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A large, multi-story house with a swimming pool and a fountain in the foreground. The house features a mix of brick and light-colored siding, a dark shingled roof with multiple gables and dormers, and a prominent white chimney. The front yard is lush with green grass, several large trees, and a stone fountain with multiple water jets. A swimming pool is visible in the lower foreground, reflecting the sky and the house.

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PUBLISHER'S NOTE

Giselle Bernard
Publisher

Spring is in full swing, the season of light, energy and growth. It is the time for planting and cultivating, regenerating, nurturing and tending. How is your own personal garden? How are you taking these changes of seasons and applying them in your own life? What are you doing to develop and grow to improve your services and rewards? Not just in monetary terms, but in happiness, fulfillment, peace of mind and stronger, long lasting relationships both personally and professionally. The best way to increase growth externally is to develop yourself and your abilities. Spring is a great time to look around and observe and subsequently evaluate what you need to tend in your own life.

"The quality of a person's life is in direct proportion to their commitment to excellence, regardless of their chosen field of endeavor." Vince Lombardi

Food for thought.....

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Morris Hullinger Design Build Provides Full Service Building

By Kathy Bowen Stolz



Dream. Design. Build. That's how Morris Hullinger Design Build encourages its clients to approach the building of their home.

Unlike most Houston builders, Morris Hullinger Design combines architecture, interior design and construction supervision all in one package, according to co-founders Marvin Morris and Steve Hullinger.

“We approach building from a completely different angle than most firms. The traditional format is for someone to go out and hire an architect, go out and hire an interior designer, go out and hire a builder. Certainly this can

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Texas Construction Trust Fund Act

By Ian P. Faria & Jon Paul Hoelscher of
Coats | Rose A Professional Corporation

A builder who fails to hold and distribute construction funds in an appropriate manner can be subject to both civil and criminal penalties. The Texas Construction Trust Fund Act (the "Trust Fund Act") is found in Chapter 162 of the Texas Property Code. The Trust Fund Act provides that construction payments are trust funds if: (1) the payments are made to a contractor or subcontractor; (2) under a construction contract; and (3) for the improvement of specific real property in the State of Texas. The Act also applies to loan receipts such as money received from a construction loan.

The Trust Fund Act provides that a trustee who, intentionally, knowingly, or with intent to defraud, retains, uses, disburses, or otherwise diverts trust funds without first fully paying all current or past due obligations incurred by the trustee to the beneficiaries of the funds, has misapplied the trust funds.

The Trust Fund Act provides penalties for failing to adhere to these requirements. A trustee who misapplies trust funds over \$500 in violation of the Trust Fund Act commits a Class A misdemeanor. If the trustee misapplies those trust funds with intent to defraud, they may be guilty of a third-degree felony. A person violates the Trust Fund Act with "intent to defraud" when he or she retains, uses, disburses, or diverts trust funds with the intent to deprive the beneficiaries of the funds.

In addition to potential criminal penalties, there is risk of a civil lawsuit. Because the holder of the construction payment or loan receipts is a trustee, there may be a fiduciary relationship with the beneficiary. Fiduciary relationships create heightened duties that make what would be an arms-length business relationship into one in which the trustee owes the beneficiary loyalty, utmost good faith, candor, integrity of the highest kind, and fair and honest dealing. If the trustee fails to pay, the intended beneficiary could bring a lawsuit which might include a claim for breach of fiduciary duties. This is important because an intentional breach of fiduciary duty opens up the possibility for punitive damages.

The Trust Fund Act does have affirmative defenses which include that the trust funds not paid to the beneficiaries were used by the trustee to pay its actual expenses directly related to the construction or repair of the improvement, or have been retained by the trustee, after notice to the beneficiary, as a result of the trustee's reasonable belief that the beneficiary is not entitled to the funds. It is also a defense that the trustee paid the beneficiaries all trust funds they were entitled to receive no later than 30 days following written notice of the filing of a criminal complaint or other notice of a pending criminal investigation.

The Trust Fund Act emphasizes the need for good business practices concerning construction payments. Thus, it is important for all builders to manage funds with care to avoid these risks.



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If you have been accused of violating the Trust Fund Act or need guidance about your business practices, you should consult a construction attorney for advice.

Ian P. Faria is a Director with Coats | Rose and a member of the firm's Construction/Surety Law and Oil and Gas/Energy sections. Ian was selected as a Texas Super Lawyer in 2014 in Construction Law. This is an honor conferred upon only on 5% of the total lawyers in Texas (previously he was selected as a Texas Super Lawyer "Rising Star" in Construction Law in 2012 and 2013). He was also selected by his peers for inclusion in The Best Lawyers in America© 2014 and 2015 in the field of Construction Law. In 2015, he received the highest rating, AV Preeminent®, by Martindale-Hubbell® Law Directory. This is Martindale-Hubbell's highest possible rating for both ethical standards and legal ability



Jon Paul Hoelscher is Director with Coats | Rose and a member of the firm's Construction and Litigation sections. He has been selected as a Texas Super Lawyer "Rising Star" for Construction Law by Texas Monthly since 2012, an honor conferred upon only 2.5% of the total lawyers in Texas. He also has served a councilmember for the Houston Bar Association Construction Law Section since 2011.



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DIALOGUE WITH A DESIGNER

DONNA M. JARNIGAN, ASID, RID

Morrison Showrooms knows that dreams, reality and inspiration make a house a home. They also know that an interior designer or interior design firm often become an intricate part of this process. Design professionals should be committed to creating individualized and functional designs to meet the lifestyles of their clients' families. Morrison Showrooms work to inspire these ideas as is conveniently located in the heart of Houston. Morrison offers many brands and designs, all exhibited in unique settings with interactive displays. Whether it's appliances, plumbing, hardware or lighting, they have brand to fit every budget and a style to fit every design. Contact Joann Ontiveros at 713-861-2343 for more details.

This month Morrison Showrooms speak with **Donna M. Jarnigan, ASID, RID**. Lacy-Boone Interiors

Donna has been in the Interior Design business for forty years and has experience in Commercial, Residential, Hospitality, Retail and Health Care Design. She is an active Professional Member of ASID, member of TAID, and is licensed by the State of Texas. She served as President of the ASID Texas Gulf Coast Chapter for 2005-2006; has served on the TGCC Board in several

capacities, Chaired numerous committees, and has been on two National ASID committees. In October 2012 Donna was the recipient of the ASID Chapter Medalist Award. This award is rarely given and awarded at the National level for a member that has dedicated the most time, energy, creativity and support of their local ASID Chapter. Donna was named on the 2013 Luxe Interiors+Design Gold List and her work has been featured in numerous design publications.

Areas of specialization include Remodeling and New Construction. Donna believes that knowledge of your client and product is the critical key to creating a successful synergy between client and designer. The greatest compliment Donna can receive is when her client's say "I love it, it is beyond my expectations!".

Morrison: What motivated you to go into the interior design field?

Donna M. Jarnigan: When I was a small child, family members would ask my opinion about color, pattern style and furniture arrangement. I soon realized that my natural talents really were in interior design.



Morrison: *What sets you apart from other designers?*

Donna M. Jarnigan: I don't design so that my "style" is stamped on a project. I truly design with the client in mind. With my guidance the goal is to design something that truly reflects my client's style. Also, honesty and integrity are as important as the design.

Morrison: *What has been your most challenging project and why?*

Donna M. Jarnigan: Every project has its issues, and no two are alike. That's part of the challenge of being a good designer. You must be a critical thinker as well as creative. I'd probably say that a hospital and medical professional building are among the most challenging. If you can satisfy a board of doctors, meet all the health, safety, fire and building codes and do a great design and décor, then you can probably do most anything.

Morrison: *How do you begin the materials selection process when working with builders' and remodelers' clients?*

Donna M. Jarnigan: After my initial meeting with the clients, measurements and photos are taken, then the design finalized, I schedule "selection day." I take my clients to each of my "trade" showrooms and vendors, and I show them what I have in mind for their project. Each step of the way I am guiding them, making suggestions, helping them make cohesive selections' decisions. By the end of the day we have a design "board" of samples from cabinets to tile. We always take photos of our clients with their samples, and it becomes part of their project notebook.

Morrison: *What are some common mistakes made by builders and homeowners?*

Donna M. Jarnigan: Not involving an interior designer before the project begins. An interior designer is important for space planning, lighting plans, cabinet design, paint and many other specifications. A designer thinks of all the needs in that space, and that input is critical.

Morrison: *Speaking about staying current, how to you keep yourself up to date with all the design trends happening in the industry today?*

Morrison: *How has the field of interior design changed since you graduated?*

Donna M. Jarnigan: In so many ways. Where do I begin? It has changed and evolved tremendously. We have moved 'way beyond thinking just about decor and finishes (which, of course, are part of what we do) to truly designing with the health, safety and welfare of our clients in mind. How one works, lives and uses the space is our starting point of design. Form and function are critical.

Morrison: *How can an experienced interior designer help custom home builders or remodeling contractors with their building or remodeling projects?*

Donna M. Jarnigan: First, you need to meet the client and "get inside their head," so to speak, to truly understand their wants, needs and desires for the space. After we leave a project, that client has to live in that space, not us. Any project design should be done with the end user in mind. If the builder or remodeler doesn't have a client, then all my knowledge and experience should be used to make sure the design works for most prospective buyers.

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work well, but a lot of finger-pointing can occur between the different entities when things don't go as planned, and the likely result can involve additional costs, delays and headaches for the client," Morris said.

"For the most part, we prefer to control the whole process because, as a team, we are obsessed with the details. We are one firm managing the ridiculously huge number of moving parts, trying to create as seamless and harmonious a transition from the design process through the entire construction. Our process has precedent and is successful in many markets, but almost no one else based in Houston does what we do," Morris noted.

Morris Hullinger Design Build wants to make the building process as easy as possible for its clients while



keeping them involved to whatever degree they desire, he said. Rather than force the clients to find fixtures and materials, the company's staff brings samples to the clients during a series of presentations in its studio. "We do the work behind the scenes, sourcing from hundreds and hundreds of suppliers, to make it easy for them. Our

clients, at some point during the process, always ask, 'When does it get hard like the horror stories we've heard about building a new home? When are we going to hate you?'"

Although the company's main focus is full-service design



oversee the construction. “When this occurs,” Morris explains “we bring a lot more to the table than a typical architect or builder since we are versed in all disciplines. Because of this [versatility], we feel like less gets missed, whether it be the art or the science of the project.”

Morris said, “One of our greatest strengths that sets us apart is our focus on building value in each home. We create homes that feel more expensive and build equity for our clients by creating that elusive ‘wow’ factor everyone talks about. As a matter of fact, we have several real-life examples where our clients have been offered major premiums on their homes during or at the end of construction.”

The value Morris Hullinger creates comes in many forms. “Yes, we certainly use high quality materials and tradesmen on the construction science side of the equation. But we want our homes to feel different. Not only is there meticulous detail applied to every aspect of the design of the home, but we do things like travelling to Europe where we source antique materials, such as old roof tiles, fireplace mantles and flooring. We send them back to Houston in our own containers. We don’t know of anyone in our field who goes to that level for their clients,” Morris stated.

build, Morris said it certainly has collaborated with other architects, designers and builders in Houston and other areas to create custom homes for clients. Many times a client has a long-standing relationship with another architectural firm or maybe there is a project where it doesn’t make sense logistically for Morris Hullinger to

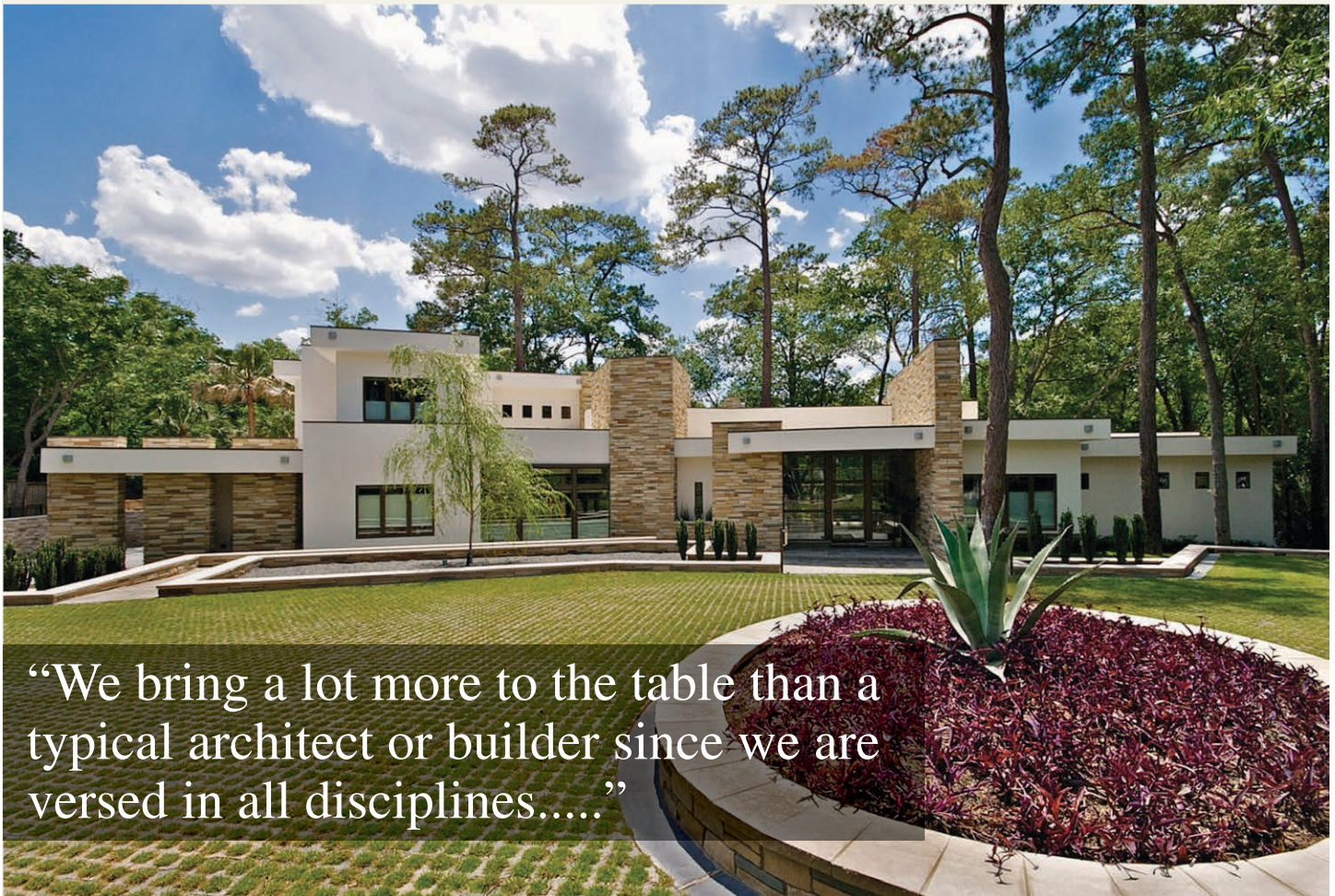
The partners are both believers in classical architecture, which is reflected in their designs, Hullinger said. They try to stay within the classic realm of architecture, using classic shapes, forms and volumes. “We create timeless homes, true to their particular vernacular, that will

withstand the test of decades. An ultimate compliment we received was when someone told us it was impossible to tell when one of our very traditional homes, which used many antique and reclaimed materials, was constructed. We heard dozens and dozens of people swearing there was no way it was a brand new structure.”

Because the firm typically designs and builds most of its homes as a single entity, the process can take less time than with other top design firms and contractors, with the average entire completion time from 18 months to two years. The company normally is working on six to ten homes a year, ranging from \$1.5 to \$5 million and from 5,000 to 10,000 sq. ft.

Most Morris Hullinger clients are typically successful self-made professionals. Many are building their second or third home, while others are new to the world of designing and building a new home from scratch. But being creative is one thing that characterizes all of their clients, Morris said. “What they’re creating matters to them. They are really wanting to do something special.”

For those clients looking for something truly unique, Morris Hullinger is the perfect fit, for the company writes



“We bring a lot more to the table than a typical architect or builder since we are versed in all disciplines.....”



into each building contract that the home will never be replicated by either the company or the client. They are truly one-of-a-kind homes, consequently. “We’re contractually obligated to be unique,” Morris added. “We’ll never be the fastest or cheapest, but our homes will always be special, iconic, timeless, an expression of the client.”

Morris and Hullinger started their company in July 2007, “probably the single worst month to start a company in our adult lifetime,” Morris laughed. “But we persevered and actually grew our business exponentially during the economic downturn.”

Both partners share a passion for attention to detail and are involved in virtually all client meetings from start to finish because architecture, design and construction are part of every meeting. “We are far from perfect, but we pride ourselves on listening very well. We try to catch everything the clients say and balance their functional needs with the special architectural aesthetics of their new home,” Morris noted.

Hullinger added, “At some point we’ve been told by virtually every one of our clients that their new homes

seemed more important to us than it were to them. We care to a degree that they don’t even know exists.”

All of the company’s new business comes from referrals from other clients or from those who have seen their homes and appreciate the level of design and attention to detail, Morris said. “We do very little advertising, just an occasional full-page ad highlighting a recent project in *Architectural Digest*. Ultimately, our homes are our advertising. It’s kind of self-fulfilling. The people who love our work are the kind of people we want as our clients.”

Morris is responsible for land acquisition, client marketing and development, design and finish material selection, management of European architectural antiques importation and financial/partnership efforts. He studied architectural history while earning a degree in history from the University of Virginia.

Hullinger, who earned a bachelor’s degree in environmental design from the College of Architecture at Texas A&M, is responsible for the design of all custom and speculative projects and overseeing construction management in conjunction with on-site personnel. He



also oversees all budgeting and relationships/negotiations with key vendors and suppliers.

The partners plan to expand their business in the next five years by adding to their portfolio of homes for sale. “Unlike virtually all others in our industry who build speculative projects as lower-priced, less-imaginative houses, we take the opportunity to be really creative, to push the limits, to show people what we can do. They’re wildly fun and one-of-a-kind. People can see what we’re capable of,” Morris said.

“We’ve found that there’s a big demand for this because now a prospective buyer can purchase the best home on the street without the two- or three-year wait of finding a property and designing and building it. They no longer have to settle for something lacking the level of design and finish just because they want it now. It’s a perfect fit for the ‘microwave generation’ we live in today!”

One of the latest projects they designed and built to sell – a spectacular French Provencal home in Oak Estates that they hope will be featured in Veranda magazine – generated more than 100 calls from prospective buyers before it was finished. “That house was our baby, our vision. Seeing that house come to fruition and watching people’s reactions to what we created was incredibly rewarding. It made all the hard work and obsessing over every detail worthwhile” Morris noted.

The partners are considering expanding to Austin, Nashville and Colorado, all strong markets with a number of creative, artistic people that would appreciate their work.

In the meantime, they will keep listening to their creative clients as they share their dreams of building a one-of-a-kind spectacular home.

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You may contact Morris Hullinger Design Build by calling 713-960-6240, by emailing info@morrishullinger.com or by visiting 3000 Wesleyan, Suite 260, Houston, TX 77027. You may also go to www.morrishullinger.com for more information.

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Donna M. Jarnigan: I take numerous CEUs [continuing education units] throughout the year, receive information from my professional organizations, webinars, magazines and peers. We are constantly learning.

Morrison: What is your favorite design style?

Donna M. Jarnigan: I can do any style or look for my clients, from ultra-contemporary to very traditional, but my favorite is eclectic. I live with a very collected look. I don't like matching but love to blend French, English and Oriental with a pinch of modern or contemporary.

Morrison: What fascinates you and how have you incorporated that into your designs?

Donna M. Jarnigan: People, travel, ancient architecture, art and design of all types intrigue me. As I said, a good mix is my favorite style. However, I design with my client in mind.

Morrison: How would you characterize your personal style?

Donna M. Jarnigan: Eclectic

Morrison: What would be your recommendation for "what to do first" in a decorating project when working with the builders and/or homeowners?

Donna M. Jarnigan: I tell my clients to collect photos of rooms that have their favorite styles. That helps me get a real sense of what appeals to them, and that is a great starting point.

Morrison: How to you keep yourself up to date with current design trends in the market?

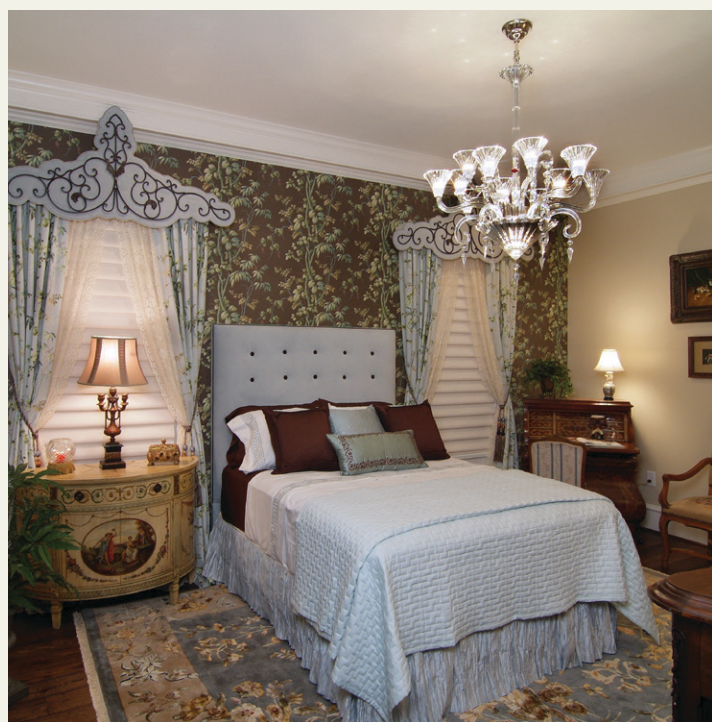
Donna M. Jarnigan: CEUs, reading, attending informative lectures or presentations

Morrison: Any last thoughts, comments?

Donna M. Jarnigan: First, I want to thank you for this opportunity to share a few thoughts with you and your readers. Second, I highly recommend hiring an interior designer. An interior designer can help keep you from making costly mistakes and give you a beautiful, well-designed, functional home or office.



You may contact Donna M. Jarnigan, ASID, RID, by visiting Lacy-Boone Interiors, 1622 Maux Drive, Houston, Texas 77043 or by calling 713-647-0647 (office) or 281-615-0790.



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that surrounds a ribbon of rich, dancing flames. DaVinci's signature fire presentation draws you in with its striking presence of mesmerizing flames over a bed of Platinum reflective crushed glass that is under-lit with adjustable vibrant multi-color LED lighting.

DaVinci's patented Safe Touch Glass™ is a standard safety feature that makes these fireplaces ideal for decorative home applications and high traffic commercial installations. Innovative engineering keeps DaVinci's double-pane, crystal clear glass at extraordinarily low temperatures, reducing the potential for injury as it is quite literally safe

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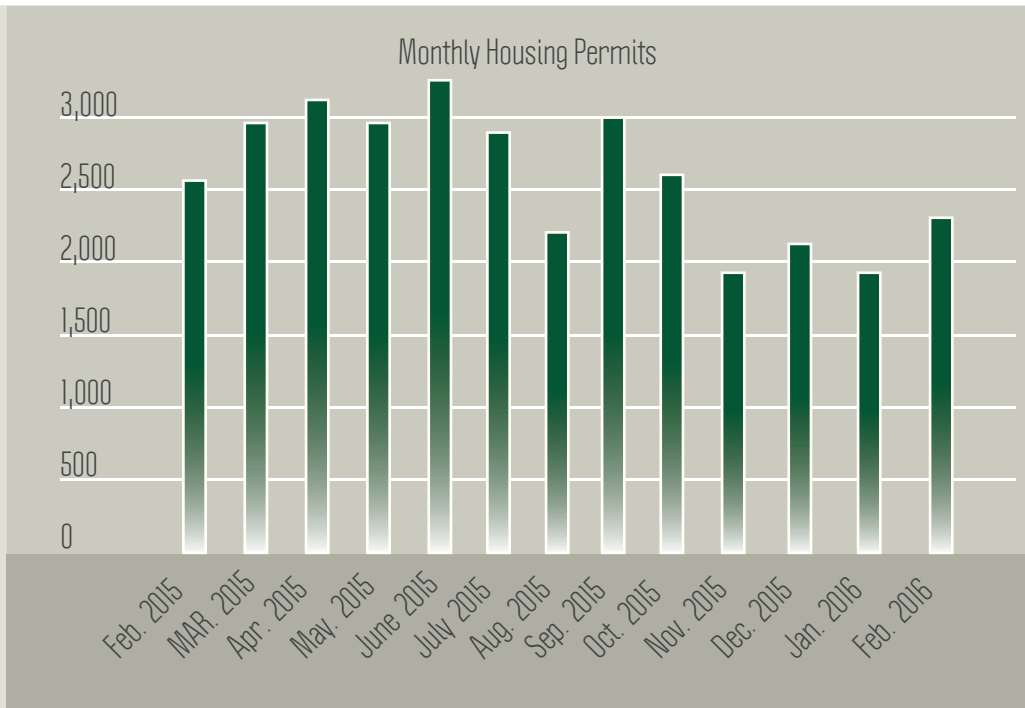
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Houston Housing Picture

Bohlke Consulting Group, LLC

Monthly housing permits filed by builders in the Houston Area.

Feb 2015	2,623
Mar 2015	2,959
Apr 2015	3,256
May 2015	2,884
June 2015	3,186
July 2015	2,658
Aug 2015	2,330
Sep 2015	3,130
Oct 2015	2,231
Nov 2015	1,822
Dec 2015	2,003
Jan 2016	1,948
Feb 2016	2,398
Feb. 15 v. Feb 16	-8.6%



MARKET	Mar 14-Feb 15	Mar 15 - Feb 16	ANNUAL % CHANGE	-	-
Community	34,860	30,805	-11.6%	-	-
Lennar Homes	1,845	1,717	-6.9%	-	-
DR Horton Homes	1,850	1,488	-19.6%	-	-
Perry Homes	1,434	1,413	-1.5%	-	-
Postwood/LongLk	1,345	1,204	-10.5%	-	-
KB Homes	1,066	933	-12.5%	-	-
Taylor Morrison	786	907	-15.4%	-	-
Beazer Homes	578	840	45.3%	-	-
Meritage Homes	991	826	-16.6%	-	-
Express Homes	833	823	-1.2%	-	-
LGI Homes	872	795	-8.8%	-	-

Permit activity shows a 8.6% decrease between February 2015 and February 2016. Annual permits show an 11.6% decrease for the twelve month period ending February 2016. Only two of the top ten builders show positive permit growth in the same time period.

Continued from page 16

enough to be touched without the possibility of getting burned. Because the glass surface temperatures on these fireplaces are so low, they do not require any form of safety screen or barrier. This also allows all of DaVinci's steel fireplace surfaces to be in direct contact with combustible materials. DaVinci Custom Fireplaces also feature zero clearance to combustible surfaces, allowing for any surrounding materials to be built right up to the edge of the glass- from sheetrock to wood, tile, stone and more. While DaVinci is primarily designed as a non-heating fireplace, an optional Heat Exchanger can be added, allowing heating to be vented into the room or a nearby location within the building.

All DaVinci Custom Fireplaces come standard with a Platinum crushed glass floor that is under-lit with vibrant multi-colored LED lights that take these fireplaces to a whole new level when illuminated. An endless array of vivid colors is at your fingertips, allowing you to set the mood and create the perfect ambiance for any occasion. The burst of color adds a mesmerizing glow around the flames and reflects off the crushed glass floor to create a dramatic presentation of fire unlike anything you've ever seen.

DaVinci is the world's first modular fireplace. Their modular construction and design makes manufacturing and installing these appliances extremely efficient. DaVinci Custom Fireplaces up to 21 feet long can easily be transported and installed on any job site due to the patent-pending Titan Lock System™ that allows them to be bolted together without any additional framing,

wall support or machinery. No special building entries are required, as these fireplaces can fit through normal doorways, stairwells and elevators. A quiet power vent exhaust system solves all venting challenges and accommodates vent runs up to 150 feet, allowing DaVinci Custom Fireplaces to be installed virtually anywhere.

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Latest NAHB Publication Provides a Rare Snapshot of Builders' Profitability and Expenditures

The Cost of Doing Business Study, 2016 Edition, a national study of single-family builders' financial performance, was recently released by BuilderBooks, the publishing arm of the National Association of Home Builders (NAHB). The Cost of Doing Business Study gives builders the opportunity to see industry averages for profit margins, asset levels and equity positions.

NAHB builder members from all regions of the country provided their past financial data using a survey instrument developed by NAHB's Economics and Housing Policy Group. This new resource provides home builders a rare glimpse at other builders' financial books, with access to data on profitability, cost of sales and expenses from home builders.

"The Cost of Doing Business Study contains a wealth of information about the residential construction industry and is a critical resource for builders," said NAHB Chairman Ed Brady, a home builder and developer from Bloomington, Ill. "The updated study provides the benchmarks builders need to improve their businesses."

Readers can see how they measure up against industry-wide averages in areas including:

Gross margin and net profit

Cost of goods sold

Operating expenses

Financial ratios

Several categories are analyzed in the survey--volume, operation type and land vs. no land--making it easy for builders to compare their performance against the data. More than 35 proven cost-cutting, profit-raising ideas that builders can apply to their businesses are provided.

The Cost of Doing Business Study is available for purchase (\$149.95 retail/\$79.95 NAHB member, ISBN 978-0-86718-746-5) at BuilderBooks.com or by

calling 800-223-2665. The eBook is available at ebooks.builderbooks.com (\$89.99 retail/\$55.99 for NAHB members).



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