

Tax Map Nos. 4812500801, 4812500802, 4812500803,
4812500804, 4812500805, 4812500806, 4812500807,
4812500808, 4812500809, 4812500810

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 8 - Building 8

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 11th day of June, 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 8, CONDOMINIUM PLAT AND PLAN OF THE

1910

PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated June 11, 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.

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 11th day of June, 2018.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

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

By: Gary L. Werner
Gary L. Werner, 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 Gary L. Werner, 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 11th day of June, 2018 has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 11th day of June, 2018.

Kimberly G. Lowery
Notary Public

My commission expires: 12/31/21



EXHIBIT A

Phase 8 - Building 8

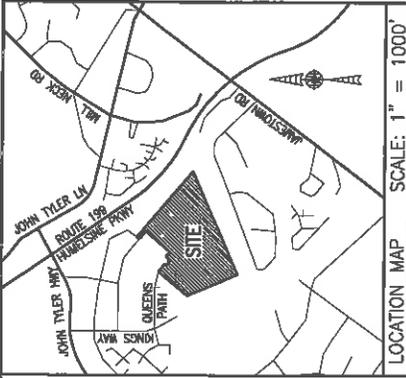
All that certain lot, piece or parcel of land, lying, situate and being in the James City County, Virginia, together with the improvements thereon and appurtenances thereunto belonging, which is shown and depicted as "PHASE EIGHT, AREA = 24,539 SQUARE FEET = .0563 ACRES" on that certain plat entitled "PHASE 8, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated June 11, 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 # 180010369

INSTRUMENT 180010369
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
June 20, 2018 AT 08:44 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

59-10

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



LEGAL DESCRIPTION
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 20" CONTAINING 18.747 ACRES AS SHOWN ON "PLAN OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 28 OF PHASE 8 CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160221147.

NOTES:

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

PHASE	BLDG#	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	INSTR. #170011679	269,460	6.163	
8	8	SUBSTANTIALLY COMPLETE	24,539	0.563	
8	9	INSTR. #180003694	25,978	0.596	
10	10	INSTR. #170023468	26,806	0.592	
13	13	INSTR. #180010007	4,572	0.104	
14	14	INSTR. #180008579	6,482	0.148	
23	23	INSTR. #180001788	5,014	0.115	
24	24	INSTR. #180005480	4,464	0.102	
25	25	INSTR. #180001779	4,466	0.103	
26	26	INSTR. #170021156	4,465	0.102	
27	27	INSTR. #170021157	4,944	0.114	
28	28	INSTR. #180001781	4,936	0.113	
29	29	NOT YET RECORDED	10,569	0.243	
REMAINS OF ADDITIONAL LAND A-1				82,905	1.844
ADDITIONAL LAND A-2				41,237	0.947
ADDITIONAL LAND A-4				43,669	1.003
ADDITIONAL LAND A-5				46,588	1.115
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				202,455	4.648
TOTAL: NEW PARCEL 20				816,629	18.747

SHEET INDEX:

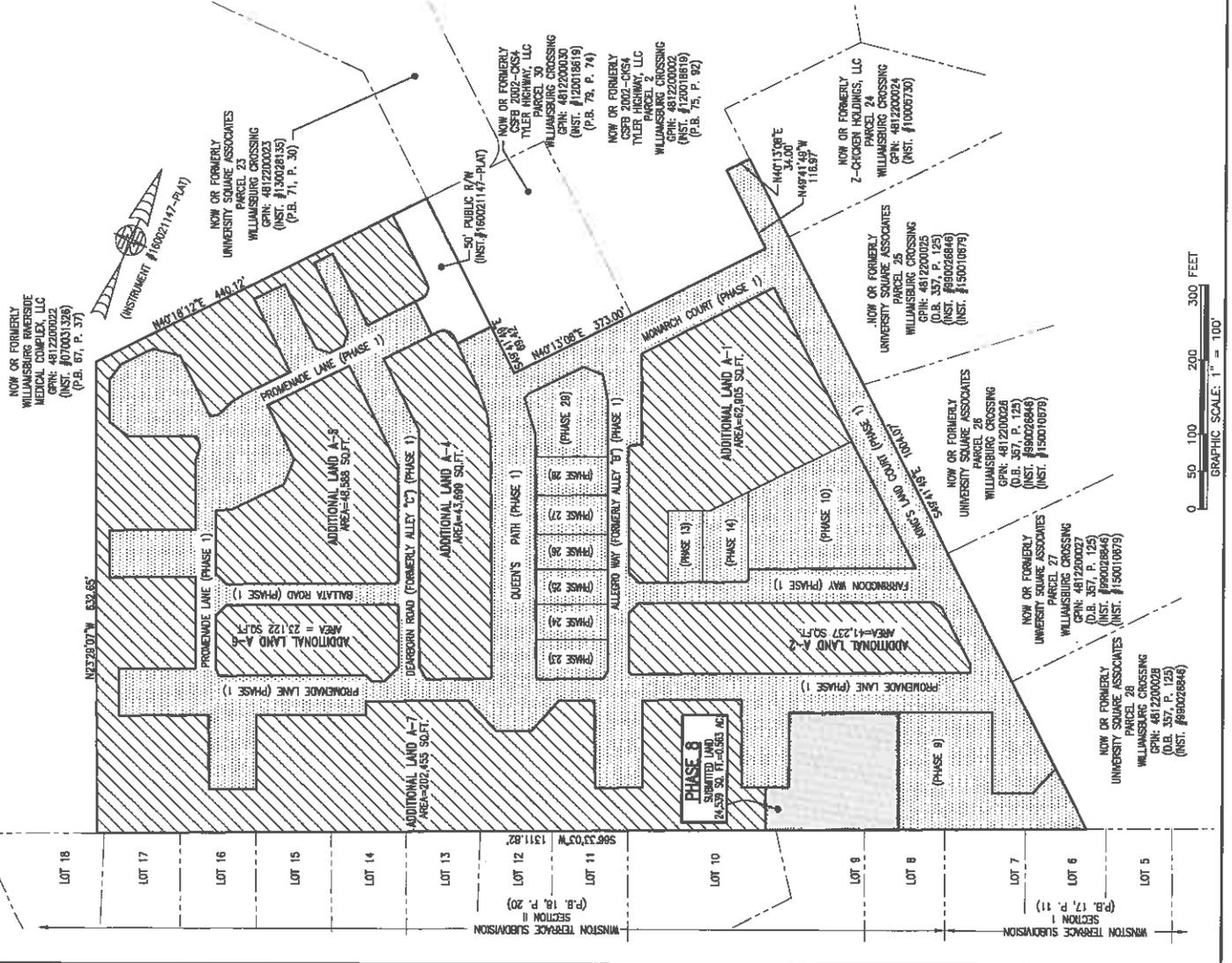
- SHEET 1 OF 5: OVERALL SITE LAYOUT AND AREAS
- SHEET 2 OF 5: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
- SHEET 3 OF 5: BUILDING DETAIL
- SHEET 4 OF 5: FOUNDATION PLAN AND SECTION
- SHEET 5 OF 5: FLOOR PLANS

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 8
 CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 333 KETLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23462
 PH: (757) 491-2288 FAX: (757) 491-7259

DATE: JUNE 11, 2018
 SCALE: 1"=100'
 SHEET 1 OF 5 THIS PHASE



6810

LINE TABLE											
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S070°11'W	49.97'	L26	S86°33'03"W	113.00'	L51	S49°17'28"E	106.06'	L76	S27°28'57"E	153.56'
L2	S86°33'03"W	53.15'	L27	N27°26'57"W	63.00'	L52	N40°18'11"E	70.86'	L77	S27°28'57"E	153.56'
L3	N27°26'57"W	109.47'	L28	N65°33'03"E	113.00'	L53	S49°17'28"E	106.06'	L78	S86°33'03"W	226.04'
L4	S86°33'03"W	288.00'	L29	N27°26'49"W	91.87'	L54	N40°18'11"E	10.00'	L79	N87°27'04"W	18.09'
L5	S27°26'57"E	100.00'	L30	N40°18'11"E	10.00'	L55	S49°17'28"E	10.00'	L80	N27°26'57"E	22.83'
L6	S86°33'03"W	63.00'	L31	N43°08'18"W	14.72'	L56	N40°18'11"E	50.00'	L81	N59°51'39"E	22.83'
L7	N27°26'57"E	118.00'	L32	N65°33'03"E	90.51'	L57	S49°17'28"E	75.00'	L82	N40°18'11"E	84.74'
L8	S86°33'03"W	132.68'	L33	N43°08'18"W	30.87'	L58	S24°33'07"E	11.47'	L83	N40°18'11"E	36.04'
L9	S27°26'57"E	118.00'	L34	N27°26'49"W	450.73'	L59	S65°33'03"W	450.73'	L84	N40°18'11"E	81.13'
L10	S86°33'03"W	63.00'	L35	N13°08'50"E	24.93'	L60	N65°33'03"E	4.94'	L85	N47°42'32"E	121.00'
L11	N27°26'57"E	118.00'	L36	N40°18'11"E	48.00'	L61	N27°26'57"W	78.50'	L86	S45°45'02"E	26.95'
L12	S86°33'03"W	46.52'	L37	N67°38'35"E	36.41'	L62	N27°26'57"W	19.09'	L87	S49°17'28"E	35.15'
L13	S16°43'43"W	55.33'	L38	S49°17'28"E	90.11'	L63	N65°33'03"E	390.42'	L88	S43°08'04"E	41.26'
L14	S86°33'03"W	135.69'	L39	N59°51'39"E	10.61'	L64	S81°34'23"E	14.28'	L89	S30°00'54"E	41.26'
L15	S27°26'57"E	100.00'	L40	N27°26'57"E	25.94'	L65	S27°26'57"E	81.00'	L90	S27°26'49"E	310.88'
L16	S86°33'03"W	18.00'	L41	N40°18'11"E	65.92'	L66	S27°26'57"E	17.30'	L91	S27°26'57"W	121.79'
L17	S27°26'57"E	100.00'	L42	N40°18'11"E	65.92'	L67	S65°33'03"W	17.30'	L92	S86°33'03"W	82.88'
L18	S86°33'03"W	165.83'	L43	N47°17'28"E	108.73'	L68	N65°33'03"E	195.90'	L93	N53°08'03"W	82.88'
L19	S27°26'57"E	100.00'	L44	N65°33'03"E	19.10'	L69	N65°33'03"E	195.90'	L94	N27°26'57"W	317.18'
L20	S86°33'03"W	63.00'	L45	S49°17'28"E	95.23'	L70	N40°18'11"E	11.00'	L95	N49°17'28"E	107.22'
L21	N27°26'57"E	100.00'	L46	N65°33'03"E	19.10'	L71	N27°26'49"W	71.00'	L96	N40°18'11"E	81.23'
L22	S86°33'03"W	118.31'	L47	N40°18'11"E	20.64'	L72	N27°26'49"W	19.09'	L97	S33°14'07"E	36.03'
L23	N27°26'57"E	63.00'	L48	N40°18'11"E	19.08'	L73	N65°33'03"E	226.70'	L98	S27°26'57"E	361.30'
L24	N65°33'03"E	101.24'	L49	N47°17'28"E	103.50'	L74	S77°09'13"E	5.20'	L99	S06°51'20"W	12.95'
L25	N27°26'49"W	123.00'	L50	N40°18'11"E	27.52'	L75	S49°17'28"E	150.14'	L100	S86°33'03"W	65.57'

CURVE TABLE				
NO.	RADIUS	DELTA	LENGTH	TANGENT
C1	15.00'	80°00'00"	23.56'	15.00'
C2	15.00'	80°00'00"	23.56'	15.00'

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-78.58 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HERON PURSUANT TO THE CODE OF VIRGINIA 55-78.58A ARE SUBSTANTIALLY COMPLETE.



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

PHASE 8 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT

JOHN TYLER
A CONDOMINIUM

JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
33 WILLIAM ROAD, SUITE 200
VIRGINIA BEACH, VA 23464
PH: (757) 491-2288 FAX: (757) 491-7529

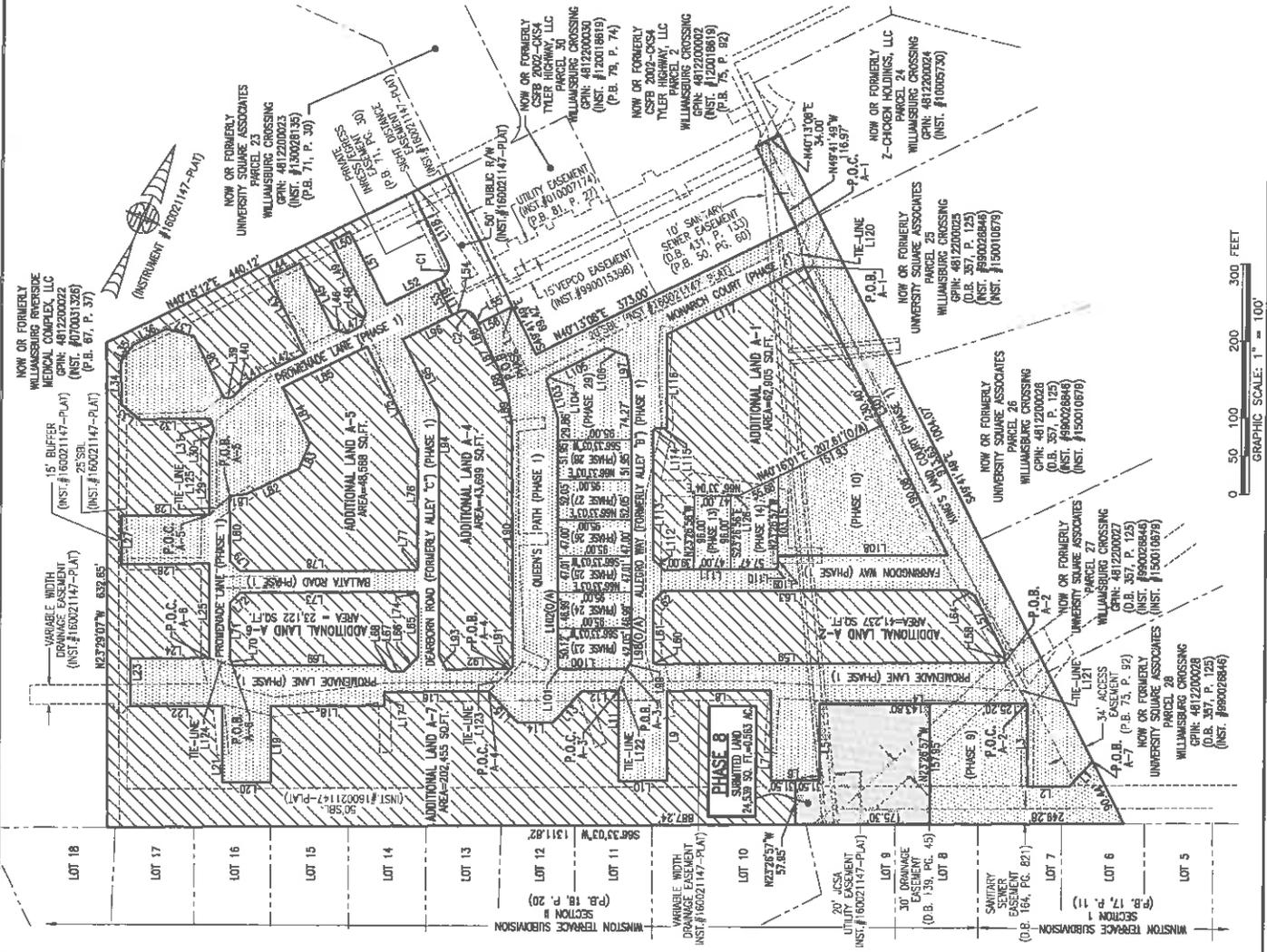


DATE: JUNE 11, 2018
SCALE: 1"=100'
SHEET 2 OF 5 THIS PHASE

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

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

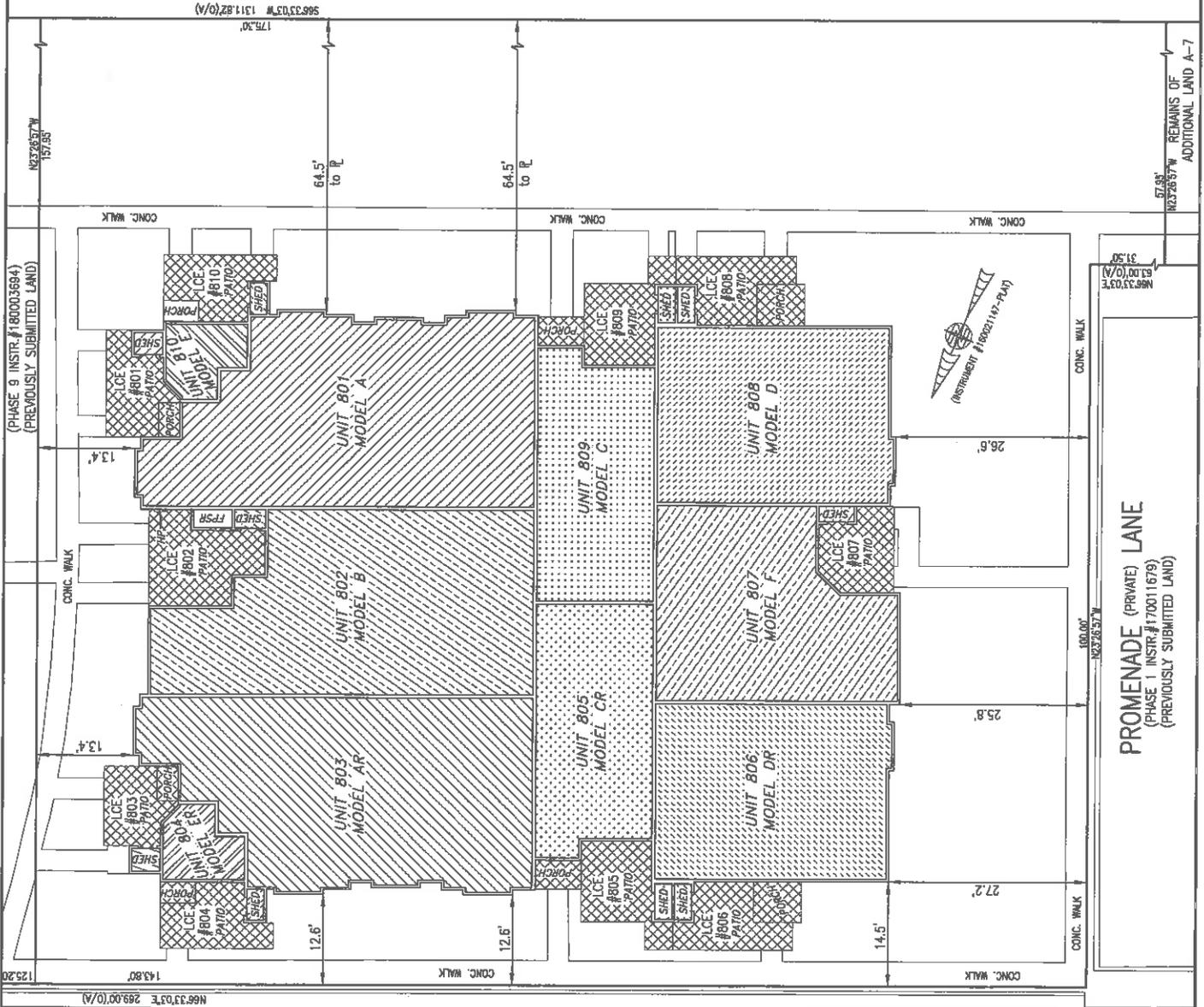
GRAPHIC SCALE: 1" = 100'
0 50 100 200 300 FEET



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



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



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS	PARKING SPACE
A	-INDICATES AREA OF UNIT 801	#801 PROMENADE LANE	150
B	-INDICATES AREA OF UNIT 802	#802 PROMENADE LANE	149
AR	-INDICATES AREA OF UNIT 803	#803 PROMENADE LANE	148
ER	-INDICATES AREA OF UNIT 804	#804 PROMENADE LANE	147
CR	-INDICATES AREA OF UNIT 805	#805 PROMENADE LANE	146
DR	-INDICATES AREA OF UNIT 806	#806 PROMENADE LANE	142
F	-INDICATES AREA OF UNIT 807	#807 PROMENADE LANE	131
D	-INDICATES AREA OF UNIT 808	#808 PROMENADE LANE	130
C	-INDICATES AREA OF UNIT 809	#809 PROMENADE LANE	129
E	-INDICATES AREA OF UNIT 810	#810 PROMENADE LANE	128
HP	HOUSE PANEL (ELECTRIC)	#811 PROMENADE LANE	N/A
FPSR	FIRE PROTECTION SPRINKLER ROOM	#812 PROMENADE LANE	N/A
	-INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE OF SUBMITTED LAND)		
	-INDICATES UNITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT. # UNIT ASSIGNED		

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



THIS SHEET: BUILDING DETAIL

PHASE 8
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

of 60821

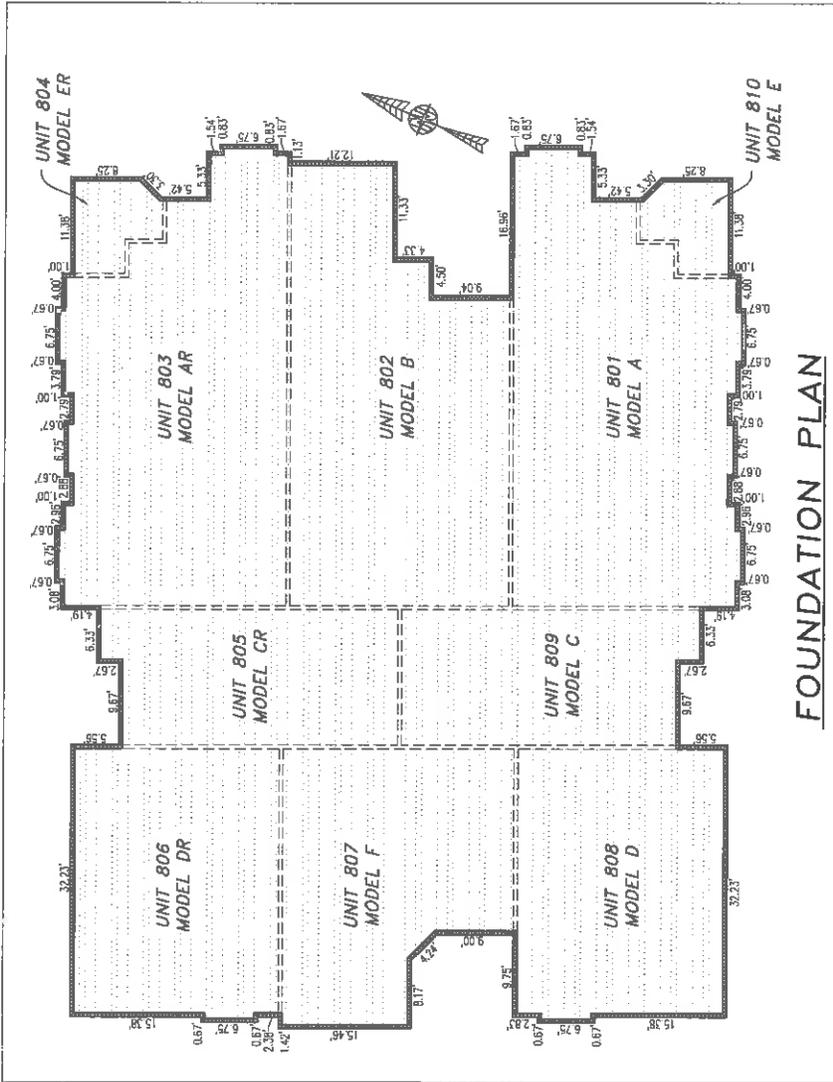
Hayden Erve and Associates, Inc.
Land Surveyors
33 KULLAM ROAD, SUITE 200
VIRGINIA BEACH, VA, 23462
PH: (757) 491-1228 FX: (757) 491-7229



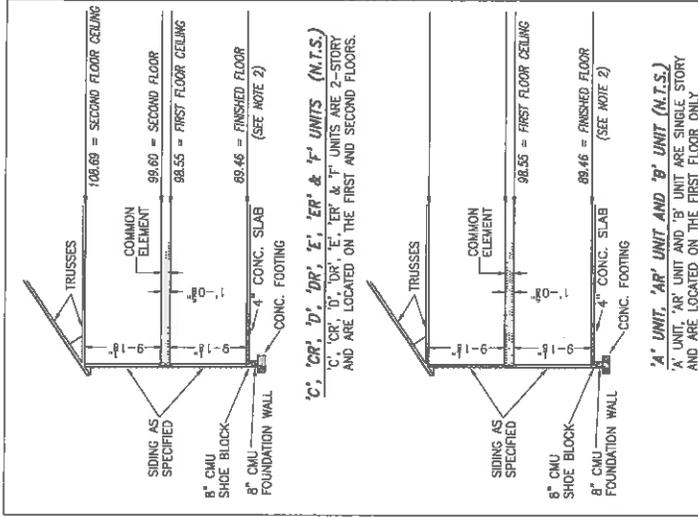
DATE: JUNE 11, 2018
SCALE: 1"=10'
SHEET 3 OF 5 THIS PHASE

0178

BUILDING 8 (10-PLEX)



FOUNDATION PLAN



TYPICAL BUILDING SECTION
NOT TO SCALE (N.T.S.)

NOTES:

- VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
- FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #8 (10-PLEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES PERFORMED ON 06/04/2018.

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 UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



INDICATES COMMON ELEMENT

THIS SHEET: FOUNDATION PLAN AND SECTION

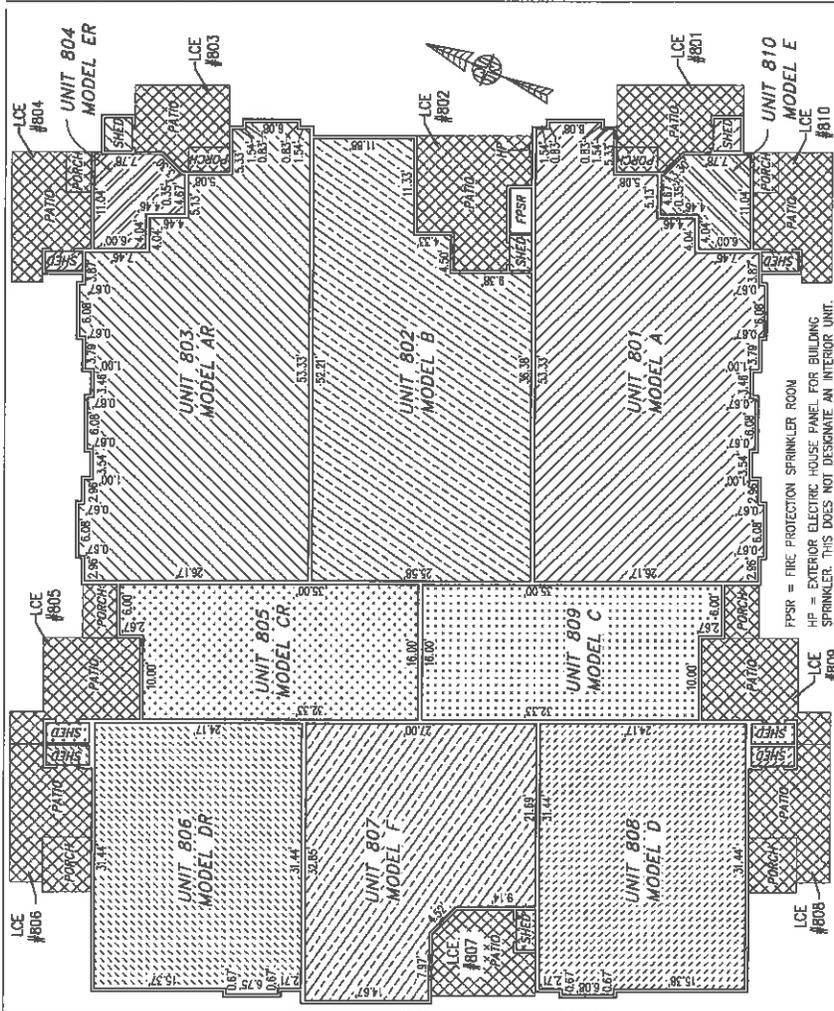
PHASE 8
CONDOMINIUM PLAT AND PLAN
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JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
333 GULLIAM ROAD, SUITE 200
VIRGINIA BEACH, VA 23466
PR: (757) 491-2575 FAX: (757) 491-2575
DATE: JUNE 11, 2018
SCALE: 1"=10'
SHEET 4 OF 5 THIS PHASE



9210

BUILDING 8 (10-PLEX)



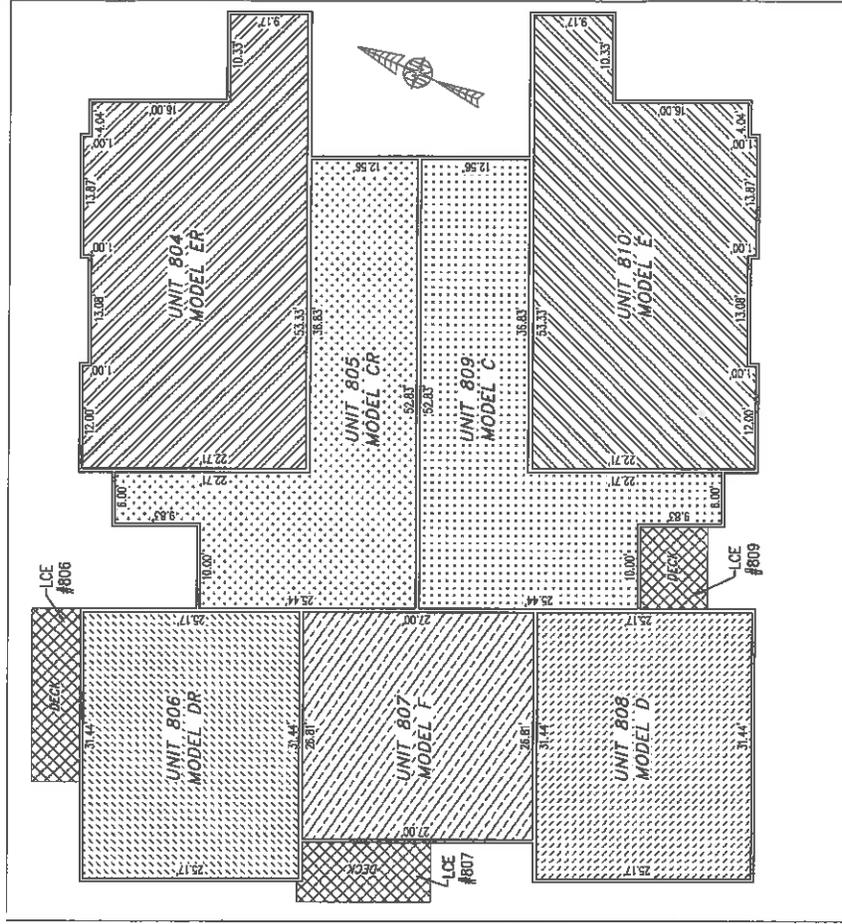
FIRST FLOOR

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS	PARKING SPACE
A	-INDICATES AREA OF UNIT 801	#801 PROMENADE LANE	150
B	-INDICATES AREA OF UNIT 802	#802 PROMENADE LANE	149
AR	-INDICATES AREA OF UNIT 803	#803 PROMENADE LANE	148
ER	-INDICATES AREA OF UNIT 804	#804 PROMENADE LANE	147
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E	-INDICATES AREA OF UNIT 810	#810 PROMENADE LANE	128
HP	HOUSE PANEL (ELECTRIC)	#811 PROMENADE LANE	N/A
FFSR	FIRE PROTECTION SPRINKLER ROOM	#812 PROMENADE LANE	N/A
	-INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE OF SUBMITTED LAND)		
	-INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT. # UNIT ASSIGNED		

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1960 AS AMENDED, 55-79.58 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



SECOND FLOOR



THIS SHEET: FLOOR PLANS

PHASE 8 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Fryc and Associates, Inc.
Land Surveyors
113 KILLAM ROAD, SUITE 200
BLUMENAU, VA, 24646
PH: (540) 224-0400 / (540) 224-0403
DATE: JUNE 11, 2018
SCALE: 1"=10'
SHEET 5 OF 5 THIS PHASE



10415