

Tax Map Nos. 4812500901, 4812500902, 4812500903,
4812500904, 4812500905, 4812500906, 4812500907,
4812500908, 4812500909, 4812500910

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 9 - Building 9

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 13th day of February, 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 9, CONDOMINIUM PLAT AND PLAN OF THE

1010

PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated February 13, 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

2010

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.

3/2/10

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 13th day of February, 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 13th day of February, 2018 has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 13th day of February, 2018.

Kimberly G. Lowery
Notary Public

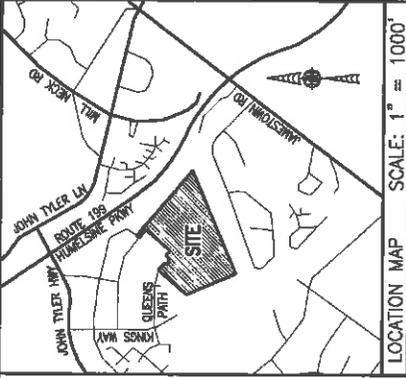
My commission expires: 12/31/21

KIMBERLY G LOWERY
NOTARY PUBLIC
REGISTRATION # 251693
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
DECEMBER 31, 2021

5 Large/Small Plat(s) Recorded
herewith as # 180003694

4910

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1960 AS AMENDED, 55-78.56, AND FURTHER, THAT ALL IMPROVEMENTS THEREON DEPICTED HEREON ARE PRELIMINARY TO THE CODE OF VIRGINIA 55-78.56A, ARE SUBSTANTIALLY COMPLETE.



LOCATION MAP SCALE: 1" = 1000'

LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 28" CONTAINING 18.747 ACRES AS SHOWN ON "PLAT OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 28 OF WILLIAMSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160021147.

NOTES:

1. PHASE 9 BUILDING IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-23-15
 - PLAT BY AES CONSULTING ENGINEERS, DATED 10-24-16, INST. #160021147
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

PHASE	BLDG#	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	INSTR. #170011079	289,468	6.153	
8	8	SUBSTANTIALLY COMPLETE	25,078	0.566	
10	10	INSTR. #170023466	25,806	0.592	
23	23	INSTR. #180001788	5,014	0.115	
24	24	NOT YET RECORDED	4,464	0.102	
25	25	INSTR. #180001779	4,466	0.103	
26	26	INSTR. #170021158	4,465	0.102	
27	27	INSTR. #170021157	4,944	0.114	
28	28	INSTR. #180001789	4,938	0.113	
29	29	NOT YET RECORDED	10,580	0.243	
REMAINS OF ADDITIONAL LAND A-1				73,878	1.697
ADDITIONAL LAND A-2				41,237	0.947
ADDITIONAL LAND A-4				43,699	1.003
ADDITIONAL LAND A-5				48,586	1.115
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				226,984	5.211
TOTAL: NEW PARCEL 28				816,829	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

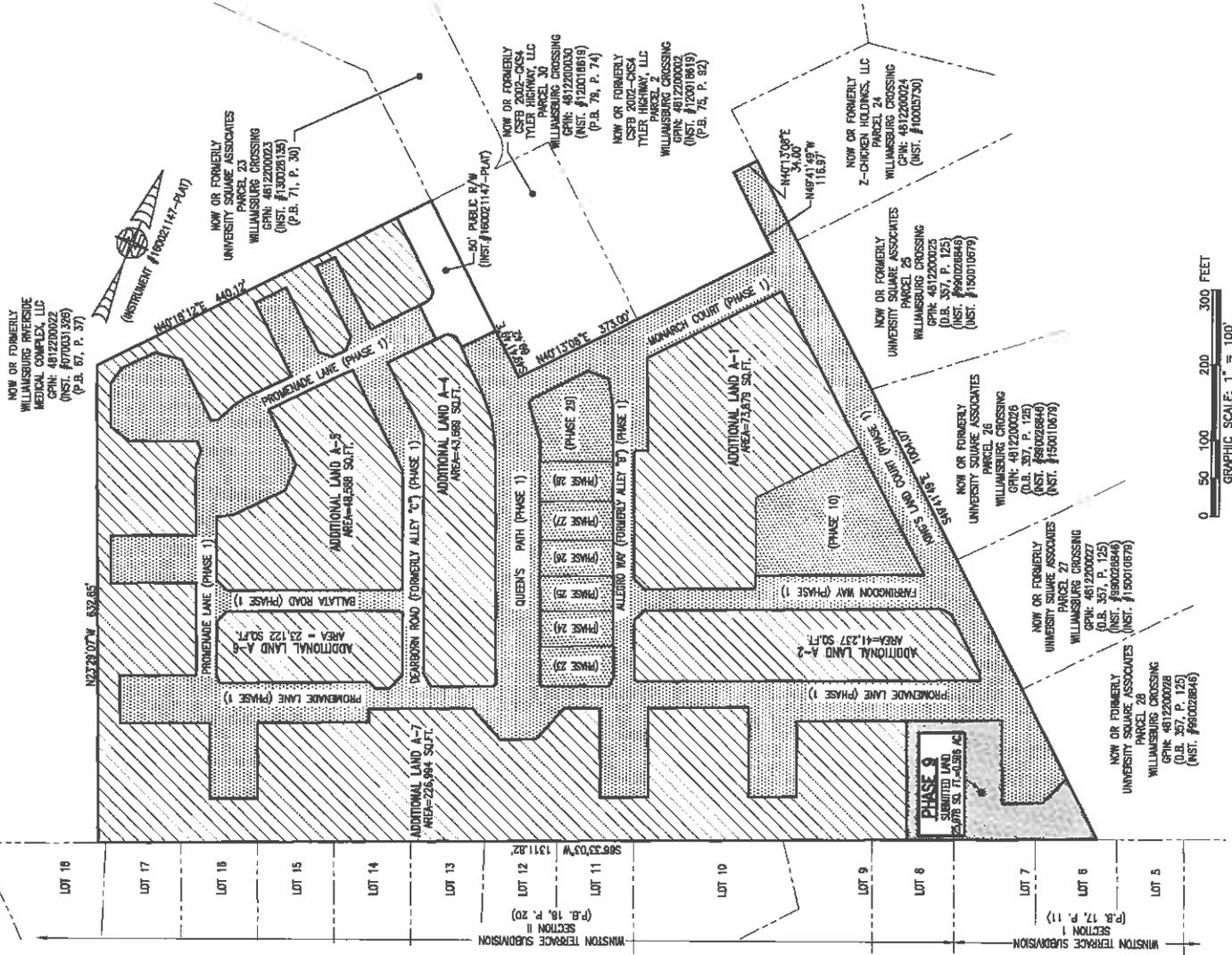
PHASE 9
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA



Hayden Lyve and Associates, Inc.
Land Surveyors
183 KELLAM ROAD, SUITE 209
VIRGINIA BEACH, VA, 23462
PH: (757) 401-2228 FAX: (757) 401-2229

DATE: FEBRUARY 13, 2018
SCALE: 1"=100'
SHEET 1 OF 5 THIS PHASE



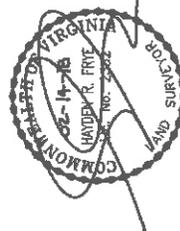
GRAPHIC SCALE: 1" = 100'

5010

LINE TABLE											
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°01'13"W	44.97'	L26	S66°33'03"W	113.01'	L51	S46°17'26"E	153.96'	L76	S27°26'57"E	153.96'
L2	S66°33'03"W	63.15'	L27	N62°26'57"W	83.00'	L52	N47°18'11"E	70.86'	L77	S27°33'03"W	4.95'
L3	N27°26'57"W	280.47'	L28	N62°26'57"W	91.87'	L53	S46°14'49"E	50.00'	L78	S66°33'03"W	228.04'
L4	S66°33'03"W	280.00'	L29	N64°56'58"W	20.95'	L54	N47°18'11"E	30.00'	L79	N62°27'04"W	8.09'
L5	S27°26'57"W	100.00'	L30	N43°08'18"W	14.72'	L55	S46°14'49"E	10.00'	L80	N27°17'12"W	84.32'
L6	S66°33'03"W	63.00'	L31	N43°08'18"W	14.72'	L56	N47°18'11"E	50.00'	L81	N62°26'57"W	22.83'
L7	N27°26'57"W	118.00'	L32	S66°33'03"W	60.51'	L57	S46°14'49"E	84.74'	L82	N62°26'57"W	75.00'
L8	S66°33'03"W	132.68'	L33	N43°08'18"W	30.87'	L58	S24°33'07"E	11.47'	L83	N47°18'11"E	36.04'
L9	S27°26'57"W	118.00'	L34	N62°26'57"W	57.00'	L59	S66°33'03"W	450.73'	L84	N47°18'11"E	31.13'
L10	S66°33'03"W	63.00'	L35	N43°08'18"W	24.83'	L60	N62°26'57"W	4.24'	L85	N47°18'11"E	171.00'
L11	N62°26'57"W	118.00'	L36	N47°18'11"E	48.00'	L61	N27°26'57"W	78.50'	L86	N47°18'11"E	26.86'
L12	S66°33'03"W	63.00'	L37	N47°18'11"E	36.41'	L62	N27°33'03"E	19.08'	L87	S46°14'49"E	36.15'
L13	S18°43'43"W	55.33'	L38	S46°18'11"E	90.11'	L63	N66°33'03"E	390.42'	L88	S47°08'04"E	41.26'
L14	S66°33'03"W	63.00'	L39	N68°03'08"E	10.81'	L64	S67°34'23"E	14.26'	L89	S37°00'34"E	41.26'
L15	S66°33'03"W	63.00'	L40	N27°26'57"W	25.94'	L65	S27°26'57"E	81.00'	L90	S27°26'57"E	310.86'
L16	S66°33'03"W	135.69'	L41	N47°18'11"E	20.26'	L66	S27°33'03"E	20.16'	L91	S27°33'03"E	4.24'
L17	S27°26'57"W	180.00'	L42	N47°18'11"E	65.92'	L67	S66°33'03"W	17.35'	L92	S66°33'03"W	82.88'
L18	S66°33'03"W	63.00'	L43	N47°18'11"E	108.23'	L68	N62°26'57"W	11.31'	L93	N52°08'03"W	18.83'
L19	S27°26'57"W	100.00'	L44	N47°18'11"E	45.00'	L69	S66°33'03"W	195.90'	L94	N27°26'57"W	317.16'
L20	S66°33'03"W	63.00'	L45	S46°17'28"E	95.33'	L70	N47°18'11"E	11.00'	L95	N47°18'11"E	107.22'
L21	N27°26'57"W	100.00'	L46	N62°26'57"E	19.10'	L71	N27°26'57"W	71.00'	L96	N47°18'11"E	81.23'
L22	S66°33'03"W	118.31'	L47	N47°18'11"E	20.64'	L72	N27°33'03"E	225.70'	L97	N47°18'11"E	36.03'
L23	N27°26'57"W	63.00'	L48	N47°18'11"E	19.08'	L73	N66°33'03"E	225.70'	L98	S27°26'57"E	361.32'
L24	N66°33'03"W	101.24'	L49	N47°18'11"E	103.50'	L74	S71°08'13"E	5.20'	L99	S67°21'20"W	12.88'
L25	N27°26'57"W	123.00'	L50	N47°18'11"E	27.52'	L75	S47°12'28"E	150.14'	L100	S66°33'03"W	85.57'

CURVE TABLE				
NO.	RADIUS	DELTA	LENGTH	TANGENT
C1	15.00'	90°00'00"	90.0000'	15.00'
C2	15.00'	90°00'00"	90.0000'	15.00'

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



PHASE 9
CONDOMINIUM PLAN AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

of 168821

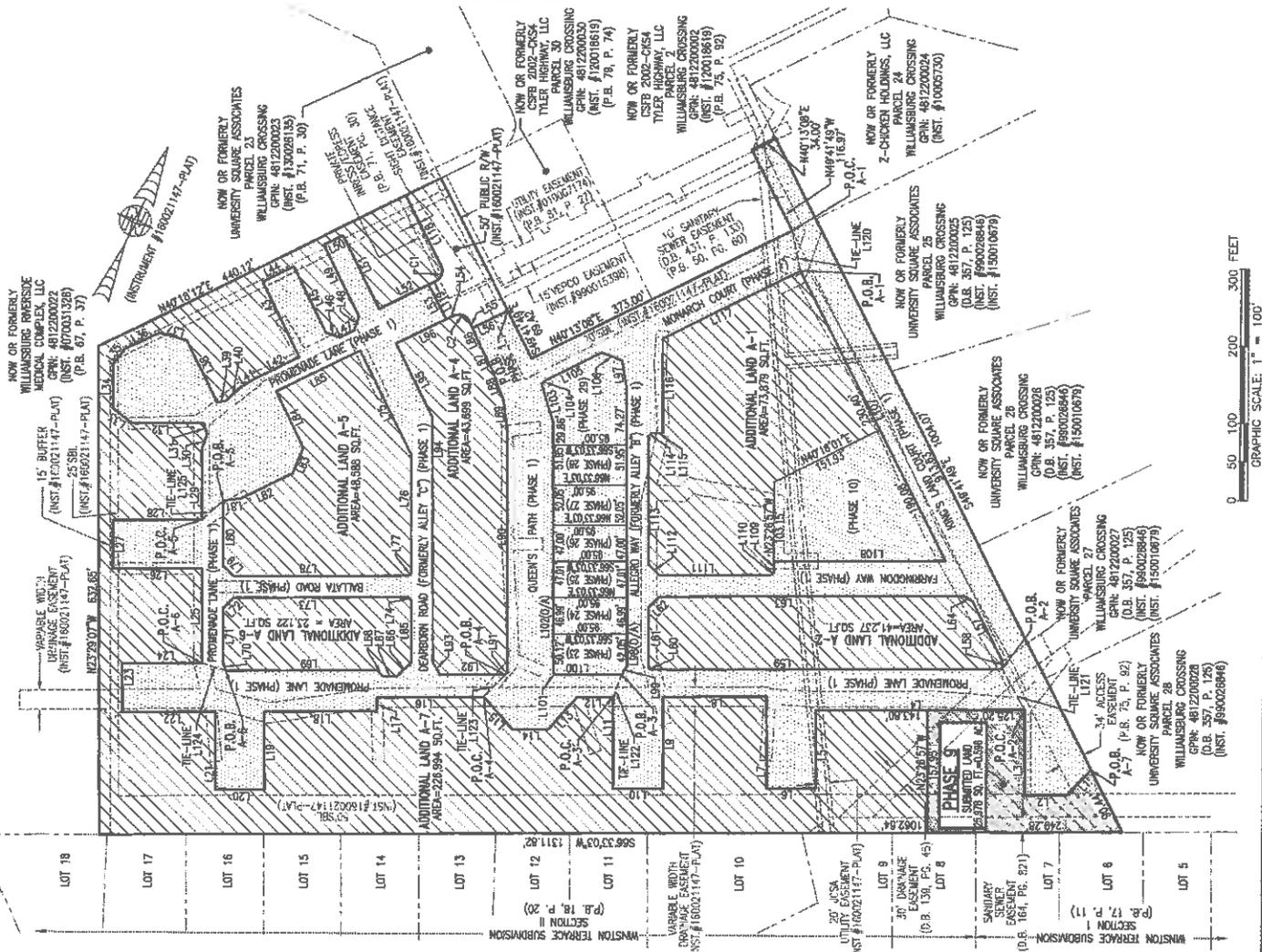
Harden Frye and Associates, Inc.
Land Surveyors

DATE: FEBRUARY 13, 2018
SCALE: 1"=100'
SHEET 2 OF 5 THIS PHASE

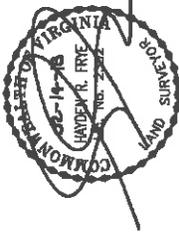


- INDICATES SUBMITTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND

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



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 I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.50A, ARE SUBSTANTIALLY COMPLETE.



KING'S LAND (PRIVATE) COURT
(PHASE 1 INSTR. #170011678)
(PREVIOUSLY SUBMITTED LAND)

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



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS	PARKING SPACE
A	-INDICATES AREA OF UNIT 901	#901 PROMENADE LANE	166
B	-INDICATES AREA OF UNIT 902	#902 PROMENADE LANE	164
AR	-INDICATES AREA OF UNIT 903	#903 PROMENADE LANE	162
ER	-INDICATES AREA OF UNIT 904	#904 PROMENADE LANE	181
CR	-INDICATES AREA OF UNIT 905	#905 PROMENADE LANE	156
DR	-INDICATES AREA OF UNIT 906	#906 PROMENADE LANE	154
F	-INDICATES AREA OF UNIT 907	#907 PROMENADE LANE	183
D	-INDICATES AREA OF UNIT 908	#908 PROMENADE LANE	152
C	-INDICATES AREA OF UNIT 909	#909 PROMENADE LANE	187
E	-INDICATES AREA OF UNIT 910	#910 PROMENADE LANE	186
HP	HOUSE PANEL (ELECTRIC)	#911 PROMENADE LANE	N/A
FPFR	FIRE PROTECTION SPRINKLER ROOM	#912 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

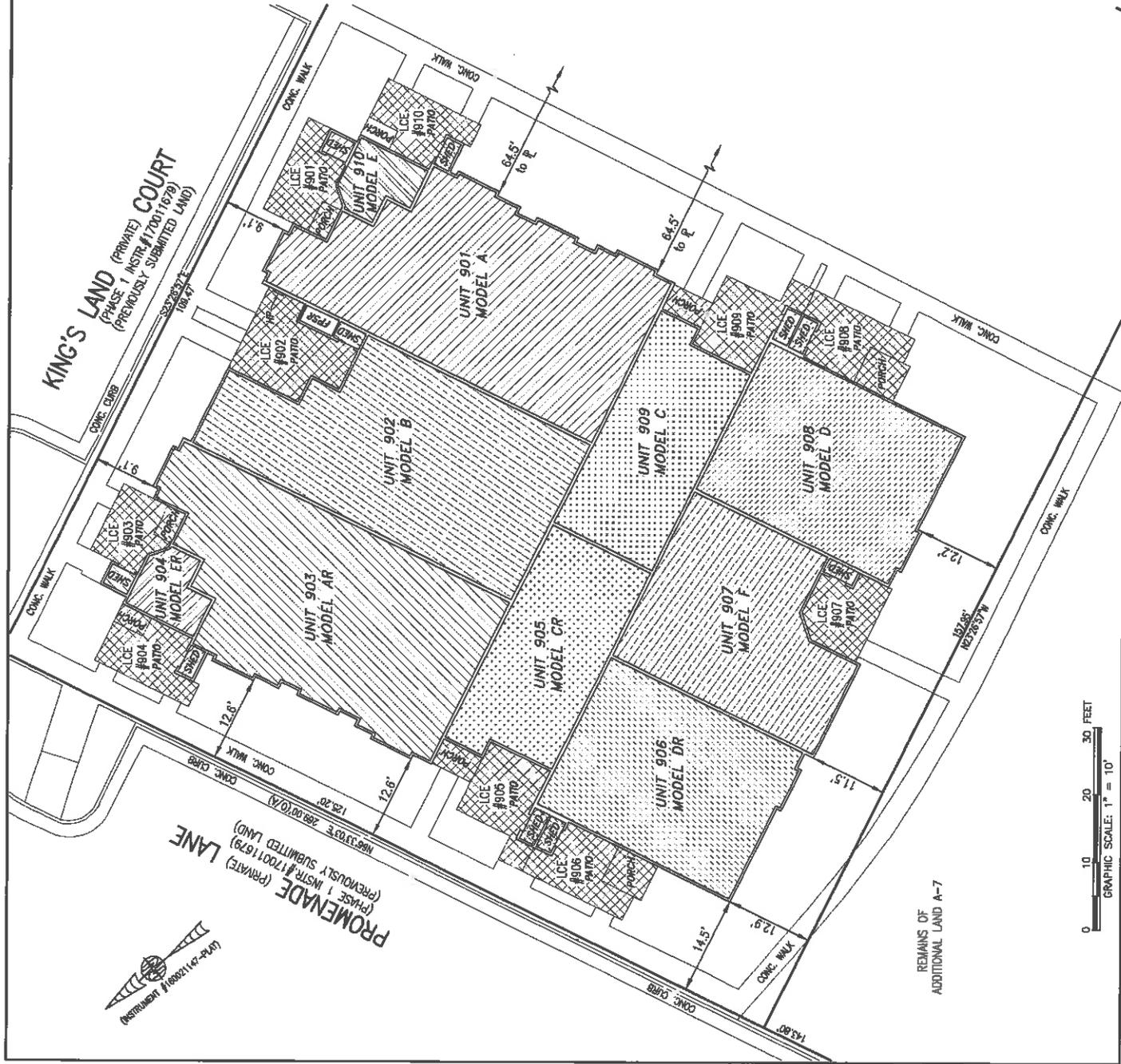
PHASE 9
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

6/8/16/2021



Hayden Frye and Associates, Inc.
Land Surveyors
1400 W. BEACH ROAD, SUITE 400
VIRGINIA BEACH, VA, 23462
PH: (757) 491-2221; FAX: (757) 491-2294

DATE: FEBRUARY 13, 2016
SCALE: 1"=10'
SHEET 3 OF 5 THIS PHASE

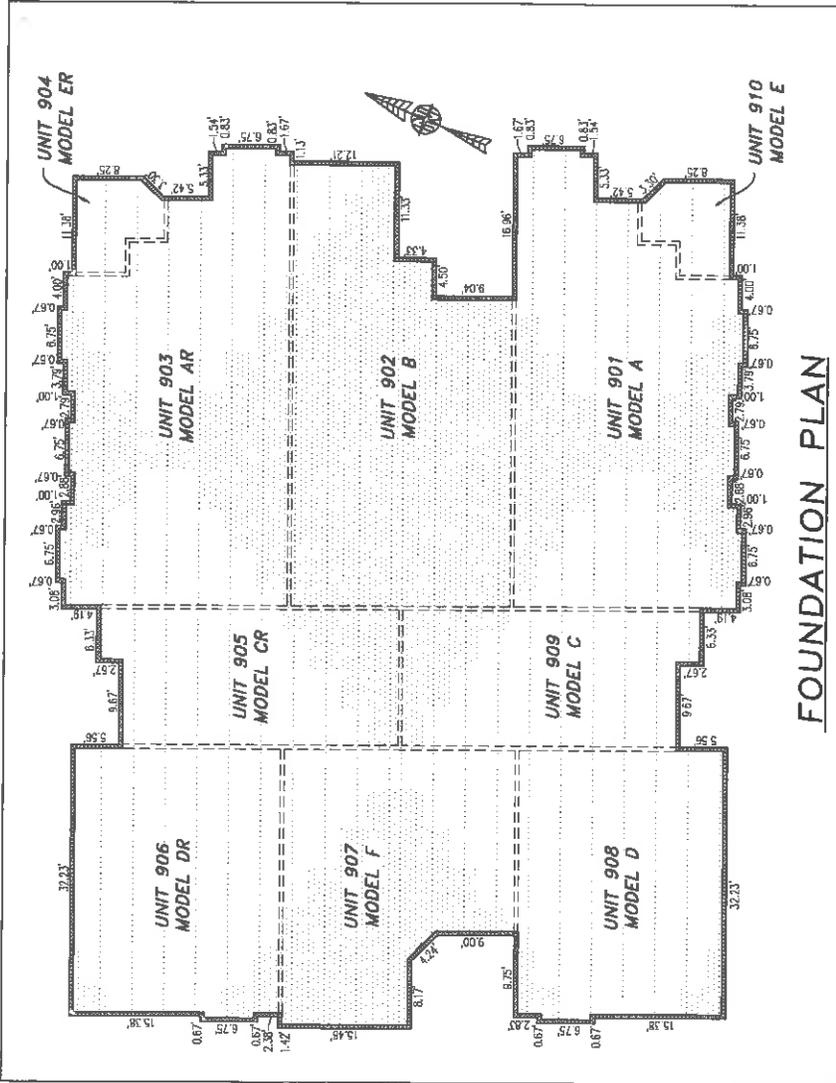


REMAINS OF
ADDITIONAL LAND A-7

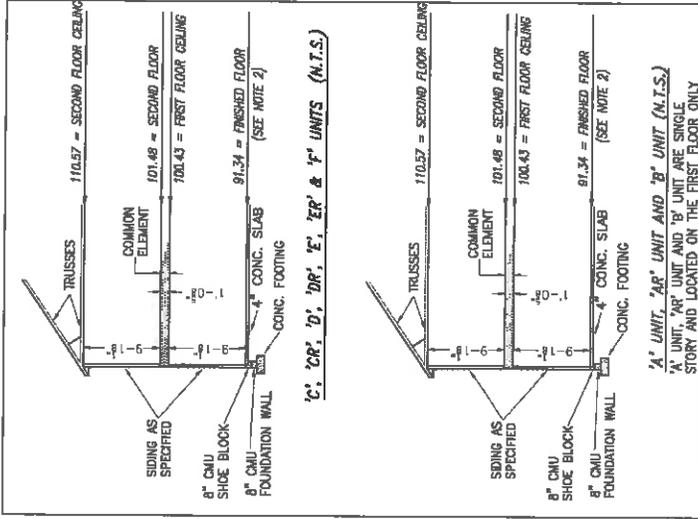


017410

BUILDING 9 (10-PLEX)



FOUNDATION PLAN

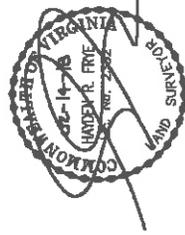


TYPICAL BUILDING SECTION
NOT TO SCALE (N.T.S.)

NOTES:

1. VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
2. FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #9 (10-PLEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES PERFORMED ON 02/06/2018.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED THEREAFTER AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREOF PURSUANT TO THE CODE OF VIRGINIA ; 55-70.53B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 9 CONDOMINIUM PLAN AND PLAN OF THE PROMENADE AT

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

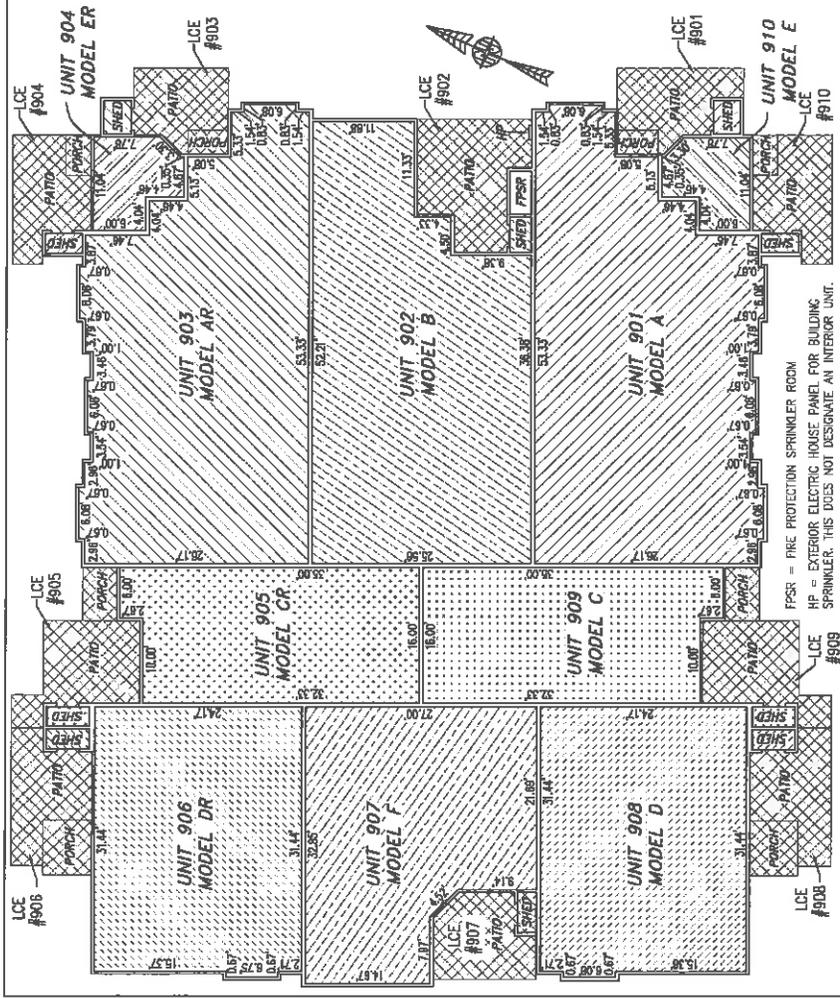
160821



Hayden Frye and Associates, Inc.
Land Surveyors
1101 W. MARKET ST., 2ND FLOOR
VIRGINIA BEACH, VA 23462
PH: 757-491-2283 FAX: 757-491-2209
DATE: FEBRUARY 13, 2018
SCALE: 1"=10'
SHEET 4 OF 5 THIS PHASE

8910

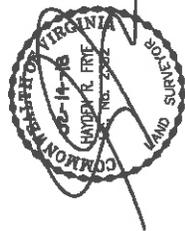
BUILDING 9 (10-PLEX)



SECOND FLOOR

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS	PARKING SPACE
A	-INDICATES AREA OF UNIT 901	#901 PROMENADE LANE	186
B	-INDICATES AREA OF UNIT 902	#902 PROMENADE LANE	164
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HP	HOUSE PANEL (ELECTRIC)	#911 PROMENADE LANE	N/A
FPSR	FIRE PROTECTION SPRINKLER ROOM	#912 PROMENADE LANE	N/A
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	-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 1950 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.



0 10 20 30 FEET
GRAPHIC SCALE: 1" = 10'

PHASE 9
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
315 ANDALAN ROAD, SUITE 200
WOODBRIDGE, VA 22192
TEL: (703) 491-3228 FAX: (703) 491-3229
DATE: FEBRUARY 13, 2018
SCALE: 1" = 10'
SHEET 5 OF 5 THIS PHASE



EXHIBIT A

Phase 9 - Building 9

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 NINE, AREA = 25,978 SQUARE FEET = .0596 ACRES" on that certain plat entitled "PHASE 9, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated February 13, 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.

INSTRUMENT 180003694
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
February 20, 2018 AT 11:05 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

10910