REQUIREMENTS AND GUIDELINES FOR BUILDING, CONSTRUCTION AND IMPROVEMENTS

FOR

WINDRUSH SUBDIVISION

WINDRUSH Subdivision ("WINDRUSH") is an innovative plan for a high quality residential community that blends with the countryside while preserving the natural character of the land. It is the intention of Sunrise Development, LLC ("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 WINDRUSH Subdivision (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 WINDRUSH. Of particular importance to owners of lots in WINDRUSH ("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 WINDRUSH 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 three hundred (2,300) square feet.

2. Each single-family residence in WINDRUSH must have a garage that accommodates at least 2 cars, that is attached to the residence directly or by breezeway or is located in the basement of the residence, 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 of Hartland (hereinafter referred to as the "Village") ordinances. Garage entrances may be on the side, front or rear of the Building. Courtyard-style and canted garage entrances conform with this requirement.

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 siding or its equivalent. 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 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 one-story Building roofs shall have a minimum pitch of ten feet in height for each twelve feet in length (10/12). All roofs shall be covered with either wood shakes or dimensional shingles in a

"weatherwood" color (or approved similar color) or standing-seam metal roof accents (color to be approved by Developer).

5. The minimum setback from any abutting street right-of-way is 40 feet. The minimum side yard offset is 20 feet. The minimum rear yard is 35 feet.

6. Each Owner must obtain the **prior written approval** of Developer of all 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. (3 full-size sets and 1 11" x 17" reduction)

(a) Each Owner must submit to Developer in connection with its application for approval of the design/layout plan three complete sets of 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, existing and proposed yard grades and location of erosion control.
- Grading Plan showing the proposed location of the Building, existing and proposed yard grades and drainageways per the Master Grading Plan.
- 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 WINDRUSH Guidelines for Plan Approval (Section II, below), as may be adopted from time to time by Developer.

(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 WINDRUSH 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 WINDRUSH 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.

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 must be completed within twelve (12) months of the date the building permit is issued by the Village. A sodded or seeded lawn and a driveway paved with concrete, asphalt or brick must be installed within six (6) months of the date that the occupancy permit is issued by the Village.

2. At the time of construction of the Building, the Owner shall install at a location designated by Developer, one approved outdoor electric post lamp with an unswitched photoelectric control. The design of the post lamp shall be uniform throughout WINDRUSH. The Owner shall maintain the operation and appearance of the post lamp. If the post lamp is not so maintained, and the condition has not been rectified by the Owner within 15 days after receipt of a notice from the Association specifying the violations of this requirement, the Owner shall be subject to a penalty at a per diem rate established in the Rules and Regulations of the WINDRUSH

Homeowners Association from the date of notice until the date the condition has been rectified, in addition to all other rights and remedies available to Developer and the Association. The penalty shall be assessed against the Owner and, if not paid, will be enforced as provided in the Declaration.

3. Each Owner must submit to Developer and Village of Hartland, 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. Electric transformers, cable TV and telephone equipment boxes have been placed by Developer to serve each lot. Any subsequent relocation, either horizontally or vertically, or modification of these equipment boxes shall require written authorization from the appropriate utility company or service provider and Developer. The lot Owner shall pay all costs of such relocation or modification.

5. 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.

6. 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.

7. Each Owner shall be responsible to Developer and the Village for the costs of repairing and replacing any street pavement, curb and gutter or sidewalks (including restoration of topsoil and lawn abutting the curb, gutter and sidewalks) which have been damaged during the course of constructing the Building and/or any permitted improvements on the Owner's lot. Each Owner shall be responsible for removing the vertical face curb for their driveway with mountable curb at time of home construction. A permit for this curb replacement must be obtained by Owner from the Village of Hartland.

8. Each Owner shall be responsible to the Village for the costs associated with the procurement and installation, by the Village, of street trees per the Windrush Landscaping Plan. These costs shall be paid by Owner at the time of Building Permit Application.

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. Chain link fences, privacy fences or fences which enclose an entire yard will not be allowed.

(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, not to exceed 200 square feet in area.

(e) In-ground swimming pools. Above-ground swimming pools are not permitted. 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 Developer's prior written approval.

(f) Retaining walls and decorative walls: Must be constructed of natural stone or certain artificial modular stone products having a so-called "tumbled stone" effect and variations in the dimensions of the tumbled manufactured stone.

(g) Berms.

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

(i) Dog kennels. Dog kennels shall be located immediately behind the Building, shall be no larger than 200 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 either Developer or the WINDRUSH Homeowners Association.

3. The design and location of each mailbox/newspaper box shall be uniform throughout WINDRUSH and installed in the location designated by the postmaster.

4. Satellite dish antennas may not exceed 24 inches in diameter. No antenna or satellite dish shall be mounted or installed on any roof. Any antenna or satellite dish should, if possible without interfering with reception, be placed and screened so as to minimize its visibility from roadways and neighboring lots.

5. 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. Each owner (With the exception of Lots 16, 17, 18, 29 & 30) may treat or remove noxious vegetation within the first 10 feet of Common Area abutting their lot. Cutting vegetation on Common Areas is prohibited with the exception of a single lateral trail per lot connecting to the Common Area trail system (With the exception of Lots 16, 17, 18, 29 & 30).

II. WINDRUSH 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 four 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, 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: There is no minimum brick or stone requirement. If 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 six 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 one foot. 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 six inches in width.

4. Bay, 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” above the foundation are permitted, supported by appropriate brackets. All chimney chases must have a foundation beneath.

5. Sloped Lots: Developer may require on sloping lots that certain basement walls be exposed to minimize the impact on trees, vegetation and drainage as well as allow for a more natural transition between homes. Garages must be constructed on the high side of the lot unless a special exception is approved by Developer.

6. 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.

7. Fences: Fences must be of a decorative style, no more than 5’ high and at least 75% open. Chainlink fences, privacy fences and fences which enclose an entire yard are not allowed. Other styles of fence may be allowed if specifically approved by Developer. The area enclosed by the fence shall be no larger than the area that would be devoted to a typical back yard in-ground swimming pool, regardless of whether or not the home has a pool. All fences must be at least 3’ from any lot line and the finished side of the fence must face the abutting property. Garden fences that are less than 75% open will be allowed provided that their design and materials are comparable to those of the house and provided that they conform to these guidelines in all other respects. If the municipality has more restrictive fence ordinances, those shall control.

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

9. Post Lamp/Mailbox: The post lamp required by the Declaration to be installed by each Owner shall be a **Hanover Cape Cod Lantern B25430-BLK-C-C4** outdoor electric lamp with a developer-specified post (**Hanover Post 354-8-BLK-B)** and photoelectric control. The location of this lamp shall be 2 feet back from the front lot line, eight feet from the house side of the driveway. The lamp shall be maintained by the lot Owner in a proper operating manner. Each Owner is also required to install a **Hanover Pine Valley M61N-BLK** mailbox and post. The mailbox location will be as directed by the local Postmaster. Maintenance and repair of the mailbox is the responsibility of the lot Owner. The estimated cost of this lamp, post and mailbox is **$1,500.00** (subject to change prior to closing) and shall be paid at closing.

10. 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.

11. 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.