

Addendum #2 to Offer to Purchase dated _____ and signed by _____
as Buyer for the Property known as Lot(s) _____, The Gathering.

**REQUIREMENTS AND GUIDELINES FOR BUILDING,
CONSTRUCTION AND IMPROVEMENTS**

**FOR
THE GATHERING**

The Gathering is a high-quality residential community that blends with the countryside while preserving the natural character of the land. It is the intention of the SIEPMANN REALTY CORP. ("Developer") to assist lot owners in achieving a compatible arrangement of quality homes. To this end, this document (i) summarizes for lot owners the restrictions and covenants concerning building, construction and improvements provided in the Declaration of Restrictions and Covenants for The Gathering (the "Declaration"), and (ii) sets forth additional Guidelines for Plan Approval (the "Guidelines") adopted by the Developer.

I. Restrictions and Covenants in the Declaration.

The Declaration has been recorded with the Register of Deeds for Waukesha County and a copy has been provided to each lot owner. The Declaration **must** be followed by all lot owners in The Gathering. Of particular importance to owners of lots in The Gathering ("Owners" or, singularly, "Owner"), is the process of designing and constructing a residence and other permitted improvements on their lots. The Declaration contains restrictions and covenants concerning building restrictions (Declaration, Section II); construction (Declaration, Section III); and improvements and owner maintenance (Declaration, Section IV).

Below is a summary of the building restrictions, construction requirements and restrictions relating to improvements and owner maintenance found in the Declaration. Each Owner should refer separately to the Declaration and consider the following list as merely a summary of those provisions. In the event any of the terms or provisions below are different from or conflict with the terms or provisions of the Declaration, the terms or provisions of the Declaration are binding and will control.

A. Building Restrictions (See Declaration, Section II)

1. All lots in The Gathering are restricted to the erection of a single one story, story and one-half, or two-story single-family residence building with a minimum square footage of living space (excluding basement level areas) of two thousand (2,000) square feet but not to exceed four thousand (3,000) square feet and one outbuilding, pool house, or gazebo.

2. Each single-family residence in The Gathering must have a garage that accommodates at least two (2) cars, that is attached to the residence directly or by breezeway, and that is constructed at the same time as the residence (such single-family residence and garage together shall be referred to herein as the "Building"). The maximum size of the garage portion of the Building shall conform to Village ordinances. Garage entrances shall be located exclusively on the side or rear of the building. Notwithstanding the foregoing, a front-entry garage may be permitted, subject to prior written approval from the Developer, in instances where side or rear-entry garages are deemed impractical. Additionally, canted or courtyard-style garage entrances shall be deemed compliant with this provision.

3. The exterior walls and fascia of the Building and any permitted improvements must be constructed of brick, stone, stucco, solid wood siding, or Hardiplank, LP Smartside, or AZEK

siding or equivalents. Trim boards may also be made of Azek Trim, Miratec Trim or equivalents. Developer may, in its sole discretion, approve the use of artificial stone products. Siding materials such as aluminum, vinyl, steel, pressed board, Masonite or plywood will not be permitted on the exterior of the Building or any permitted improvements, except on soffits. Soffits (but not fascia) may be made of aluminum, vinyl or the siding materials permitted above for exterior walls. Fascia may only be made of the siding materials permitted above for exterior walls (not aluminum or vinyl). Any exposed basement or foundation wall must be covered with masonry veneer, plaster or the siding materials used on the exterior walls above such exposed wall.

4. All one-story, two story and story and one-half Building roofs shall have a minimum pitch of eight feet in height for each twelve feet in length (8/12), except for a porch roof, a shed-style roof or rear dormers on story and one-half Buildings. All roofs shall be covered with either wood shakes, dimensional shingles or standing seam metal roof. Developer reserves the right, at its sole discretion, to approve other roof materials.

5. All improvements must comply with the offsets and setbacks required by government regulatory authorities as are in effect at the time of construction.

6. Each Owner must obtain the **prior written approval** of Developer of each of the design and layout plans listed in subparagraph (a) below prior to application for a building permit. **Each Owner must submit preliminary plans for review by Developer before submitting final plans.** The final plans shall incorporate the plan changes, if any required by Developer, as noted in its review of the preliminary plans. (1 complete, full-size set and One 11" x 17" reduction)

(a) Each Owner must submit to Developer in connection with its application for approval of the design/layout plan, the following final plans:

- Exterior elevations drawn to scale (1/4" = 1' minimum)
- Floor plans drawn to scale (1/4" = 1' minimum)
- Identification of all exterior building materials;
- Stake-out survey showing the proposed location of the Building(s), existing and proposed yard grades and location of silt fences.
- Statement of square footage of living area by floor.
- Other things that may be required from time to time as set forth in the Guidelines (Section III, below).

(b) Approval of the design/layout plan shall be based upon the restrictions contained in the Declaration and The Gathering Guidelines for Plan Approval (Section II, below), as may be adopted from time to time by Developer. All buildings must have four-sided architecture. Themes started on the fronts of buildings must be carried around to the other sides, rear and exposed basement areas. Windows or other details may be added to walls that the Developer considers bland or featureless.

(c) Design/layout plan approval may be withheld if the design is too similar in appearance to other Buildings in close proximity.

(d) If in the opinion of Developer the submitted plans do not comply with The Gathering Requirements and Guidelines and the Declaration Developer may, at its option, but only with Owner's consent, refer the plans to a professional home designer

for redesign so that the plans will comply with The Gathering Requirements and Guidelines and Declaration. The Owner will be responsible for the payment of any fees charged by such professional.

(e) In its decision to grant Approval, Developer will take into consideration not only the required minimum setbacks but also the relationship of the location and position of the proposed Building and Permitted Improvements to the street and to the Buildings that have been constructed or that may be constructed on the adjoining lots.

(f) Buyer is required to install and maintain erosion control measures during construction and to clean up construction debris that results from Buyer's construction. In the event that the municipality requires Seller to repair Buyer's erosion controls or clean up Buyer's construction debris because Buyer has failed to do so, Buyer shall reimburse Seller for Seller's costs of making the required repairs or clean up, within 3 days of Seller's demand.

(g) Buyer or Owner shall submit to the Developer an architectural review fee of two hundred fifty dollars (\$250) at the time of preliminary plan submittal. This fee covers up to 2 rounds of plan revisions. Additional rounds of revision will require a fee of \$100 each. This fee may be adjusted from time to time by the architectural control committee. Contact the approving authority for the current fee schedule.

B. Construction (See Declaration, Section III)

1. The Building must be constructed in accordance with the design and layout plan which has been approved by Developer and be completed within 18 months of the date the building permit is issued by the Village. A sodded or seeded lawn and a driveway paved with gravel, concrete, asphalt or brick must be installed within 6 months of the date that the occupancy permit is issued by the Village.

2. Each Owner shall be responsible for installing and maintaining erosion control measures from the commencement of grading until such time as a lawn or other plantings sufficient to prevent erosion has been established on the Owner's lot. These measures include but are not limited to: installation of silt fence, hay/straw bales and/or ditch checks; street cleaning following precipitation events or tracking of mud on streets by any vehicle leaving the lot; and sodding or seeding and mulching lawn areas. Steep slopes may require installation of straw mat, jute mat or other materials designed to stabilize steep and highly erodable areas. Any areas where erosion control measures have been compromised by weather, construction or any other event shall be repaired within 7 days of damage. After every rainfall exceeding ½ inch and at least once per week, erosion control measures must be inspected by the Owner or the Owner's contractor, and any necessary maintenance or repairs made. Failure to comply with these requirements may result in sanctions against the Owner by the Village, the Wisconsin Department of Commerce, and/or the Wisconsin Department of Natural Resources. All erosion control measures shall be installed and maintained according to the then current standards and specifications set forth in Wisconsin Department of Natural Resources Conservation Practice Standard and local ordinances.

3. Each Owner must submit to Developer and Village of Summit, a grading plan which adheres to the Master Grading Plan or any amendment thereto approved by the Village Engineer and on file with the Village ("Master Grading Plan"), and grade such Owner's lot in accordance with the Master Grading Plan. Developer and/or the Village and/or their agents, employees or independent contractors shall have the right to enter upon any lot, at any time, for the purpose of inspection,

maintenance and correction of any drainage condition (whether or not Owner complied with the Master Grading Plan), and the Owner is responsible for the cost of the same. Each Owner, at the time of construction of the Building, shall also be responsible for grading its lot so as to direct drainage toward the street or other established drainageway and to prevent an increase in drainage onto neighboring property. This shall be accomplished by creating swales along common lot lines wherever practical. Drainage ways shall be kept free of any obstructions. No plantings other than grass shall be permitted within 3 feet of side or rear lot lines without prior written approval of the Developer. Each Owner must consult with the adjacent lot Owner to agree upon compatible grading of their common lot lines. Due to the varying terrain and drainage conditions on each lot following construction, neither Developer nor the Village shall be responsible for establishing lot line grades. The services of a professional engineer may be required to design a proper grading plan for any lot, the cost of which shall be paid by the lot Owner(s). Final grading of the lot shall be completed within two months after the date that an occupancy permit has been issued for the Building (subject to delays caused by adverse weather conditions).

4. All construction-related activity shall be confined to the Owner's lot unless the adjoining Owners have given permission to use their respective lots or outlots. In the event that landscaping on adjacent lots or outlots is disturbed during construction or grading, all disturbed areas shall be immediately restored with vegetation of like kind. In the event that eroded material is deposited onto a street or neighboring property, the Owner of the lot from which the material came shall be responsible for removing the material and restoring the street or neighboring property to its original condition.

5. Each Owner shall be responsible to Developer and the Village for the costs of repairing and replacing any street pavement and curb and gutter (including restoration of topsoil and lawn abutting the curb and gutter) which has been damaged during the course of constructing the Building and/or any permitted improvements on the Owner's lot.

C. Improvements/Owner Maintenance (See Declaration, Section IV)

1. No buildings, outbuildings or other structures will be permitted on the Property except the Building, and except the following exclusive list of permitted improvements, which are subject to the Guidelines and require developer's prior written approval:

- (a) Fences of a decorative style.
- (b) Deck structures constructed of wood or metal. Developer may, in its sole discretion, approve the use of artificial wood products on decks.
- (c) Gazebos.
- (d) Pool houses or barn (only on Lot 12).
- (e) Outbuildings. Outbuildings must be constructed of the same roof, window, siding, stone, and other materials and in the same architectural style and colors as the single family residence. All outbuildings are subject to Village ordinances. All building plans are subject to prior written approval of Developer.
- (f) In-ground swimming pools. Above-ground swimming pools are not permitted, except for seasonal pools. All swimming pool related pump, heater, filter and other equipment must be concealed in an enclosure located next to the Building to minimize the noise and visibility to neighboring properties. A different location for such

pool equipment (with proper screening) may be allowed in special circumstances with Approval. "Seasonal Pool" means a swimming/wading pool which is stored indoors during the months of October through May, does not exceed 5 feet in diameter or 20 square feet in water surface area and is not more than 18 inches high.

(g) Retaining walls constructed of natural stone or manufactured stone products (manufactured stone to be multiple sizes & tumbled effect).

(h) Berms.

(i) The enclosed portion of any children's outdoor playground equipment and play structures. Playground equipment and play structures without enclosures do not require approval.

(j) Dog kennels. Dog kennels shall be located immediately behind the Building, shall be no larger than 400 square feet in area, with any fences screened from view by adequate landscaping. Doghouses may only be made of the siding materials permitted for Buildings.

2. There shall be no outside parking or storage of boats, trailers, buses, commercial trucks, recreational vehicles or other vehicles or items deemed to be unsightly by Developer.

3. Each Owner shall perform such periodic maintenance of the Owner's lot, including the adjoining public right-of-way area up to the edge of the road pavement, as may be necessary to keep the lot neat and clean in appearance, including, without limitation, the mowing of grass and removal of weeds and debris. This requirement applies to vacant lots as well as to lots where Buildings have been constructed.

II. The Gathering Guidelines for Plan Approval.

The Declaration provides that the Developer may establish from time to time Guidelines for Plan Approval. In furtherance of its goals for the development of a high-quality residential community, Developer adopts the following Guidelines, which it may amend or revise at its own discretion:

1. Windows: Shutters, window casings, window grids and other trim features that are used on the front of the residence and garage must also be used on appropriate windows on the sides and rear. In non-masonry openings casings of at least 4 inches in width must be used on all windows without shutters, attic vents and on all doors. Windows, doors and attic vents in masonry openings must have stone or brick sills and stone or brick soldier courses or corbels at the top and sides or other similar appropriate detail. Developer will require the placement of windows or other design features in walls that would otherwise be blank or without architectural feature. (Chimneys, bays, or other projections on a wall are not, by themselves, an architectural feature.) Developer may require grids or muntin bars in all windows. An attractive, balanced exterior design will usually take precedence over concerns about furniture arrangement. Windows may be vinyl or aluminum clad.

2. Doors: Garage and service doors may be wood, steel or fiberglass and must have a raised panel or other decorative design.

3. Masonry: Where masonry material is used on the exterior walls, it should, if possible, terminate only at an inside corner. In the event it is not possible to terminate these materials at an inside corner, the materials must then terminate at a corner board at least 6 inches in width. If quoins or similar details are used at outside corners it will be acceptable to terminate the masonry by extending it around the corner the full width of the quoin. If stone (not brick) is used on exterior walls it will also be acceptable to terminate the stone by extending it around a corner for a distance of at least 12 inches. A "beltline" or "apron" of brick or stone may terminate only at either an inside corner or on a wing wall. Other exterior materials such as lap siding must also terminate at an inside corner or at a corner board at least 6 inches in width.

4. Bays, Boxed-out Windows and Chimney Chases: Any bays, bay windows, boxed-out windows and other projections which extend down to the top of the foundation level must have a foundation beneath. "Hung bays" which are at least 12 inches above the foundation are permitted, supported by brackets if appropriate. All chimney chases must have a foundation beneath.

5. Materials and Colors: The variety of exterior materials should be kept to a minimum and must be used consistently on all elevations. The number of exterior colors should be kept to a minimum. It is recommended that a maximum of two colors be used on the walls and trim and one color for such items as shutters and doors.

6. Fences: Fences must be of a decorative style.

7. Landscape Features: Landscape features must not obstruct or interfere with construction of lot line drainage swales.

8. Storage: Lot Owners must make sufficient provisions for storage within the perimeter of the Building. Firewood may be stored in the Owner's rear yard provided it is screened from view of neighboring lots by landscape materials.

9. Professional Home Designer/Architect: In order to properly evaluate a design, Developer may require that design/layout plans submitted for plan approval be drawn by a professional home designer or architect. Submittal of a preliminary plan for review prior to preparation of final plans is required. Developer requires four -sided architecture. Details that begin on the front of the home must continue on the sides, rear and exposed walls.

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