo session; if applicable, and for payment of the initial 1/3 commission fee.

Meeting and getting familiar with the subject prior to the photo session allows the artist to become more familiar with the gestures and mannerisms of the subject. This can be helpful to the artist to capture not only the outward features of the subject but to also capture their inner spirit and character.

If possible it is best if the location that the portrait will hang can be seen and photographed. This can affect background, color, and key of the painting. This is not required in order to do the portrait but is always preferred. Pictures of the area can also be sent to the artist in most cases.

The final contract defining the commission and price are completed, then the photo session is completed, generally the same day.

If the client is to provide the artist with their own photos, the artist will finalize the details of the contract after receiving the photos and analyzing the commission. Then the contract will be sent to the client for signatures if client resides outside the Los Angeles County.

Photo Sessions: When applicable. Generally take two to three hours. Many photos are taken reflecting different poses and lighting conditions. Photos are used by the artist as reference material during the painting. No single photo is used to compose the final portrait. Photos remain the property of the artist.

If photos are sent to artist for commission, artist request, if possible, more than one photo (3-5 photos or more) for portraits. If commission is for one particular photo, this is also possible.

Initial 1/3 payment is made at the completion of the photo session plus any travel expenses.

After the artist has reviewed the photos and after discussion with the Client, a final pose and general design of painting or portrait painting are agreed to, sketch approved, and the second 1/3 fee will then be collected from client. The artist will give the client the start dates and final dates of completion for the commission. Occasionally, but not always, once the artist starts the commission, she may at times, contact the client to review the progress. All sketches, preliminary drawings and paintings, remain the property of the artist.

The final painting is usually completed within three months after it is started. Upon completion it is reviewed by the Client. If client resides out of State, or is not able to travel into Los Angeles County for pick up, artist can send a pdf file, or photo of painting to client and notification of

its completion. Upon approval, final payment is made at this time including any travel and or shipping expenses for delivery.

Fees

Fees are only for the original artwork and do not include copyrights or reproduction rights, which remain with the artist. Portraits are generally near life size thus pose and how much of the figure is shown will determine the size and price of the painting. General paintings and portraits are done in oils.

Portraits generally have a neutral background. Elaborate backgrounds, additional figures, and pets are available at additional cost.

Copyright Issues

Clarification of Artist rights as protected by the Federal Copyright Act of 1976 and the Federal Visual Rights Act of 1991.

Purchase of a copyrighted artwork does not transfer the copyrights. The copyright to reproduce the works in copies, to produce derivative work based on the copyrighted image, and distribute copies is retained by the Artist. Any transfer of this copyright must be in writing expressly identifying what rights are being sold and for what purpose.

Works of art cannot be modified without the permission of the artist. Works cannot be distributed, mutilated or modified in any way that would prejudice the reputation of the Artist.

© 2000-2006 Art4racing

All artwork copyrighted and cannot be reproduced
or otherwise utilized without written permission from the artist

Tracy Bailey Holmes Art4racing.com

Client _____

Signature: _____

Date: _____

Contract Date: _____

Contract Number: _____

Artist: Tracy Bailey Holmes

Signature: _____

Date: _____

