

From: **zewt@hotmail.com**
Sent: Tue 5/27/14 12:47 PM
To: brandon@weissbd.com (brandon@weissbd.com)

Hi Brandon,

My wife and I just recently sold our home (the closing date is end of July), and we're going to be looking to buy a lot soon in order to build new (we're hoping to find land in Palatine since my wife works at Palatine High School, and we will be renting for the duration of the build). We've been researching Passive Homes and found you and your project in River Forest on YouTube.

Our goal is to build a Passive House under 2000 sq ft that also combines the design principles of Sarah Susanka's *Not So Big House* (smaller building footprint, maximize utility of space, have rooms serve multiple functions), with *Permaculture* principles in the yard (plenty of perennials, no lawn, vegetables, composting, fruit/nut trees if space allows, and water conservation--- low flow toilets, urinals, a gray water system, along with capturing all rain on the roof in an underground cistern that can irrigate the yard as well as fill toilets and be used in the washing machine for clothes). We're also excited about building a home (like your River Forest home) that is Low VOC and non-toxic as much as possible.

We would love to have you build our Passive House! We have some floor plan ideas and exterior elevation plans drawn up on Room Sketcher, but we're hoping you can help walk us through our plans so that Passive House certification can be more easily achieved. We would love to meet with you when you have time, and go over our ideas and any questions or concerns you may have regarding our project.

In addition, my wife's cousin works for *Pleotint* and he has kindly offered to supply their *Suntuitive* thermal chromic glass windows at a steep discount for our project since they are trying to establish themselves both in Illinois and in the residential market generally (he told us their windows were featured in the 2013 Green Builder Home of the Year). If it's possible to use them, obviously this would be a tremendous help financially for us.

Sorry if this is longwinded, but we're just excited to have the opportunity to work with you and to get things started.

Thanks for your time,

Eric Whetzel
Anita Lee
202 Post Oak Circle
West Chicago, IL 60185
cell: 630-842-7715

From: **Brandon Weiss** (brandon@weissbd.com)
Sent: Wed 6/11/14 8:40 AM
To: Eric Whetzel (zewt@hotmail.com)

Thanks for taking the time to come out and meet me as well. Hope you enjoyed your breakfast and Island Park after our meeting.

Please see my responses to your questions in red below.

On Jun 8, 2014, at 10:28 PM, eric whetzel <zewt@hotmail.com> wrote:

Hi Brandon,

Thanks for meeting with us on Saturday to discuss our *Passive House* project.

Unfortunately, after leaving your office, we started coming up with more questions for you.

We were wondering:

1. If, after meeting with your architect/designer and you to firm up the initial *Room Sketcher* floor plan drawing I gave you (to meet all codes, and to make sure there are no obvious gaffes in terms of efficient use of space), it becomes clear the project will simply be beyond our total budget of \$400,000.00 (including land), will the \$15,000 retainer be returned to us (minus the cost of your time, of course)? **If we do this in house the design time would be paid to us as well as time to do the pricing. The \$15,000 retainer is when we are the builder only. If we are doing design as well (taking your plans and getting details and permit set ready) we would be at more like \$25,000. Again, we could probably work a way to refund a portion if you are over budget, as long as out time is covered.**

2. You had said smaller homes like our own (approx. 1600 sq. ft.) were currently coming in at about \$200-205 a square foot when trying to meet the *PassiveHouse* certification requirements. You had mentioned this would include custom cabinetry, but we were curious what else would be included/excluded. For example:

- a. Standing seam metal "shed style" roof? **typically asphalt at that range but with you doing some inside work, it may be able to fit in budget**
- b. 9' full basement? **depending on lot. Either frost protected shallow foundation or 9' basement**
- c. 9' ceilings throughout first floor? **Yes**
- c. Rough-in bathroom in basement? **Yes**
- d. Appliances (fridge, microwave, oven, dishwasher, washer and dryer)? **Yes**
- e. Set-up for eventual solar array on roof? (We understand the actual solar array would be separate/extra.) **Yes on rough ins**
- f. Basic gray water system? (We understand the underground cistern system would be extra.) **wasn't incl in that figure**

3. In addition, since it will largely decide whether or not we can afford to move forward with the project, at

what point would you be able to let us know about price reductions regarding:

- a. Windows/doors supplied by us (via *Pleotint*). Although we would still need you to install them. **once window sized, located, and quantity determined.**
- b. "*Sweat equity*": all flooring (wood flooring, tile --- including any wall tile), interior wood trim work, painting, and exterior siding installation. **once we get sq ft set of each type of material and**

We're assuming since you won't have to include *material* costs for windows/doors, or any *material/labor* costs for flooring, wall tile, wood trim, interior painting, or exterior siding that the estimated *per square foot price/total price* will come down substantially. Is this realistic? **Us taking all these items out with definitely reduce the price.**

As we discussed a little bit on Saturday, the goal would be for you to hand over the house at the point of finished drywall so that the only remaining work would be finishes (flooring, tile work, wood trim, and priming/painting). I've installed toilets, sinks, faucets, and a dishwasher at my current house, so I think I'll be fine doing all of that myself after completing all the tile work. The only bath fixtures I would need you to install would be the tubs in the Master Bath and the Guest Bathroom. If we go with any pendant/sconce lighting fixtures in the bathrooms/kitchen/entry area, I should be able to install those when I'm done with everything, as well. I think we discussed maybe having you come back only for installing kitchen cabinets (presumably countertops as well at that point). **OK**

Same for the outside: if it's possible for you to hand over the house so that the only thing left to do on the exterior is installing siding and caulking seams, I think I'll be ok, and you shouldn't have to come back. **OK**

As you pointed out, I don't want to get in your way, hold you up, or have you or your subs come back over and over to finish things up. Let me know if you foresee any problems with what I've laid out here.

I really appreciate you working with me on this, not only because it can make a *Passive House* affordable for my family, but also because it will allow me to feel a greater sense of ownership once the house is entirely finished (at least that's how I felt after completing all the work on my current home).

4. Just so we fully understand the process, what is covered by the retainer, and what will the remaining payment schedule look like? **(Assuming we are doing design / build agreement) The \$25,000 retainer covers drawing, details, and design work and getting permit plans ready as well as our services to price out set through design.** Once we secure a construction loan, will you go to the bank to receive payments as various stages of work are completed, **typically yes but we would have to discuss thsi with bank since you will eventually betaking project over.** or do we go to the bank to get a release of funds and then pay you directly? And do you use fixed cost contracts (we realize any voluntary changes or deviations from the final agreed upon plan will cost more)? **Yes**

Sorry for all the questions, but we've never been through this process before (for our current home most of the big and small decisions had been taken out of our hands, apart from relatively minor interior design choices), so we're understandably a little nervous about costs and want to make sure we can keep the budget on target as much as possible.

We just want to reiterate how much we'd like to work with you, and if you have any further questions for us just let us know. If you think we need to meet one more time before getting further along in the design process we would be happy to do so.

I think this project would be great, and I look forward to working with you on it. Let me know your thoughts on the above and I can type up a design / build agreement.

Thanks again for your time, patience, and help!

Eric and Anita

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From: **eric whetzel** (zewt@hotmail.com)
Sent: Tue 4/14/15 9:41 PM
To: alee@d211.org (alee@d211.org); Brandon Weiss (brandon@evolutionaryhb.com)
 1 attachment
roomsketcher3D.jpeg (866.6 KB)

Hi Brandon,

I don't think it would've made sense to try and respond to Patrick's drawing by writing over it, so I just redid his drawing with some changes on roomsketcher. I think I've figured out how to send it to you as an attachment, but if you have trouble uploading it, let me know. There should be a window in the Master Bath, but for some reason when I print it out it doesn't show up.

We really like the floor plan overall, but here were some questions:

1. Although Anita really liked the Office bump out, she'd prefer a larger dedicated space just for her (for basic office computer work, storage of paper files, and misc. office "stuff", along with enough room to do arts and crafts. We're thinking the best way to do this would be to put this space in the basement. Would 15'x12' be possible? And then next to Anita's office in the basement could we do a second space for my books (same size, or smaller if necessary: 10'x12')?

This would do several things for us:

A. It would give Anita the space she's looking for (both in terms of size and seclusion).

B. Most importantly, we're assuming it would be less expensive to build the two spaces in the basement than it will to do the bump out. Is this true? We would prefer leaving the concrete walls bare, I would just prime and paint them. Also, the ceiling could be left open without drywall (if code allows). For flooring for the two rooms would the sealed plywood idea be possible over concrete? Maybe for the framed walls, too, if it's less expensive than drywall? We wouldn't mind a pared down look in these two spaces, since it would allow us to dress them up with bold, vividly colored items/artwork.

C. We're also assuming that after removing the bump out there would still be enough space to do a combined pantry-laundry-mud room area.

D. By not having the books in the main area it would free up wall space for artwork or even misc. storage items.

E. And if the Office bump out were converted into a laundry room/mud room it would give us some extra storage space contained in one corner of the house with the washer, dryer, and hopefully a utility sink (we used ours a lot at our previous house), while also keeping the line of shelves for a pantry that Patrick had drawn.

F. It also looks like it would allow the kitchen to be moved to the right by about 4', allowing for an island and our kitchen table to fit on the tile. I reduced the island to 28"x51", which seems to help.

2. We'd really like the 2nd entry door to be in the kitchen rather than the family room. We're just thinking that if it's in the family room it won't get used much. If it's in the kitchen then it would complement a patio just off the kitchen for eating outside and a "kitchen" garden with herbs and veggies just outside (especially now since the south side of the lot opens up with the house being placed on the north edge of the property). But we'd definitely like to convert that family room entry door to a window-- we really like Patrick's idea of coming around the corner from the front door entry into the big main area and being able to see into the backyard.

3. We were concerned about having Zoë's bathroom open up to the kitchen. I tried to push it as far to the right as possible, so it should work as a powder room off the entry as well. By making the bathroom long and narrow it looked like a urinal might fit. If it turns out an open shower won't be financially feasible in her bathroom, would a normal tub/shower fit on the back wall (I have the bathroom at 5.5' wide)?

4. Will the basement stairs be a straight shot down, or will there be a landing and then a turn?

Thanks again for listening to how we use space and incorporating these ideas in a floor plan. We're very excited to move forward.

Let us know what you guys think.

Thanks,

Eric & Anita

CC: eric@evolutionaryHB.com

To: zewt@hotmail.com

Welcome back. Here are some replies below.

On Aug 17, 2015, at 9:04 PM, eric whetzel <zewt@hotmail.com> wrote:

Hi Brandon,

Just wanted to let you know we're back in town.

Here are some questions/comments we came up with concerning the drawings:

1. For the stairs in the garage, if it's only 5 or 6 risers to get to the side door, we're fine with that. We don't think it will be a problem for us.

OK. We will get stairs / grades finalized and go in for permit within the next week and a half.

Ok.

2. Will you be doing a double wall construction (you had mentioned, early on, the possibility of using I-Joists)? **No, its a 2 x 6 wall with exterior foam insulation.**

Ok --- that's how it looks on the drawings, but I just wanted to make sure.

3. Do you guys think one basement window is enough?

probably all that will work within budget and meet codes for light and ventilation.

Ok.

4. We wanted to remove the tallest tree on the south side of the lot. Do you want us to hire a tree service and have it removed prior to excavation, or is there a company you guys use that you would recommend? **Family Tree Service from West Chicago is a good one.** We want to keep everything that's cut down on site, using the smaller parts as mulch and then incorporate the larger trunk sections in a hügelkultur bed. I attached a couple of photos to show you what we had in mind. We wanted to keep even the stump--- we've seen people turn a stump into an attractive planter for flowers. **I like that idea.**

Should we have the tree taken down sooner rather than later? If we have it taken down now is the far southwest corner of the lot an ok place to put logs and mulch? Will that keep it out of your way and away from any utilities for the duration of the build? Or is there a better spot?

5. Will the basement be 9'? It isn't clear to us on the drawings. **Just under 8' from slab to bottom of joists. Central steel beam will be lower.**

I thought a 9' basement was going to be included?

6. If we want can lights in the family/gathering room and the two bedrooms do we talk about that now, or does that happen later in the process? **We can not use can lights (even the air tight ones are not air tight)**

Ok. Will lighting on the ceilings be ok just as long as it's not recessed (e.g. surface mount, pendants, etc.)?

Our only special interior lighting request, that I can think of, is a small, vintage "exit" light that I found online. We would like to have it mounted on the wall next to, or maybe directly above, the front door. I'll attach a photo. Let me know if you think there will be any issues. The base is just a cheap one I picked up at Home Depot and spray painted silver, so I'm assuming we'll just use an LED bulb for it.

7. On page A1.0 it looks like the square footage areas listed for Bedroom #2 and Bathroom #2 are reversed.

Let us know what's next, or if you need us to do anything.

Thanks,
Thanks again!

Eric

<hugelculture4.jpg><hugelculture5.jpg><hugelculture6.jpg>

<20150718_140221.jpg>

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From: **Brandon Weiss** (brandon@evolutionaryhb.com)
Sent: Mon 8/31/15 8:44 PM
To: eric whetzel (zewt@hotmail.com)

Eric,

Yes taking tree down now is fine and SW corner is the best spot (just give us space to put silt fence and co structure fence at property line.

Once we place under slab foam and pour slab we are just under 8'. That is all that budget allows for.

Flush mount ceiling fixtures will be okay but need to be conservative with amount of fixtures in ceiling.

I like exit sign idea.

Thanks,

Brandon Weiss

2013 NAHB National Master Certified Green Professional of the Year

2013 US Dept of Energy Grand Award Winner - Housing Innovation

2013 USGBC Emerald Award

2012 Northern Illinois HBA Builder of the Year

Graduate Master Builder, WELL AP, Living Future Accredited, PHIUS Certified Builder, LEED AP, Master Certified Green Professional, BPI Certified Building Analyst & Envelope Professional, Certified Aging In Place Specialist

630-485-1818

Sent by Personal Asst, Siri

On Aug 22, 2015, at 10:27 PM, eric whetzel <zewt@hotmail.com> wrote:

I just had a few follow up questions/comments:

Subject: Re: questions about the drawings (7-9-15)
From: brandon@evolutionaryhb.com
Date: Fri, 21 Aug 2015 17:29:32 -0500

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From: **eric whetzel** (zewt@hotmail.com)

Sent: Wed 9/30/15 11:53 AM

To: Brandon Weiss (brandon@evolutionaryhb.com); eric@evolutionaryhb.com
(eric@evolutionaryhb.com)

3 attachments

lot facing south.jpg (2.1 MB) , lot facing east.jpg (2.4 MB) , lot facing west.jpg (2.5 MB)

Hi,

Just checking in to see if you've heard back yet from the city of Palatine regarding the drawings. Let us know when you need us to come in to go over the numbers for the budget.

We had a tree service out yesterday to take down the big tree and to clear out the back of the lot--- it's made a big difference (I've attached a couple of photos).

Hope things have returned to normal for you guys.

Thanks,

Eric

From: **eric whetzel** (zewt@hotmail.com)

Sent: Mon 11/23/15 5:56 PM

To: Brandon Weiss (brandon@evolutionaryhb.com); eric@evolutionaryhb.com
(eric@evolutionaryhb.com); patrick@evolutionaryhb.com (patrick@evolutionaryhb.com)

Hi guys,

Just a few questions:

1. Is the \$30,000 for the Design Build Agreement in the numbers you showed us on Friday?
2. In either of the two total budget numbers (one where it shows no sweat equity, the other that did) is material cost for the cedar siding included? Was there any other material costs not included? We can't remember.
3. Could you email us the two columns of numbers. We know you said they are only preliminary numbers, so we obviously won't hold you to them. It would help us prioritize what we want to do, and what we need to give up, if we had the numbers in front of us (even if they are just ballpark at this time). We just want to make sure we're making informed choices.

Thanks,

Eric

On Nov 25, 2015, at 1:14 AM, eric whetzel <zewt@hotmail.com> wrote:

Hi Brandon,

We didn't realize there was any IP involved. When we asked for copies of the numbers during the meeting and Eric said no because they were only preliminary numbers, we thought that meant you didn't want us to hold you to those numbers before officially signing a contract.

We don't need all of the info in both columns. If you could let us know the two totals (with and without my sweat equity), along with the amounts for the allowances (for tile, wood flooring, trim moldings, and appliances), and the costs for the retaining wall(s) and water/sewer extras that should be enough to help us out.

Thanks,

Eric

Subject: Re: Budget Numbers

From: brandon@evolutionaryhb.com

Date: Tue, 24 Nov 2015 18:13:10 -0600

CC: eric@evolutionaryhb.com; patrick@evolutionaryhb.com

To: zewt@hotmail.com

Eric,

Just wanted to get you quick reply to your questions today. I will try to expand more tomorrow

1. The pricing from Friday was construction only and did not have a line item for the design services already rendered.
2. For BY OWNER line items, the only materials we did not have included for the scope we had for you was siding materials (although soffit and fascia was included), built in materials for any built ins you may build, and open shelving in kitchen. The paint, tile, and wood flooring had materials allowance included.
3. We typically don't supply this until we sign contract because it does contain a lot of our IP. That being said we really like working with you both and I want to give you the info you need to help you decide which path to proceed with. I can not send the current version tonight because we would have to clean up / clarify language. It was good enough to review and explain, but without us in the room with you, it may cause some confusion with verbage. If you need this to help make a decision, we can work tomorrow to clean it up and try to get it to you by tomorrow evening.

I don't think there is very much to consider "giving up". Really the two decisions left on table for cost savings were:

1. Move garage
2. Truss roof with flat interior ceilings.
3. Eliminate exterior sidewalks that Eric W will do with flagstone (confirmed that Friday)

Let me know if you want us to clean up a price sheet for you tomorrow, and we will get you something by end of business. Sorry to be so brief but just wanted to get you some answers to your questions today.

Thanks,

Brandon Weiss

Graduate Master Builder, PHIUS Certified Builder, WELL AP, Living Future Accredited, LEED AP, Master Certified Green Professional, Certified Aging In Place Specialist, Certified Graduate Remodeler

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2013 Green Builder Magazine - Home of The Year Award
2013 USGBC Emerald Innovation Award

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Geneva, IL 60134**

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On Nov 23, 2015, at 5:56 PM, eric whetzel <zewt@hotmail.com> wrote:

Hi guys,

Just a few questions:

1. Is the \$30,000 for the Design Build Agreement in the numbers you showed us on Friday?

From: **Brandon Weiss** (brandon@evolutionaryhb.com)
Sent: Wed 11/25/15 3:34 PM
To: Eric Whetzel (zewt@hotmail.com)

Eric,

The bottom line numbers without contingency are \$439,223.53 with Eric Whetzel work (sweat equity column) and \$469,410.00 without contingency for EHB full scope column. If you want a 5% contingency factor that makes the numbers \$461,448.24 and \$493,162.15 respectively. We can make those whatever you feel comfortable with though. There is no hard rule on this. You probably know better what you need to complete the items you are doing and how much flexibility you want there.

These numbers are different than you saw at meeting because we have:

1. Reduced exterior concrete sidewalk to 100 sq ft in both columns (rest to be flagstone as per Eric Whetzel)
2. Added in exit sign electric work in both columns
3. Added cedar siding / trim material in both columns
4. Added floor sanding in Eric Whetzel work column (so you just install and install stain / sealer)
5. Added siding install in total column (in case Eric W doesn't do)
6. Added second basement window and window well to both columns

Sweat Equity column line items include:

- a. Built in Labor & Materials (both L&M by owner)
- b. Interior trim labor (materials by EHB - although standard profile 3 1/4" base and 2 1/4" casing)
- c. Charring & oiling of cedar (both columns figured by owner no materials by EHB)
- d. Siding install (EHB supply raw cedar in both columns)
- e. Hardwood floor install and stain seal (no stain or seal materials by EHB but allowance for wood itself included in both columns)
- f. Painting (paint by EHB)
- g. Tile install (tile by EHB - Durock, mortar and grout and other install materials by client in sweat equity column)
- h. Kitchen open shelving (labor and materials by client in sweat equity column)
- i. Barn doors by client (labor and material by client for door - allowance for track)

Allowances:

- I. 100 sq ft of exterior walks
- II. \$3874 allowance for winter conditions for concrete
- III. Closet Shelving \$1320
- IV. Interior doors \$200 per slab (not barn doors)
- V. Interior door hardware \$36 per door
- VI. Bard door track and pulls \$200 per door (QTY 3)
- VII. Garage Man Door \$250
- VIII. Hardwood floor \$3.50 sq ft
- IX. Paint materials \$3300 Stain \$300
- X. Tile \$3.50 sq ft
- XI. bath Accessories (toilet paper holder, towel bars, etc) \$200

- XII. Cabinets \$18,650 in All EHB column \$16,650 allowance if Eric W does open shelves and no upper cabinets)
- XIII. cabinet Hardware \$10/pc (QTY 25)
- XIV. Kitchen Appliances \$6312.28 (although we have everything specified and covered to hit this price)
- XV. Countertops \$6860 (granite figured in standard color)
- XVI. Plumbing Fixtures \$5275
- XVII. Interior Electric Fixtures \$1000
- XVIII. Exterior Electric Fixtures \$200
- XIX. LED Bulbs \$750
- XX. Low Voltage \$1500 (base data package can be done for this)
- XXI. Public Sidewalk \$2100 (hoping to get rid of this with talks to city)
- XXII. Driveway Retaining Wall \$2000

The allowance for retaining walls is \$2000 for both columns.

Sewer is \$7900

Water is \$9210

Hopefully, I have helped answer your questions, and give you info needed. Please let me know if you need anything else.

Have a Happy Thanksgiving!

Thanks,

Brandon Weiss

Graduate Master Builder, PHIUS Certified Builder, WELL AP, Living Future Accredited, LEED AP, Master Certified Green Professional, Certified Aging In Place Specialist, Certified Graduate Remodeler

BPI Certified (Building Performance Institute) - Building Analyst & Envelope Professional

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From: **eric whetzel** (zewt@hotmail.com)
Sent: Tue 12/01/15 5:16 PM
To: Brandon Weiss (brandon@evolutionaryhb.com); eric@evolutionaryhb.com
(eric@evolutionaryhb.com); patrick@evolutionaryhb.com (patrick@evolutionaryhb.com)

Hi,

Zoë and I managed to get sick over the weekend, otherwise I would have gotten back to you sooner.

After going over the numbers, Anita and I have concluded there's no way to make the project work for us. Regardless of the available options (e.g., rearranging the placement of the house/garage on the lot, altering the roof structure, or sweat equity), the outcome will be a 2BR house that is under 1700 sq. ft. and over \$600,000.00 in cost (once the price of the lot is added to the build cost). This does not make good financial sense for a house built in the Palatine area. Furthermore, the numbers as outlined in the Design Build Professional Services Agreement were already going to be a stretch for us financially, so the fact that the current numbers came in significantly higher makes it impossible for us to move forward.

As a result we feel it is best for us to move on and to come up with some other option for our future housing needs.

We hope you will honor our agreement as outlined in our email going back to 6-8-2014 by returning our \$30,000.00 minus your time and for Patrick and the drawings.

We are very disappointed we could not make this project work.

Thanks,

Eric

From: **zewt@hotmail.com**
Sent: Fri 12/04/15 12:28 PM
To: Brandon Weiss (brandon@evolutionaryhb.com); eric@evolutionaryhb.com
(eric@evolutionaryhb.com); patrick@evolutionaryhb.com (patrick@evolutionaryhb.com);
alee@d211.org (alee@d211.org)

Hi Brandon,

Thank you for talking with us yesterday on the phone.

It has been a very stressful two weeks since our last meeting (11-20-15), over the course of which we have repeatedly gone over the numbers you outlined for us. And although we appreciate your offer from yesterday to have us reconsider, we just can't get past the feeling that we have been misled (whether it was intentional or not).

For example, the sentence in the contract that you brought to our attention only points to "*tradeoffs regarding the quality and expense of finishes Client is willing to make to achieve this (Passive House) goal.*" So it was our understanding since signing the Design-Build Agreement that as long as we didn't do anything extravagant in terms of finishes (e.g., \$20/sq. ft. floor tile, \$15/sq. ft. hand-scraped hardwood flooring, or add significant amounts of square footage to the floor plan) that the numbers would come in between \$375,000-410,000 for a Certified Passive House. Moreover, the design we initially brought in was a 40' x 40' square box, while in the 2nd version of the plans you presented to us the house footprint ended up at just under 48' x 34', so not significantly larger (1600 sq. ft. vs. 1632 sq. ft.). And we have been very careful to try and find reasonably priced finishes, or when we have chosen to splurge (e.g., using wider baseboard and door casing), to offset the cost of the material with my free labor for installation, via sweat equity. In addition, the contract doesn't say anything, as far as we can see, about potential impacts on the budget after doing the energy modeling in the PHPP, which you suggested in our phone call was the root cause of the increase in build cost.

I guess this is a sticking point we can't get past. The contract says a Passive House is possible at the \$375,000-410,000 range, but with your recent numbers and our phone call yesterday, you're suggesting this can't be achieved for less than \$500,000 (\$470,000 to build, \$30,000 for the Design-Build agreement). However, from the outset we understood Zola windows were likely to be used (as they have been on your previous projects), and you had initially suggested (in our first meeting going back to early June, 2014) your wall assembly would be a double-wall, with one of them being I-joint Larsen trusses used as framing members, which we both had seen utilized for a Passive House in Michigan in an issue of Fine Homebuilding magazine. So if the windows are the same, and the framing material has been reduced (the plans currently call for a

single 2x6 wall with insulation on the outside), we don't understand where the extra \$90,000-125,000 would be going. And we were obviously depending on your expertise --- both in terms of building science and budgeting --- to make this project work, so again, we just aren't comprehending why there is such an extreme difference between the current cost to build numbers and the numbers outlined in the Design-Build Agreement.

This loss of trust in the design and budgeting process has forced us to conclude we need to move on. For our own peace of mind, a clean start is necessary if we're to ever complete a house on the site. Keep in mind we've been living in a cramped 2BR town home, still living out of moving boxes, since July of 2014, so we're obviously anxious to figure out our permanent housing situation rather quickly.

This is what we propose:

1. Let's cancel the Design-Build Professional Services Agreement, effective immediately.
2. In canceling the agreement please make clear you will not hold us to waiting 2 years to build on the site (this seems unreasonable, if not unenforceable).
3. Please acknowledge that we have compensated you for creating the drawings/house plans, and that we can move forward using the drawings with a new architect without any future claims of copyright infringement on your part (if our money has paid for anything, it certainly is the creation and use of the drawings/house plans to build our house).
4. We believe a partial refund of the \$30,000.00 fee for the Design-Build Professional Services Agreement is in order.

Please remember, too, that we initially reached out to you in May of 2014 when we were trying to sell what was then our current home, in hopes of getting a jump start on the process of building a Certified Passive House. Since early 2015, however, we have gotten the impression that our project was not a priority, hence the extended design phase throughout 2015. Nevertheless, we believed you and your team were worth the wait --- in terms of experience, expertise, and reputation --- so it was heartbreaking when we left your office on Friday the 20th and Anita and I began comparing notes regarding the budget numbers and we finally realized their true significance, namely, that we could not afford to move forward with our house project.

We've invested a lot of time in this process (both in terms of coming up with what we believe to be unique design ideas for the house, and just plain calendar time), so it is not easy, at all, for us to walk away knowing we have to start the process all over again.

We wish to end this unfortunate situation as amicably as possible, with an outcome that is fair to both sides. Please let us know your thoughts as soon as you can.

Thanks,

Eric and Anita

Anita J. Lee

From: Brandon Weiss <brandon@evolutionaryhb.com>
Sent: Wednesday, December 09, 2015 9:58 PM
To: Anita J. Lee; Eric Whetzel
Subject: Thanks Again

Thanks again for sitting down with me last night to discuss your new home.

One thing I did not mention is I did not have to get rid of the sloped ceiling detail to bring in the overall budget I presented last night. I know that was important to you and just wanted to make sure you knew that while making your decision.

I would also like to offer you a way to unwind for the added stress you have had over the past couple weeks. I would like to extend to you either a "stay cation" where I will get you a hotel room in the city for a night or a weekly home rental for a completed project I built in Belize on me. I am offering these no matter which decision you make, and am again sincerely sorry for any added stress I may have caused along with any miscommunication. I assure you improvement moving forward. If you decide to proceed with the build I will also fly the 3 of you down to Belize as well as provide the home for a week for you to stay at after your home is completed. Again I apologize for any stress or sleeplessness this process may have caused you, and want to do what I can to make your experience moving forward as least stressful as possible (adding a memorable family vacation to unwind and reverse that feeling (or at least give you an equal amount of R&R along with some adventure :)

Again please call me with any questions you may have at all. I really do look forward to working with you , and know your new home will be a great one that you will love and be completely happy with (as well as we will)!!

Thanks,

Brandon Weiss

2013 NAHB National Master Certified Green Professional of the Year

2013 US Dept of Energy Grand Award Winner - Housing Innovation

2013 USGBC Emerald Award

2012 Northern Illinois HBA Builder of the Year

Graduate Master Builder, WELL AP, Living Future Accredited, PHIUS Certified Builder, LEED AP, Master Certified Green Professional, BPI Certified Building Analyst & Envelope Professional, **Certified Aging In Place Specialist**

630-485-1818

Sent by Personal Asst, Siri

Anita J. Lee

From: Anita J. Lee
Sent: Thursday, December 10, 2015 10:33 PM
To: Brandon Weiss
Subject: Email from yesterday

Hi Brandon,

I just got home from the School Board meeting and wanted to take a moment to let you know that we received your email.

We appreciate your offer, but feel it is unnecessary, albeit kind.

The past few weeks have been extremely stressful on us, and so we need more time to weigh all of our options, but we will get back to you soon. We are very confused and need more time to gain an understanding of what has happened in what we thought was going to be a smooth process.

Anita