

Tax Map Nos. 4812500601, 4812500602, 4812500603,
4812500604, 4812500605, 4812500606, 4812500607,
4812500608, 4812500609, 4812500610

Prepared by and return to:
Susan B. Tarley, Esq. VSB#28896
Tarley Robinson, PLC
4808 Courthouse Street, Suite 102
Williamsburg, VA 23188

AMENDMENT TO CONDOMINIUM INSTRUMENTS OF
PROMENADE AT JOHN TYLER, A CONDOMINIUM
Phase 6 - Building 6

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 5th day of November, 2018,
by FRANCISCUS AT PROMENADE LLC, a Virginia limited liability company (the “Declarant”);

WITNESSETH:

WHEREAS, by that certain Declaration of Condominium dated June 6, 2017 and recorded in
the Clerk’s Office of the Circuit Court of the County of James City, Virginia as Instrument Number
170011679 (the “Declaration”), Declarant did subject certain property situate, lying and being in
the County of James City, Virginia to condominium ownership pursuant to the Condominium Act
of the Commonwealth of Virginia, Title 55, § 55-79.39 *et seq.*, Code of Virginia of 1950, as existing
at that time, under the name of PROMENADE AT JOHN TYLER, A CONDOMINIUM (the
“Condominium”); and

WHEREAS, the Declaration provides that Declarant can expand the Condominium by adding
thereto all or a portion or portions of certain real property therein more particularly described (the
“Additional Land”), all subject to the terms and provisions thereof, and to the Condominium Act of
the Commonwealth of Virginia; and

WHEREAS, the Declarant wants and desires at this time to expand the Condominium by
adding thereto a certain parcel of land which is a portion of the Additional Land, as more particularly
described on Exhibit A, attached hereto, together with the improvements located thereon shown on
the Condominium Plat and Plan entitled, “PHASE 6, CONDOMINIUM PLAT AND PLAN OF THE

PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated November 5, 2018, made by Hayden Frye and Associates, Inc., Land Surveyors, (the “Plat”) consisting of 5 pages to be recorded herewith.

NOW, THEREFORE, pursuant to the rights reserved by Declarant, and in accordance with Article 6 of the Declaration, as the same may be amended from time to time, and § 55-79.63 of the Code of Virginia of 1950, as the same exists at the time of the recordation of this Amendment in the aforesaid Clerk’s Office, Declarant, the owner in fee simple of the property described in Exhibit A, does hereby amend the Condominium Instruments to expand the Condominium by adding to the Condominium that certain real property lying, situate and being in the County of James City, Virginia, more particularly described on Exhibit A, together with the improvements thereon, all as more particularly set forth below.

1. THE LAND SUBMITTED TO THE CONDOMINIUM. The real property described on Exhibit A, together with the improvements thereon as more particularly shown on the Plat is hereby submitted to condominium ownership as a part of Promenade at John Tyler, a Condominium. The relative location of the buildings, Units and Common Elements which are hereby submitted to the Condominium and the Limited Common Elements, if any, assigned to the Units are more particularly shown on the Plat. The Units hereby submitted to the Condominium are more particularly designated, described and depicted on said Plat.

2. UNIT BOUNDARIES. The Unit Boundaries for the ten (10) Units added by this Amendment to Condominium Instruments shall be the same as the Unit Boundaries established by Article 4 of the Declaration and as shown on the Plat.

DA 10

3. REALLOCATION OF UNDIVIDED INTEREST IN COMMON ELEMENTS AND REALLOCATION OF VOTES. Pursuant to §55-79.56(b) of the Code of Virginia of 1950, the interests in the Common Elements of the Condominium are hereby reallocated to each and every Unit, including Units previously submitted and those hereby submitted, and pursuant to § 55-79.73(D) of the Code of Virginia of 1950, liability for Common Expenses and votes in the Promenade at John Tyler Condominium Association, Inc. are similarly hereby reallocated to each and every Unit as follows: Each Unit Owner shall own, as an appurtenance to his or her unit, an equal undivided interest in the Common Elements. Each Unit Owner shall be entitled to cast one (1) vote for each Unit owned at any meeting of Promenade at John Tyler Condominium Association, Inc. in accordance with the terms and provisions of the Bylaws of Promenade at John Tyler Condominium Association, Inc.

4. CERTIFICATION OF PLANS. On the face of the Plat is the certification of a registered architect, surveyor or engineer as to the accuracy of the Plat and compliance with the provisions of § 55-79.58 of the Code of Virginia of 1950, and the certification that all units or portions depicted thereon, submitted to condominium ownership have been substantially completed.

5. CONFIRMATION OF CONDOMINIUM INSTRUMENTS. Except as modified by this Amendment, all terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed, and shall remain in full force and effect and shall be applicable to the Condominium Units and Common Elements created hereby.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 5th day of November, 2018.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

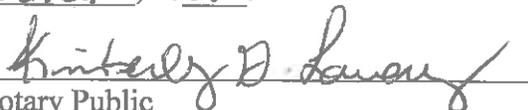
By: FRANCISCUS HOMES, INC.
A Virginia corporation, Manager

By: 
Russell Clark, Vice President

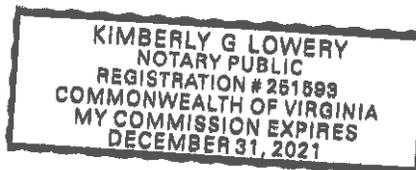
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

I, Kimberly G. Lowery, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Russell Clark, Vice President of Franciscus Homes, Inc., a Virginia corporation, Manager of Franciscus at Promenade LLC, a Virginia limited liability company, whose name as such is signed to the foregoing document has acknowledged the same before me in my City/County and State aforesaid.

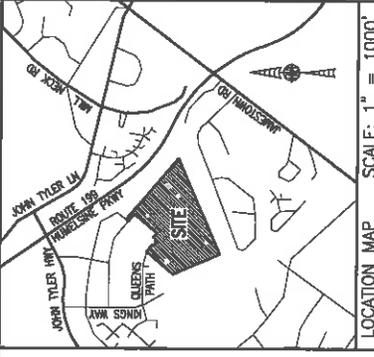
Given under my hand this 5th day of November, 2018.


Notary Public

My commission expires: 12/31/21



4410

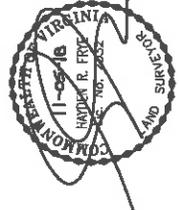


LOCATION MAP SCALE: 1" = 1000'

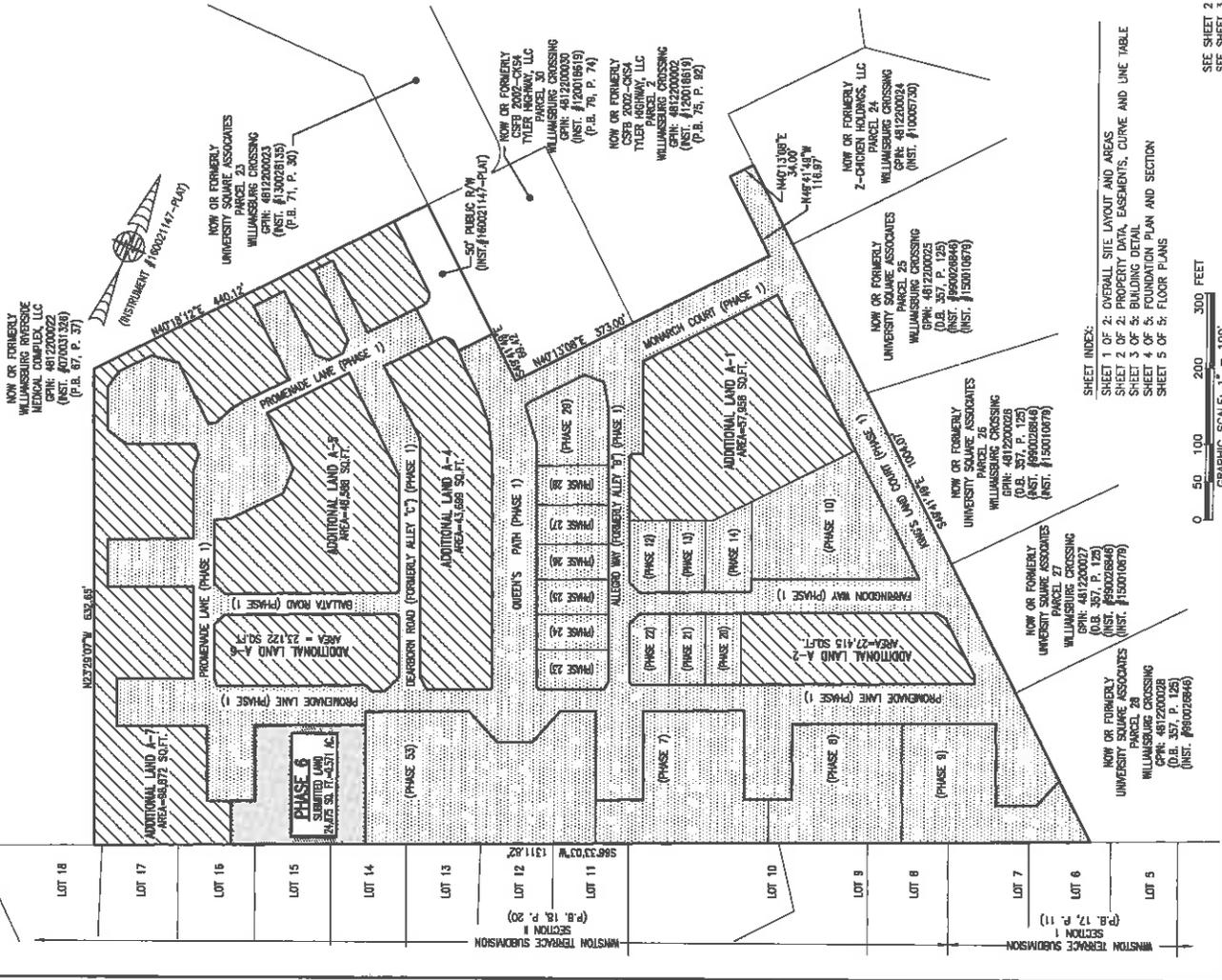
LEGAL DESCRIPTION
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 28" CONTAINING 18.747 ACRES AS SHOWN ON "PLAN OF LOT LINE SURVEY BEING PARCELS 20 AND 28 OF WILMINGSBURY CROSSING" BEING A CONVEYANCE OF INTEREST IN REAL ESTATE DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160621947.

- NOTES:
1. PHASE 6 BUILDING 6 IS SUBSTANTIALLY COMPLETE.
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY A/S CONSULTING ENGINEERS, DATED 3-23-15
 - PLAN BY A/S CONSULTING ENGINEERS, DATED 10-24-16,
 - PLAN OF DEVELOPMENT BY A/S CONSULTING ENGINEERS, DATED 9-8-18

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.5B AND 1. I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREON DEPICTED HEREIN, PURSUANT TO THE CODE OF VIRGINIA 55-79.5B-A, ARE SUBSTANTIALLY COMPLETE.



PHASE	BLDG#	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INSTR. #170011879	288,488	6.163
6	6	SUBSTANTIALLY COMPLETE	24,875	0.571
7	7	INSTR. #180014883	28,822	0.662
8	8	INSTR. #180010366	24,539	0.563
9	9	INSTR. #180003684	25,978	0.596
10	10	INSTR. #170023468	25,806	0.592
12	12	INSTR. #170018647	4,948	0.114
13	13	INSTR. #180010007	4,512	0.104
14	14	INSTR. #180008979	6,462	0.148
20	20	INSTR. #180018210	4,465	0.103
21	21	INSTR. #180018209	4,465	0.103
22	22	INSTR. #180018206	4,882	0.112
23	23	INSTR. #180017886	5,014	0.115
24	24	INSTR. #180006460	4,464	0.102
25	25	INSTR. #180001778	4,465	0.103
26	26	INSTR. #170011168	4,465	0.103
27	27	INSTR. #170011167	4,464	0.114
28	28	NOT YET RECORDED	4,836	0.113
29	29	NOT YET RECORDED	10,568	0.243
53	N/A	INSTR. #180014662	49,866	1.145
REMAINS OF ADDITIONAL LAND A-1			57,858	1.330
ADDITIONAL LAND A-2			27,415	0.620
ADDITIONAL LAND A-4			43,688	1.003
ADDITIONAL LAND A-5			48,588	1.115
ADDITIONAL LAND A-6			23,172	0.531
ADDITIONAL LAND A-7			90,672	2.070
TOTAL: NEW PARCEL 28			816,628	18.747



THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 6
 CONDOMINIUM PLAT AND PLAN
 OF
 THE PROMENADE
 AT

JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 3336 JLAN ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 PH: (757) 438-7878 FAX: (757) 438-7879

DATE: NOVEMBER 5, 2018
 SCALE: 1"=100'
 SHEET 1 OF 5 THIS PHASE

- INDICATES SUBMITTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND

SHEET 1 OF 5: OVERALL SITE LAYOUT AND AREAS
 SHEET 2 OF 5: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SHEET 3 OF 5: BUILDING DETAIL
 SHEET 4 OF 5: FOUNDATION PLAN AND SECTION
 SHEET 5 OF 5: FLOOR PLANS



SEE SHEET 2 FOR PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SEE SHEET 3 FOR BUILDING DETAIL

5710

LINE TABLE

NO.	BEARING	DISTANCE	NO. BEARING	DISTANCE	NO. BEARING	DISTANCE	NO. BEARING	DISTANCE
L1	S50°13'37"W	44.87'	L51	S49°17'28"E	108.00'	L76	S27°26'57"E	153.46'
L2	S86°33'03"W	53.15'	L52	N46°16'11"E	70.86'	L77	S73°33'03"W	4.95'
L3	N23°26'57"E	104.47'	L53	S49°41'49"E	50.00'	L78	N82°27'04"W	19.00'
L4	S66°33'03"W	289.00'	L54	N40°18'11"E	10.00'	L79	N82°27'04"W	19.00'
L5	S27°26'57"E	100.00'	L55	S49°41'49"E	20.85'	L80	N23°27'12"E	84.32'
L6	S66°33'03"W	63.00'	L56	N40°18'11"E	14.72'	L81	N69°51'39"E	22.83'
L7	N27°26'57"E	118.00'	L57	S49°41'49"E	80.70'	L82	N40°24'29"E	75.00'
L8	S66°33'03"W	132.80'	L58	S24°33'00"E	11.47'	L83	N06°46'13"W	30.04'
L9	S27°26'57"E	118.00'	L59	S66°33'03"W	450.73'	L84	N46°17'25"W	81.33'
L10	S66°33'03"W	63.00'	L60	N82°26'57"W	4.24'	L85	N46°17'25"E	12.00'
L11	N23°26'57"E	118.00'	L61	N27°26'57"E	78.50'	L86	S49°45'02"E	20.95'
L12	S66°33'03"W	46.52'	L62	N27°33'03"E	18.00'	L87	S49°41'49"E	35.15'
L13	S16°43'45"W	55.33'	L63	S49°18'11"E	90.11'	L88	S43°08'04"E	41.26'
L14	S66°33'03"W	46.52'	L64	N50°03'08"E	10.81'	L89	S43°08'04"E	41.26'
L15	N65°37'37"W	55.33'	L65	N27°26'57"E	25.94'	L90	S37°00'54"E	41.26'
L16	S66°33'03"W	135.69'	L66	N27°26'57"E	20.26'	L91	S27°33'07"W	4.24'
L17	S27°26'57"E	18.00'	L67	N40°43'20"E	45.92'	L92	S66°33'03"W	82.86'
L18	S66°33'03"W	145.93'	L68	N49°17'28"W	108.73'	L93	N27°26'57"E	11.31'
L19	S27°26'57"E	100.00'	L69	N40°43'20"E	45.92'	L94	N27°26'57"E	18.83'
L20	S66°33'03"W	63.00'	L70	N40°44'18"W	11.00'	L95	N46°17'25"E	107.22'
L21	N27°26'57"E	100.00'	L71	N27°26'49"W	71.00'	L96	N40°18'11"E	81.23'
L22	N27°26'57"E	118.31'	L72	N27°33'07"E	19.09'	L97	S37°14'07"E	36.03'
L23	N27°26'57"E	63.00'	L73	N66°33'03"E	235.70'	L98	S27°26'57"E	30.32'
L24	N65°33'03"E	101.24'	L74	S71°08'13"E	5.20'	L99	S62°21'20"W	12.95'
L25	N27°26'49"W	123.00'	L75	N40°44'32"E	27.92'	L100	S66°33'03"W	65.37'

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CH. BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	21.21'	S04°14'46"E
C2	15.00'	90°00'00"	23.56'	15.00'	21.21'	N85°18'11"E

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.5B AND I FURTHER CERTIFY THAT THE PROPERTY IS HEREBY DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.5B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE

PHASE 6 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

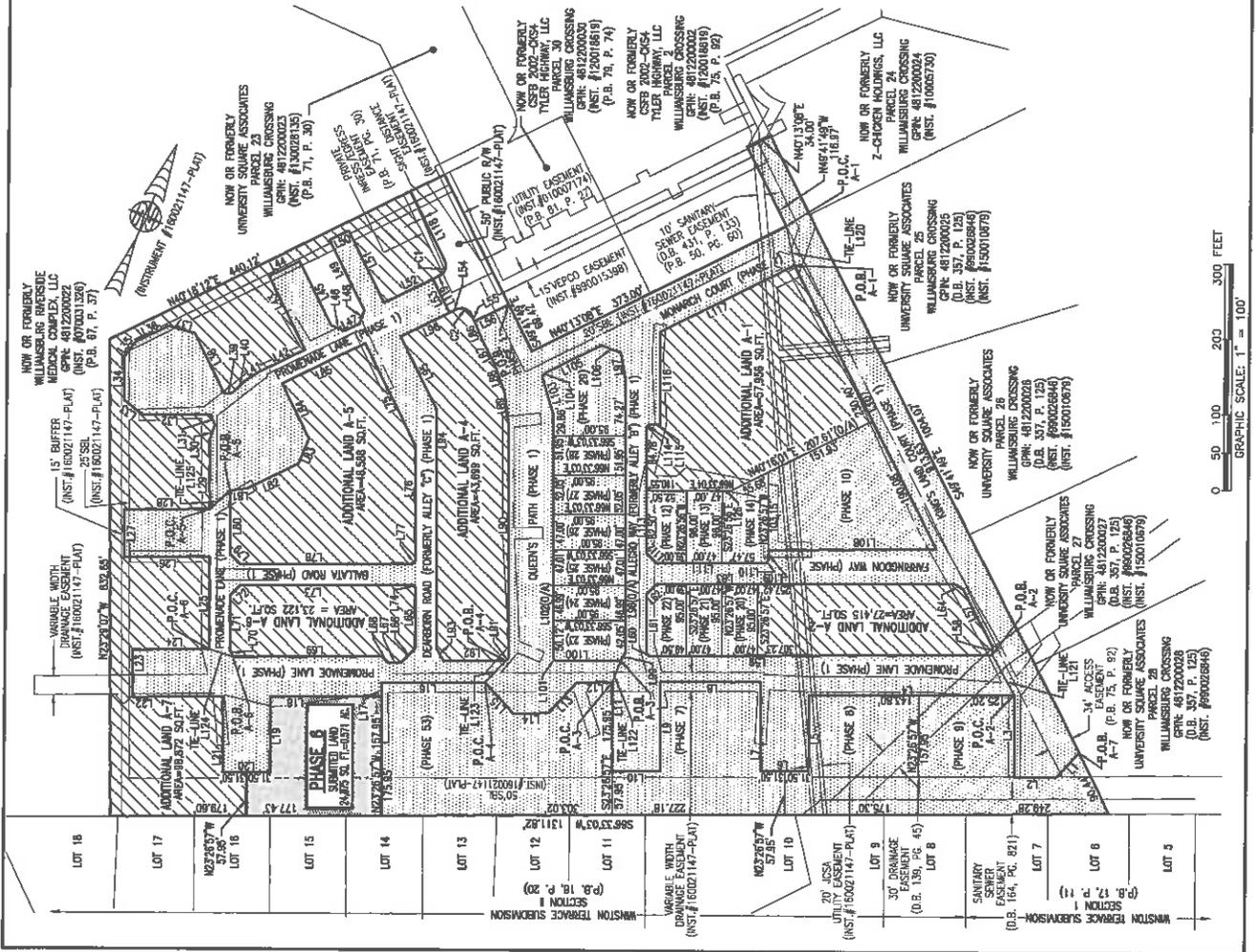
Hayden Frye and Associates, Inc.
LATA SURVEYORS
333 MALLON ROAD, SUITE 200
VIRGINIA BEACH, VA, 23462
PH: (757) 497-2383 FAX: (757) 491-2289

DATE: NOVEMBER 5, 2018
SCALE: 1"=100'
SHEET 2 OF 5 THIS PHASE

- INDICATES SIGHTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND

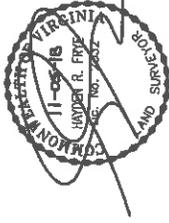
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

SEE SHEET 1 FOR OVERALL SITE LAYOUT AND AREAS
SEE SHEET 3 FOR BUILDING DETAIL



609-10

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, '55-79.5B AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA : 55-79.5B, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS	PARKING SPACE
A	-INDICATES AREA OF UNIT 601	#601 PROMENADE LANE	98
B	-INDICATES AREA OF UNIT 602	#602 PROMENADE LANE	97
AR	-INDICATES AREA OF UNIT 603	#603 PROMENADE LANE	98
ER	-INDICATES AREA OF UNIT 604	#604 PROMENADE LANE	95
CR	-INDICATES AREA OF UNIT 605	#605 PROMENADE LANE	92
DR	-INDICATES AREA OF UNIT 606	#606 PROMENADE LANE	89
F	-INDICATES AREA OF UNIT 607	#607 PROMENADE LANE	80
D	-INDICATES AREA OF UNIT 608	#608 PROMENADE LANE	79
C	-INDICATES AREA OF UNIT 609	#609 PROMENADE LANE	78
E	-INDICATES AREA OF UNIT 610	#610 PROMENADE LANE	77
HP	HOUSE PANEL (ELECTRIC)	#611 PROMENADE LANE	N/A
FPSR	FIRE PROTECTION SPRINKLER ROOM	#612 PROMENADE LANE	N/A
	-INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE OF SUBMITTED LAND)		
	-INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT. # UNIT ASSIGNED		

*NOTE: PARKING SPACES NOT CONSTRUCTED AT TIME OF SURVEY.



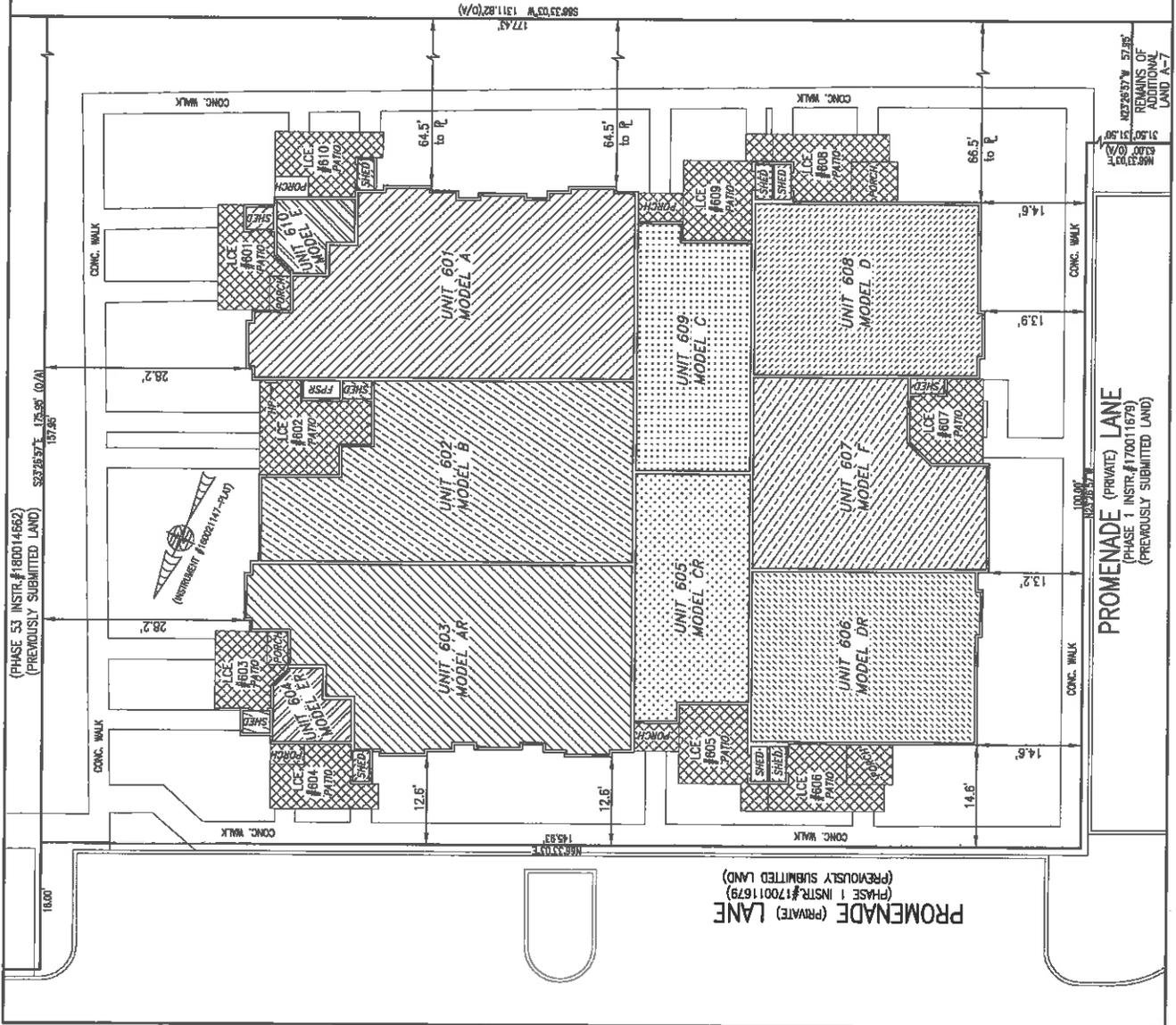
THIS SHEET: BUILDING DETAIL

PHASE 6
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE

AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Map # 10821

Hayden Frye and Associates, Inc.
 Land Surveyors
 135 KELLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23462
 P.O. BOX 10821, VIRGINIA BEACH, VA, 23462
 DATE: NOVEMBER 5, 2018
 SCALE: 1" = 10'
 SHEET 3 OF 5 THIS PHASE



0174

EXHIBIT A

Phase 6 - Building 6

All that certain lot, piece or parcel of land, lying, situate and being in the James City County, Virginia, together with the improvements thereon and appurtenances thereunto belonging, which is shown and depicted as "PHASE SIX, AREA = 24,875 SQUARE FEET = 0.571 ACRES" on that certain plat entitled "PHASE 6, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated November 5, 2018, made by Hayden Frye and Associates, Inc., Land Surveyors, which plat is attached hereto and is to be recorded contemporaneously herewith, reference being made thereto for a more particular description of said property.

5 Large/Small Plat(s) Recorded
herewith as # 180018358

INSTRUMENT 180018358
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
NOVEMBER 13, 2018 AT 08:47 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

10910