

ing to this agreement or any other agreement or each thereof. All be settled by arbitration in accordance with the Rules of the American Arbitration Association expedited arbitration before an arbitrator. Judgment upon the award rendered by the arbitrators may be entered in any court having jurisdiction thereof. The prevailing party shall be entitled to reimbursement for costs and reasonable attorneys' fees. The determination of the arbitrator in such proceeding shall be final, binding, and non-appealable. This agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of \_\_\_\_\_.

Collection Costs: Payor shall pay a reasonable collection charge should this note be referred to a collection agency. Waiver of Rights by Maker: Maker hereby gives present, demand, protest, notice of dishonor, and/or protest and notice of non-payment.

Interest on Unpaid Amounts: All sums remaining unpaid on the agreed or accelerated date of maturity of the last installment shall thereafter bear interest at the rate of ten percent (10%) per annum.

Witness whereof, this note and agreement has been executed at \_\_\_\_\_ (City), \_\_\_\_\_ (State), \_\_\_\_\_ (Date of execution), \_\_\_\_\_ (Maker Name)

Signature \_\_\_\_\_  
If the Payor fails to make payments as provided, then the Payee shall provide written notice to Payor and shall have (10) days from the date of such notice to cure the default. Payments hereunder shall continue until the total principal amount and any interest due is paid.

The obligation to pay money hereunder shall be secured by all of my right, title, and interest in \_\_\_\_\_, which I have assigned to Payee. This promissory note is executed in connection with an agreement dated \_\_\_\_\_.

This promissory note is enforceable in the \_\_\_\_\_ State of \_\_\_\_\_ and the \_\_\_\_\_ State of \_\_\_\_\_.

Enforcement of Terms: [One of the] '25 Most influential people in independent film. . . Perhaps Indie Film's most friendly lawyer, Litwak is less interested in the bottom line and more interested in furthering Filmmakers' interests." -Editors of Film Festival Today Magazine

Arbitration: Payor at \_\_\_\_\_ (Payor Address) or any update of those address supplied to \_\_\_\_\_ by Payor. Payor will not be bound by such arbitration proceedings other than whether Payor has been fully credited for payments that Payor has made to Payee. \_\_\_\_\_ (Payor Name)

Signature \_\_\_\_\_

DISTRIBUTOR'S marketing expenses for marketing the Picture and each Ancillary Production throughout the world excluding the United States shall be defined and limited as set forth in Exhibit A. DISTRIBUTOR may screen a trailer for the Picture beginning at the \_\_\_\_\_ [name and year of festival] or market for potential buyers of the Picture (at which time DISTRIBUTOR may start selling the Picture), and the LLC will deliver sales agreements to make a flyer and trailer for such purpose, and grant DISTRIBUTOR access thereto. The LLC will endeavor to complete the Picture no later than \_\_\_\_\_ 20\_\_\_\_.

(b) PRODUCER and DISTRIBUTOR shall jointly select a domestic distributor for the Picture. A domestic sales agency fee of 10% of domestic Gross Revenues may be deducted from domestic gross revenues before same are remitted to the LLC. This fee shall be divided as follows: \_\_\_\_\_ % to DISTRIBUTOR, \_\_\_\_\_ % to PRODUCER, and \_\_\_\_\_ % to \_\_\_\_\_ attorney/producer rep. The LLC shall collect all domestic revenues for disbursement as set forth herein and at Section 1(f).

3. OWNERSHIP RIGHTS  
In the event that all parties to this Agreement provide the respective share of financing, and the Picture is actually produced, then \_\_\_\_\_

(a) The LLC shall then own, exclusively and forever throughout the Universe, all rights in and to the Screenplay (except those rights reserved to the Screenplay's author) ("Reserved Rights"), including (without limitation) all motion picture rights, all ancillary and all incidental rights, including (but not limited to) all serialization, spin-off, remake, and sequel rights to the extent heretofore or hereafter owned by PRODUCER (the "Exclusive Screenplay Rights"). The Picture, the Exclusive Screenplay Rights, and all products produced and/or derived from the Exclusive Screenplay Rights (e.g., merchandising and music publishing) may hereinafter be referred to as the "Project." Products produced and/or derived from the Exclusive Screenplay Rights other than the Picture may hereinafter be referred to as "Ancillary Productions." The following rights are reserved to the Screenplay's author: right of publication, stage rights, author-written sequel rights, and the limited right to write a sequel.

PRODUCER and DISTRIBUTOR shall receive \_\_\_\_\_

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(b) DISTRIBUTOR will also receive a "Produced by \_\_\_\_\_ credit for \_\_\_\_\_ (name(s) of Distributor personnel r

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by Mark Litwak

# Risky Business Financing And Distributing Independent Films

**Michael Rabiger**



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