

Tax Map Nos. 4812500701, 4812500702, 4812500703,
4812500704, 4812500705, 4812500706, 4812500707,
4812500708, 4812500709, 4812500710

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 7 - Building 7

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 10th day of September, 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 7, CONDOMINIUM PLAT AND PLAN OF THE

PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated September 10, 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.

20810

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.

3/10

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 11 day of September 20 18.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

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

By: 
Russell Clark, Vice President

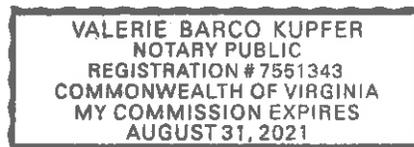
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Virginia Beach to wit:

I, Valerie Barco Kupper, 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 bearing date on the 11 day of September, 2018 has acknowledged the same before me in my City/County and State aforesaid.

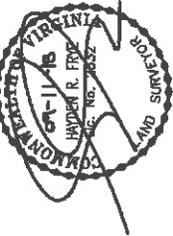
Given under my hand this 11 day of September 20 18.

Valerie Barco Kupper
Notary Public

My commission expires: 8-31-21



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, 80 AND 1. FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREIN, PURSUANT TO THE CODE OF VIRGINIA '55-'79, 80, ARE SUBSTANTIALLY COMPLETE.



PHASE	BUILDING	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INST. #170011679	288,466	6.163
7	7	SUBSTANTIALLY COMPLETE	28,822	0.662
8	8	INST. #180010389	24,539	0.563
9	9	INST. #180003894	25,978	0.596
10	10	INST. #170023466	26,906	0.620
13	13	INST. #180010007	4,512	0.104
14	14	INST. #180005679	6,462	0.148
23	23	INST. #180001786	5,014	0.115
24	24	INST. #180005480	4,464	0.102
25	25	INST. #180001779	4,466	0.103
26	26	INST. #170021158	4,465	0.102
27	27	INST. #170021157	4,944	0.114
28	28	INST. #180001781	4,936	0.113
29	29	NOT YET RECORDED	10,589	0.243
53	N/A	NOT YET RECORDED	49,886	1.146
REMAINS OF ADDITIONAL LAND A-1			62,805	1.444
ADDITIONAL LAND A-2			41,237	0.947
ADDITIONAL LAND A-4			43,688	1.003
ADDITIONAL LAND A-5			48,588	1.115
ADDITIONAL LAND A-6			23,122	0.531
ADDITIONAL LAND A-7			123,747	2.841
TOTAL: NEW PARCEL 29			816,629	18.747

LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 29" CONTAINING 18,747 ACRES AS SHOWN ON "PLAN OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 29 OF WILLIAMSBURG CROSSING PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-19 AND RECORDED AS INSTRUMENT NO. 180221147."

NOTES:

1. PHASE 7 BUILDING 7 IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 10-24-19.
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-19.
 - INSTR. #180221147
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-18

SHEET INDEX:

- 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

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

**PHASE 7
CONDOMINIUM PLAN AND PLAN
OF
THE PROMENADE
AT**

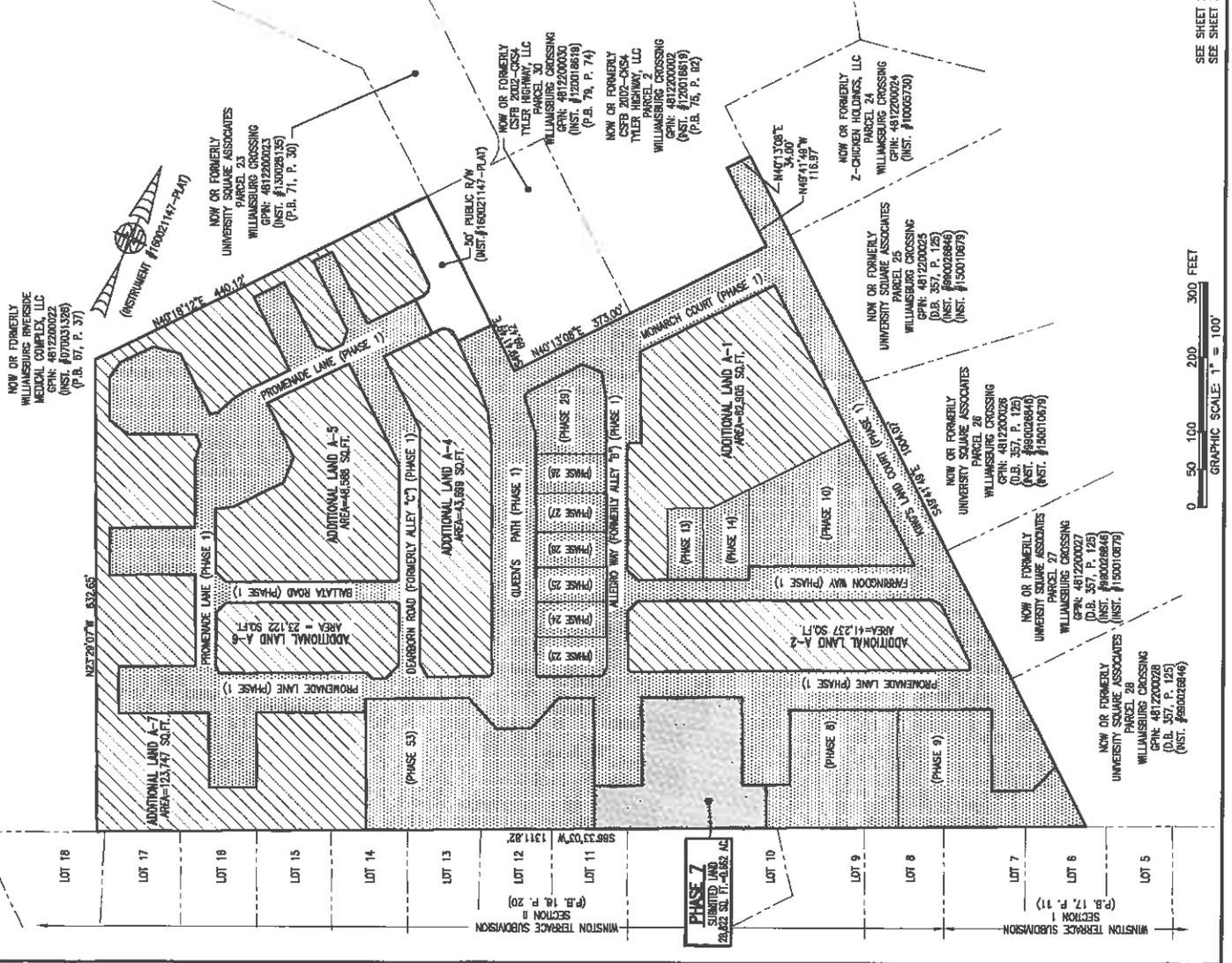
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Jeff 160921



Hayden Lyne and Associates, Inc.
Land Surveyors
338 KELLAM ROAD, SUITE 200
VIRGINIA BEACH, VA 23462
PH: 757-261-2575 FAX: 757-261-2576

DATE: SEPTEMBER 10, 2018
SCALE: 1"=100'
SHEET 1 OF 5 THIS PHASE



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



5 10/10

LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S00°01'13"W	44.97'	L76	S66°33'03"W	113.01'	L151	S46°17'26"E	108.96'
L2	S08°33'03"W	33.15'	L77	N22°28'57"W	108.96'	L152	N47°18'11"E	70.86'
L3	N27°28'57"W	108.47'	L78	N63°33'03"E	113.01'	L153	S46°17'26"E	108.96'
L4	S08°33'03"W	288.00'	L79	N47°18'11"E	10.00'	L154	N47°18'11"E	10.00'
L5	S23°28'57"E	100.00'	L80	N47°18'11"E	10.00'	L155	S46°17'26"E	108.96'
L6	S08°33'03"W	63.00'	L81	N47°18'11"E	10.00'	L156	N47°18'11"E	10.00'
L7	N27°28'57"E	118.00'	L82	N47°18'11"E	10.00'	L157	S46°17'26"E	108.96'
L8	S08°33'03"W	118.00'	L83	N47°18'11"E	10.00'	L158	S46°17'26"E	108.96'
L9	S27°28'57"E	118.00'	L84	N47°18'11"E	10.00'	L159	S46°17'26"E	108.96'
L10	S08°33'03"W	63.00'	L85	N47°18'11"E	10.00'	L160	S46°17'26"E	108.96'
L11	N27°28'57"E	118.00'	L86	N47°18'11"E	10.00'	L161	S46°17'26"E	108.96'
L12	S08°33'03"W	63.00'	L87	N47°18'11"E	10.00'	L162	S46°17'26"E	108.96'
L13	S18°03'43"W	55.33'	L88	N47°18'11"E	10.00'	L163	S46°17'26"E	108.96'
L14	S08°33'03"W	63.00'	L89	N47°18'11"E	10.00'	L164	S46°17'26"E	108.96'
L15	S08°33'03"W	63.00'	L90	N47°18'11"E	10.00'	L165	S46°17'26"E	108.96'
L16	S08°33'03"W	135.00'	L91	N47°18'11"E	10.00'	L166	S46°17'26"E	108.96'
L17	S27°28'57"E	100.00'	L92	N47°18'11"E	10.00'	L167	S46°17'26"E	108.96'
L18	S08°33'03"W	148.93'	L93	N47°18'11"E	10.00'	L168	S46°17'26"E	108.96'
L19	S27°28'57"E	100.00'	L94	N47°18'11"E	10.00'	L169	S46°17'26"E	108.96'
L20	S08°33'03"W	63.00'	L95	N47°18'11"E	10.00'	L170	S46°17'26"E	108.96'
L21	N27°28'57"E	100.00'	L96	N47°18'11"E	10.00'	L171	S46°17'26"E	108.96'
L22	S08°33'03"W	118.31'	L97	N47°18'11"E	10.00'	L172	S46°17'26"E	108.96'
L23	N27°28'57"E	63.00'	L98	N47°18'11"E	10.00'	L173	S46°17'26"E	108.96'
L24	N68°33'03"E	101.24'	L99	N47°18'11"E	10.00'	L174	S46°17'26"E	108.96'
L25	N27°28'57"E	123.00'	L100	N47°18'11"E	10.00'	L175	S46°17'26"E	108.96'

PHASE 7 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER A CONDOMINIUM JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
34 KELLY ROAD, SUITE 200
FARMERSVILLE, VA 23042
PHONE: 804-226-2525 FAX: 804-226-2529

DATE: SEPTEMBER 10, 2018
SCALE: 1"=100'
SHEET 2 OF 5 THIS PHASE

CURVE TABLE

NO.	RADIUS	DELTA	CHORD	CHORD BEARING
C1	15.00'	90°00'00"	23.36'	S44°41'48"E
C2	15.00'	90°00'00"	23.36'	S44°41'48"E

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

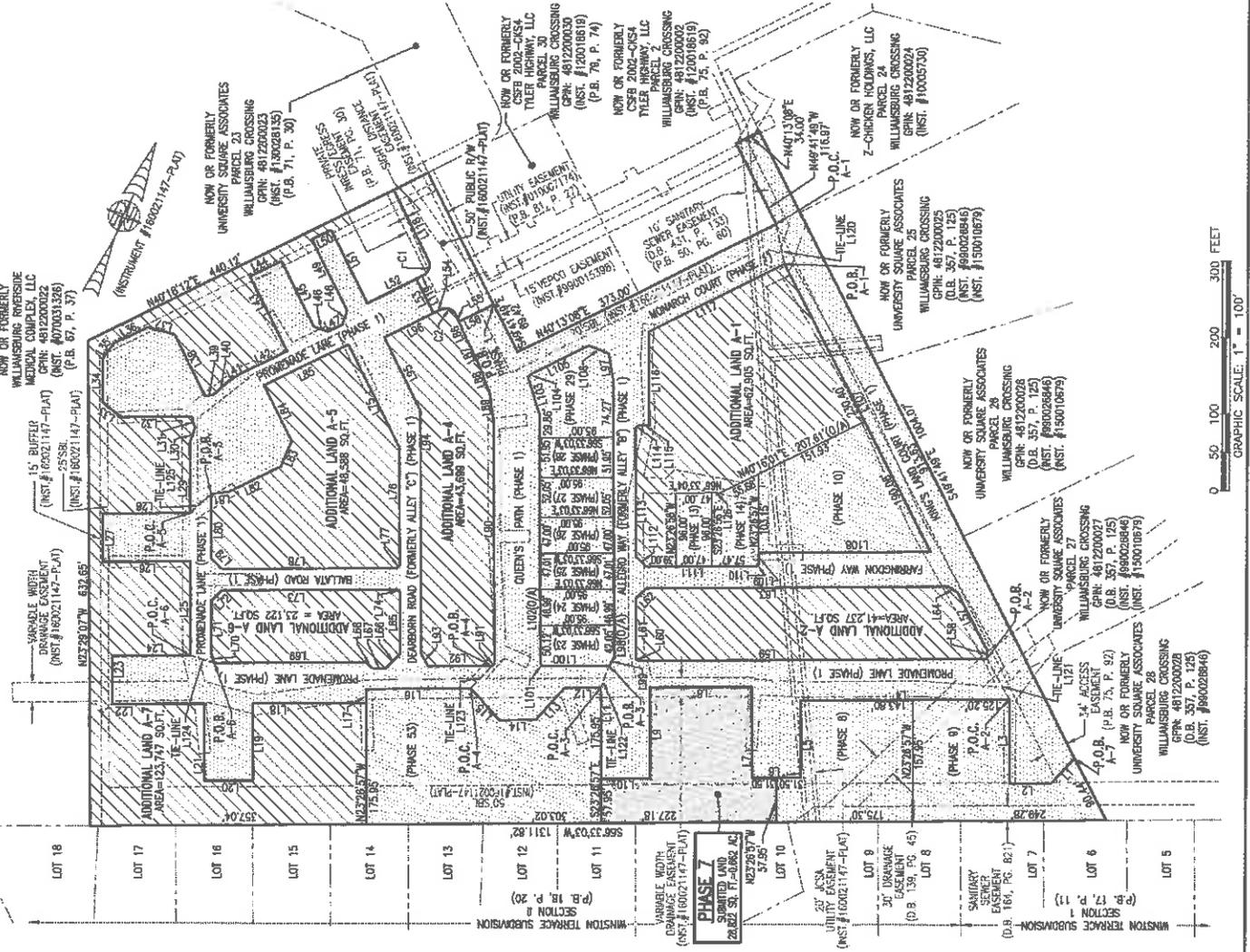
I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 79-58 AND 79-59. I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, §§ 79-58A, ARE SUBSTANTIALLY COMPLETE.

-INDICATES SUBMITTED LAND

-INDICATES PREVIOUSLY SUBMITTED LAND

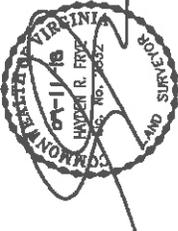
-INDICATES ADDITIONAL LAND

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



624-10

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.58 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.58A, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS	PARKING SPACE
A	-INDICATES AREA OF UNIT 701	#701 PROMENADE LANE	121
B	-INDICATES AREA OF UNIT 702	#702 PROMENADE LANE	124
AR	-INDICATES AREA OF UNIT 703	#703 PROMENADE LANE	128
ER	-INDICATES AREA OF UNIT 704	#704 PROMENADE LANE	120
CR	-INDICATES AREA OF UNIT 705	#705 PROMENADE LANE	118
DR	-INDICATES AREA OF UNIT 706	#706 PROMENADE LANE	117
F	-INDICATES AREA OF UNIT 707	#707 PROMENADE LANE	112
D	-INDICATES AREA OF UNIT 708	#708 PROMENADE LANE	110
C	-INDICATES AREA OF UNIT 709	#709 PROMENADE LANE	109
E	-INDICATES AREA OF UNIT 710	#710 PROMENADE LANE	127
HP	HOUSE PANEL (ELECTRICAL)	#711 PROMENADE LANE	N/A
FPSR	FIRE PROTECTION SPRINKLER ROOM	#712 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.

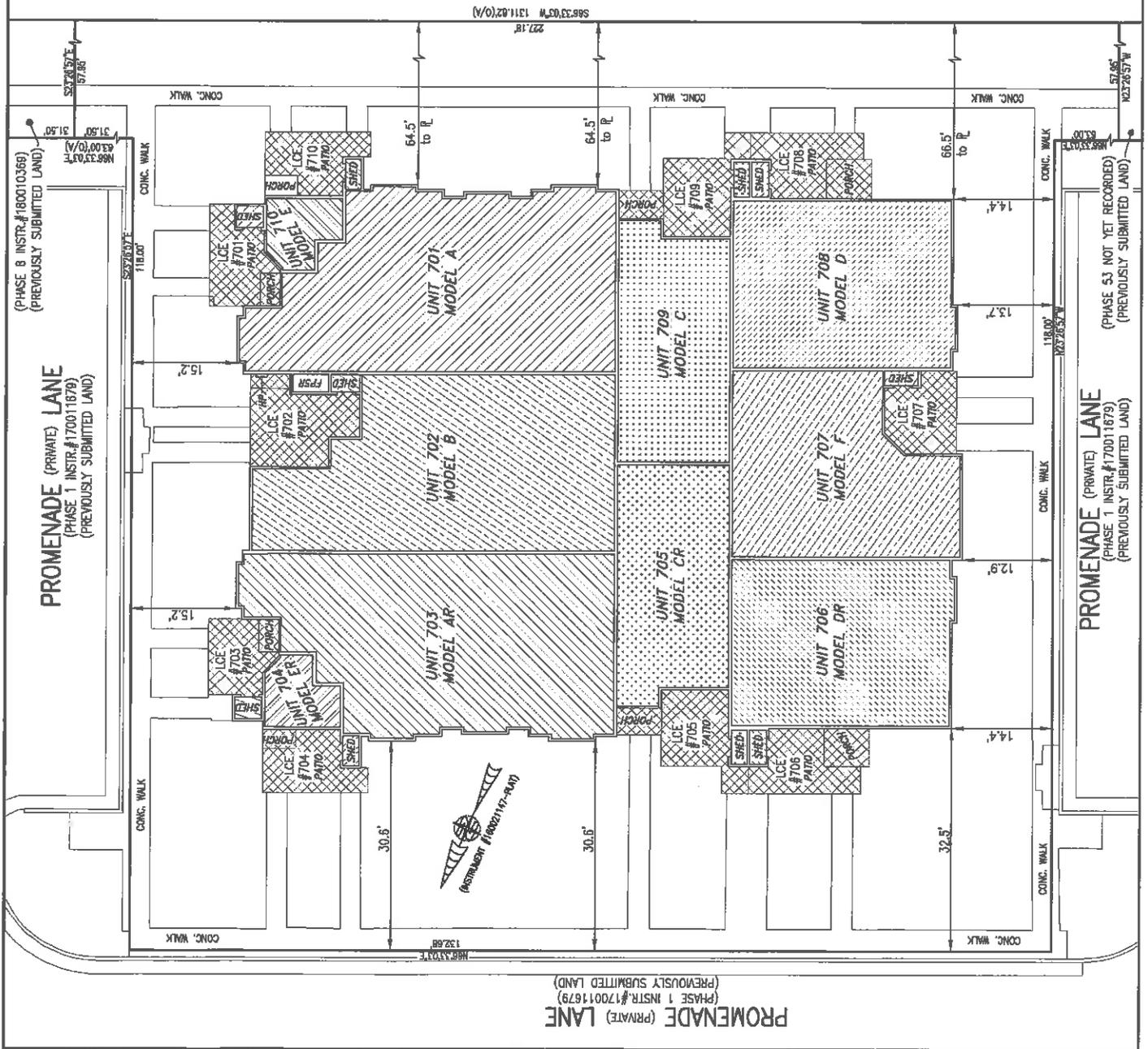


THIS SHEET: BUILDING DETAIL

PHASE 7 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Blayden Frye and Associates, Inc.
Land Surveyors
DATE: SEPTEMBER 10, 2018
SCALE: 1"=10'
SHEET 3 OF 5 THIS PHASE



PROMENADE (PRIVATE) LANE
(PHASE 1 INSTR. #170011679)
(PREVIOUSLY SUBMITTED LAND)

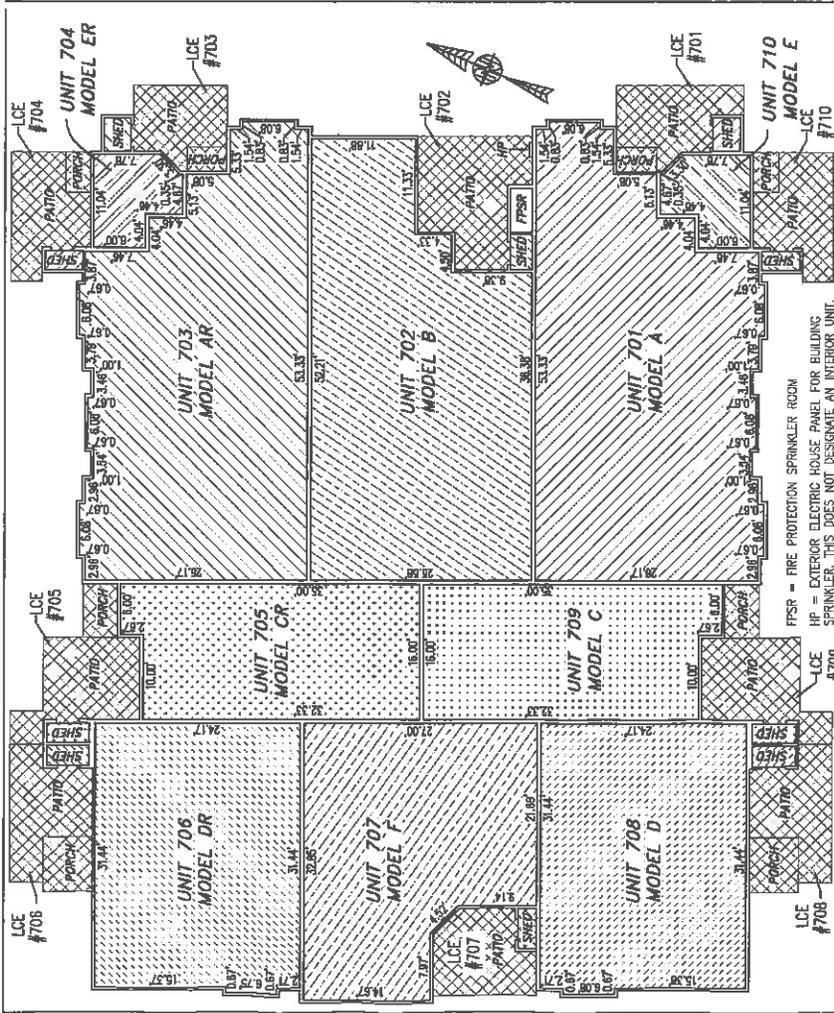
PROMENADE (PRIVATE) LANE
(PHASE 1 INSTR. #170011679)
(PREVIOUSLY SUBMITTED LAND)

(PHASE 8 INSTR. #180010368)
(PREVIOUSLY SUBMITTED LAND)

(PHASE 53 NOT YET RECORDED)
(PREVIOUSLY SUBMITTED LAND)

Handwritten initials: JTL

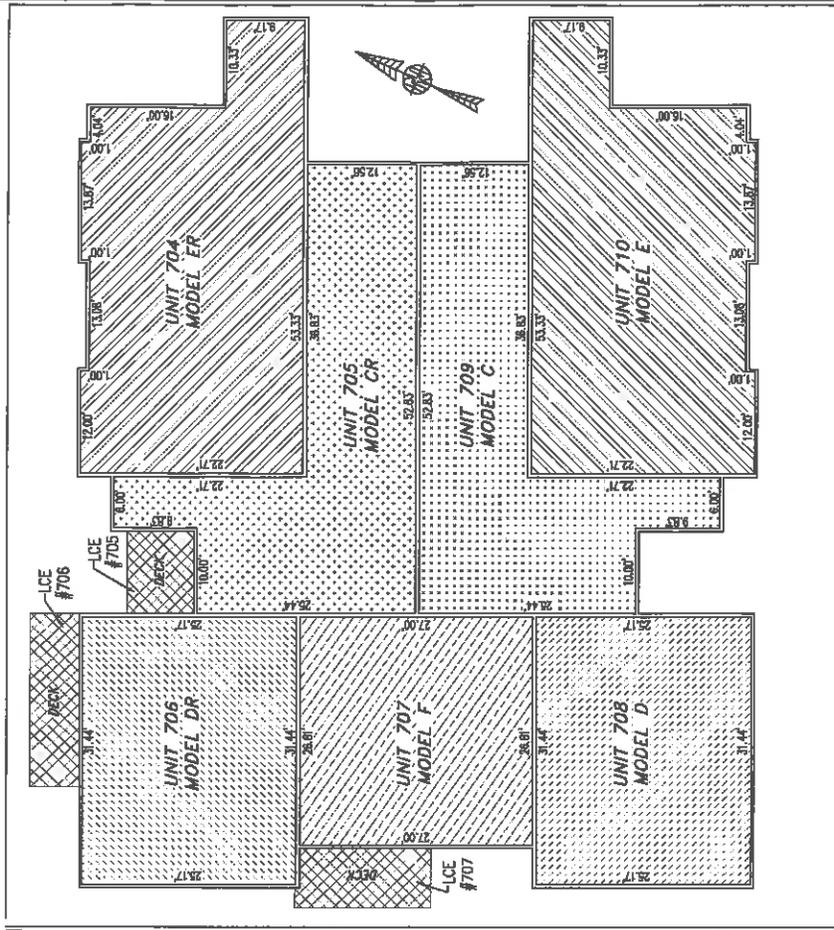
BUILDING 7 (10-PLEX)



FIRST FLOOR

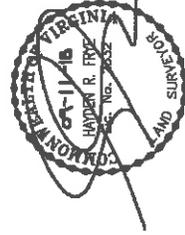
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CR	-INDICATES AREA OF UNIT 705	#705 PROMENADE LANE	118
DR	-INDICATES AREA OF UNIT 706	#706 PROMENADE LANE	117
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C	-INDICATES AREA OF UNIT 709	#709 PROMENADE LANE	108
E	-INDICATES AREA OF UNIT 710	#710 PROMENADE LANE	127
HP	HOUSE PANEL (ELECTRIC)	#711 PROMENADE LANE	N/A
FPSR	FIRE PROTECTION SPRINKLER ROOM	#712 PROMENADE LANE	N/A
	-INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE OF SUBMITTED LAND)		
	-INDICATES UNITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT. # UNIT ASSIGNED		

Original



SECOND FLOOR

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1980 AS AMENDED, 55-78.58 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA : 55-78.58B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FLOOR PLANS

PHASE 7
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

July 18, 2021



Hayden Frye and Associates, Inc.
 Land Surveyors
 11111 JAMES RIVER BLVD., SUITE 200
 JAMES CITY COUNTY, VA 23161
 DATE: SEPTEMBER 10, 2018
 SCALE: 1"=10'
 SHEET 5 OF 5 THIS PHASE

EXHIBIT A

Phase 7 - Building 7

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 SEVEN, AREA = 28,822 SQUARE FEET = 0.662 ACRES" on that certain plat entitled "PHASE 7, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated September 10, 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 # 180014663

INSTRUMENT 180014663
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
September 17, 2018 AT 11:11 AM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

page 10 of 10