

Tax Map Nos. 4812501201 & 4812501202

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 12 - Building 12

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 15th day of October, 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 12, CONDOMINIUM PLAT AND PLAN OF

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THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated October 15, 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 two (2) 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

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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 15th day of October, 2018.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

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

By: 
Russell Clark, Vice President

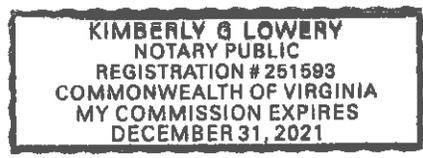
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

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.

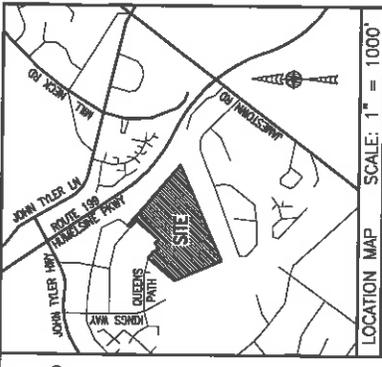
Given under my hand this 18th day of October, 2018.


Notary Public

My commission expires: 12/31/21



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LEGAL DESCRIPTION
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 29" CONTAINING 16.747 ACRES AS SHOWN ON "PLAT OF LOT LINE BEING PARCELS 20 AND 29 OF WILLIAMSBURG CROSSING" PREPARED BY ASES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 10021147.

- NOTES:
1. PHASE 12 BUILDING 12 IS SUBSTANTIALLY COMPLETE.
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY ASES CONSULTING ENGINEERS, DATED 3-23-16
 - PLAT BY ASES CONSULTING ENGINEERS, DATED 10-24-16, INST. #10021147
 - PLAT DEVELOPMENT BY ASES CONSULTING ENGINEERS, DATED 9-8-16

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 12 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE

AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

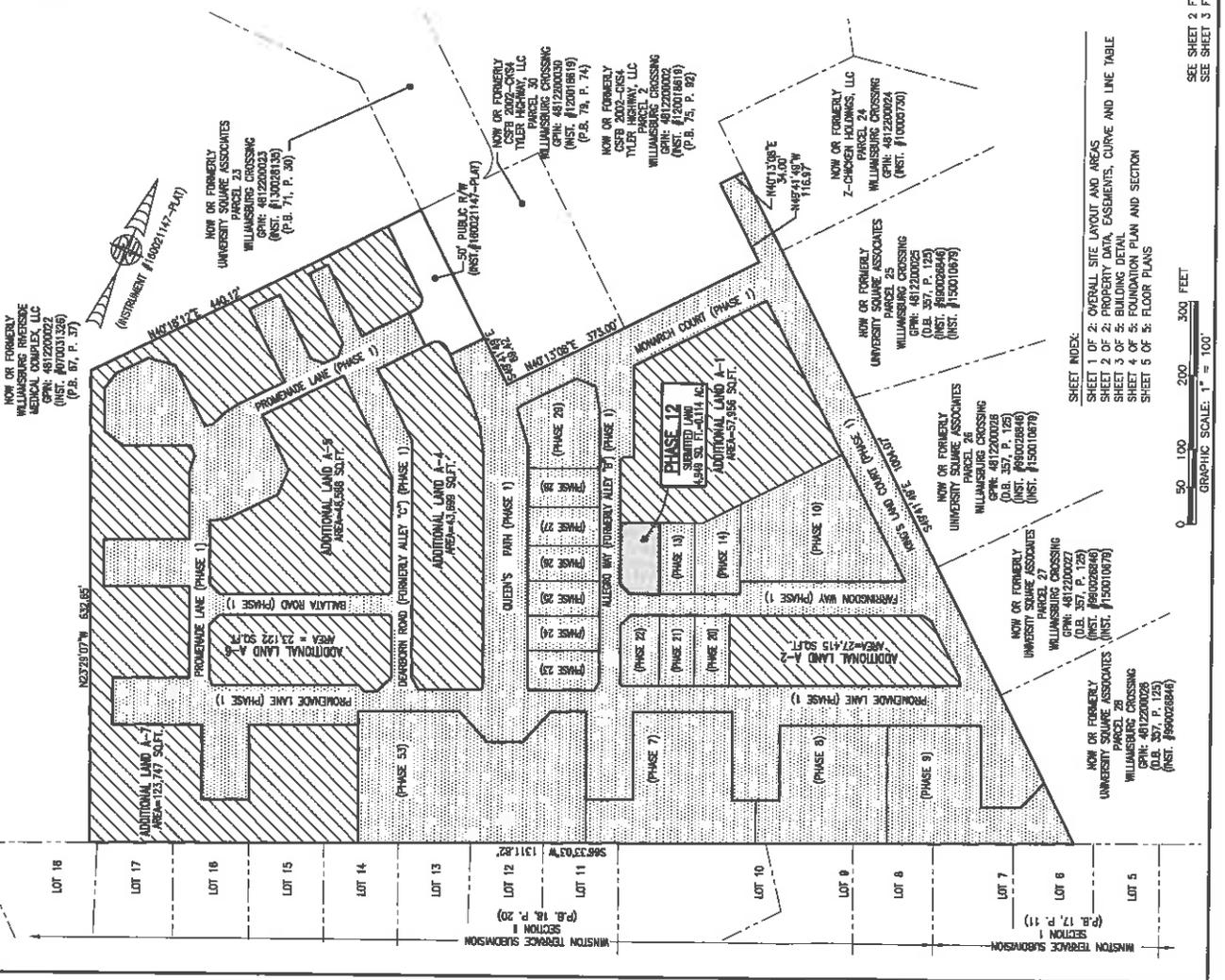
Hayden Frye and Associates, Inc.
 Land Surveyors
 313 KELLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23462
 PHONE: 757-491-2288 FAX: 757-491-7289

DATE: OCTOBER 15, 2018
 SCALE: 1"=100'
 SHEET 1 OF 5 THIS PHASE

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.50 AND 1 THEREIN AND THAT ALL IMPROVEMENTS HEREBY DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.50A, ARE SUBSTANTIALLY COMPLETE.



PHASE	BUILD#	STATUS/RECORDING	SQUARE FEET	ACRES	
1	N/A	INSTR. # 170011679	786,468	0.183	
7	7	INSTR. # 180014683	28,822	0.662	
8	8	INSTR. # 180010569	24,539	0.563	
9	9	INSTR. # 180033884	25,978	0.596	
10	10	INSTR. # 170023468	25,606	0.592	
12	12	SUBSTANTIALLY COMPLETE	4,849	0.114	
13	13	INSTR. # 180010007	4,512	0.104	
14	14	INSTR. # 180009578	6,462	0.148	
20	20	INSTR. # 180016210	4,465	0.103	
21	21	INSTR. # 180016208	4,465	0.103	
22	22	INSTR. # 180016206	4,862	0.112	
23	23	INSTR. # 180001768	5,014	0.115	
24	24	INSTR. # 180005458	4,464	0.102	
25	25	INSTR. # 180001779	4,465	0.103	
26	26	INSTR. # 170021156	4,465	0.102	
27	27	INSTR. # 170021167	4,444	0.114	
28	28	NOT YET RECORDED	4,536	0.113	
29	29	NOT YET RECORDED	10,569	0.243	
53	N/A	INSTR. # 180014682	49,886	1.145	
REMAINS OF ADDITIONAL LAND A-1				57,856	1.330
ADDITIONAL LAND A-2				27,415	0.629
ADDITIONAL LAND A-4				43,689	1.003
ADDITIONAL LAND A-5				46,588	1.119
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				123,747	2.841
TOTAL NEW PARCEL 29				816,628	18.747



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

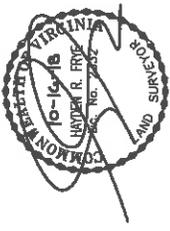
SHEET INDEX:
 SHEET 1 OF 2: OVERALL SITE LAYOUT AND AREAS
 SHEET 2 OF 2: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SHEET 3 OF 5: BUILDING DETAIL
 SHEET 4 OF 5: FOUNDATION PLAN AND SECTION
 SHEET 5 OF 5: FLOOR PLANS



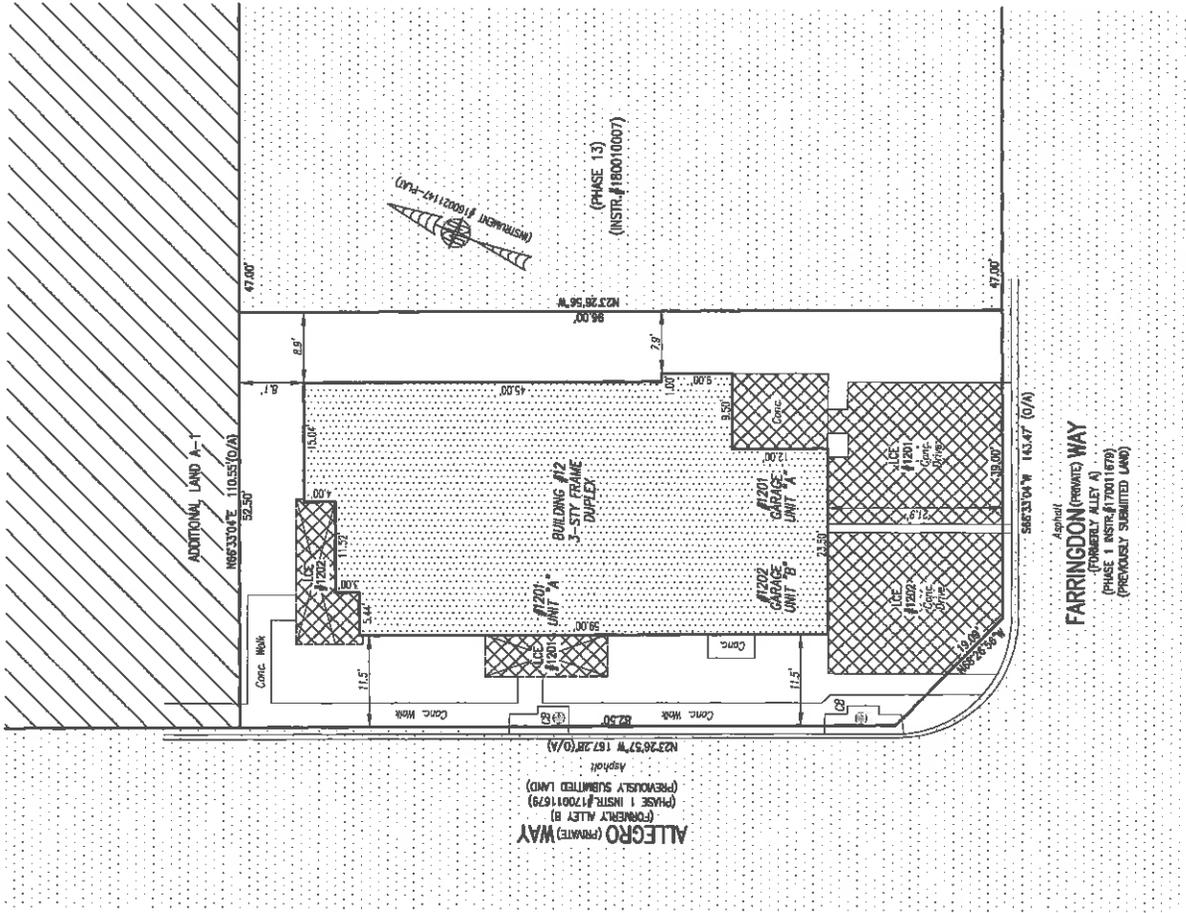
SEE SHEET 2 FOR PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SEE SHEET 3 FOR BUILDING DETAIL

5470

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA AS APPLICABLE TO THIS PROJECT AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON PURSUANT TO THE CODE OF VIRGINIA § 55-79.8(A), ARE SUBSTANTIALLY COMPLETE.



-  -INDICATES PREVIOUSLY SUBMITTED LAND
 -  -INDICATES BUILDING AREA (SEE PLANS FOR UNIT DIMENSIONS)
 -  -INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT # UNIT ASSIGNED
 -  -INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
 -  -INDICATES ADDITIONAL LAND
- LCE #1000
(EXAMPLE UNIT #)



THIS SHEET: BUILDING DETAIL

PHASE 12
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

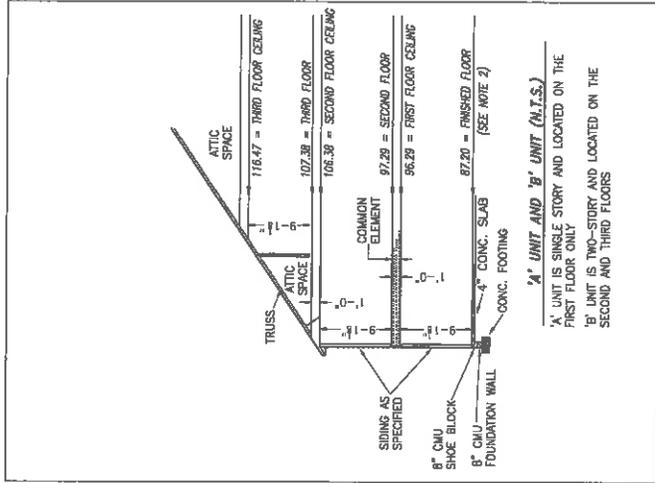
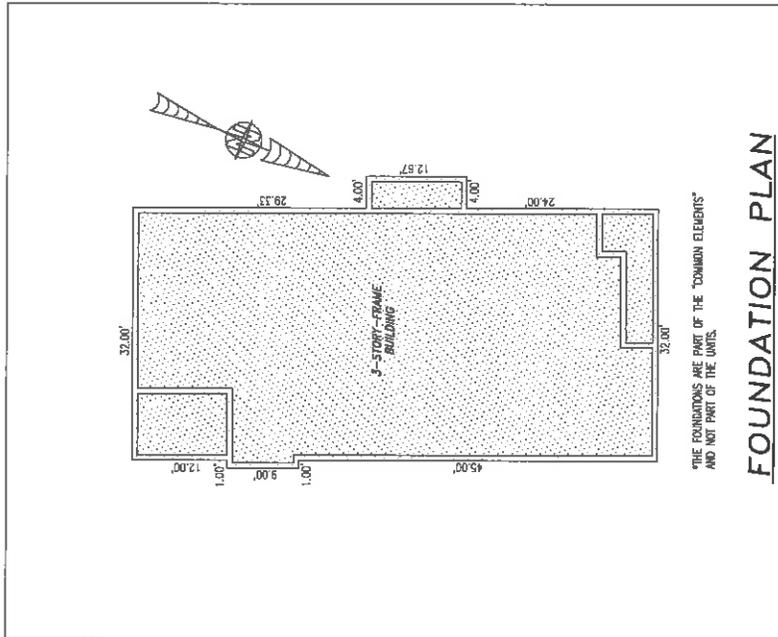
Hayden Frye and Associates, Inc.
 Land Surveyors
 33 KELLAN ROAD, SUITE 300
 VIRGINIA BEACH, VA, 23462
 PHONE: 757-428-7400 FAX: 757-428-7425

DATE: OCTOBER 15, 2018
 SCALE: 1" = 10'
 SHEET 3 OF 5 THIS PHASE



2010

BUILDING 12 (DUPLEX)



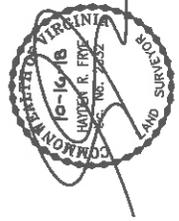
TYPICAL BUILDING SECTION

NOT TO SCALE (N.T.S.)

NOTES:

1. VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1928 (NGVD28).
2. FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #12 (DUPLEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 03-23-18.

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 I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.5B, ARE SUBSTANTIALLY COMPLETE.



INDICATES COMMON ELEMENT

THIS SHEET: FOUNDATION PLAN AND SECTION

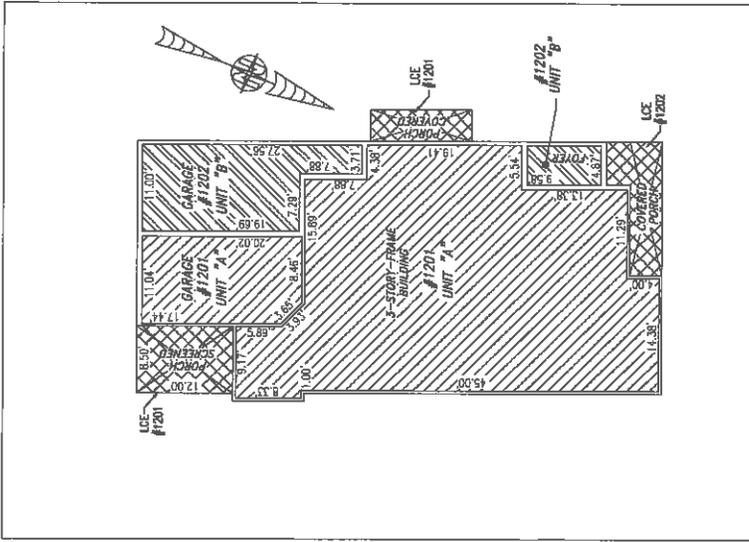
PHASE 12
 CONDOMINIUM PLAT AND PLAN
 OF
 THE PROMENADE
 AT
 JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 833 SULLY ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23462
 PH: (757) 491-5238 FAX: (757) 491-5239

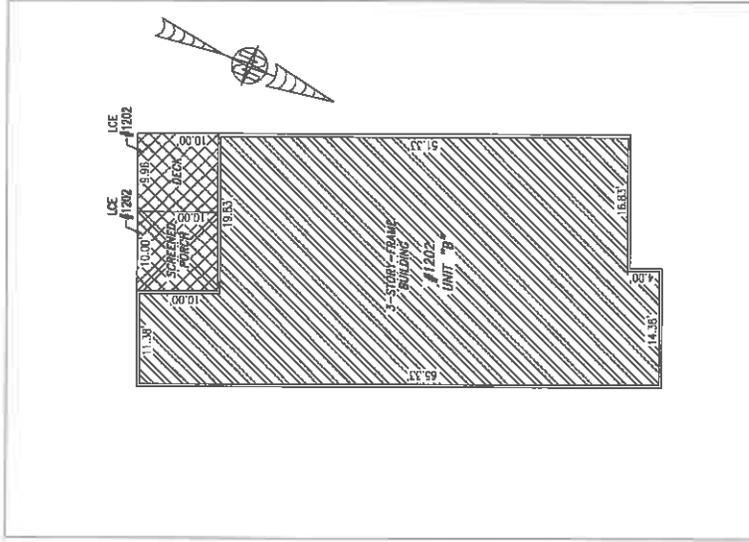
DATE: OCTOBER 15, 2018
 SCALE: 1" = 10'
 SHEET 4 OF 5 THIS PHASE

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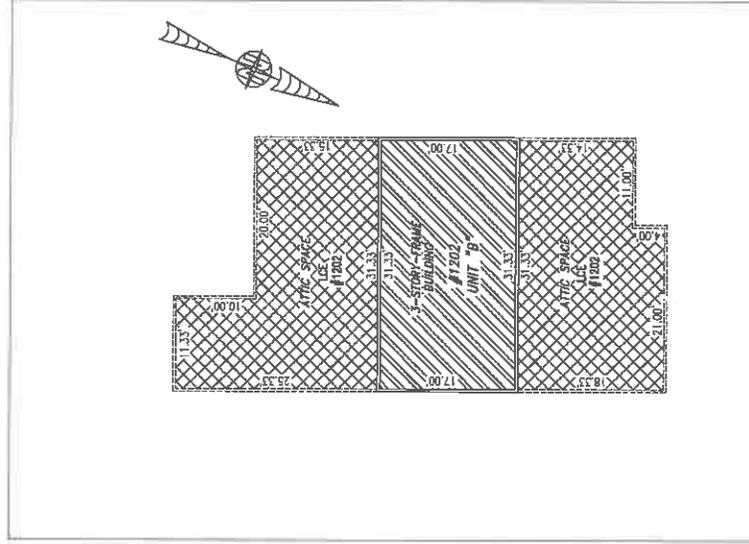
BUILDING 12 (DUPLIX)



FIRST FLOOR

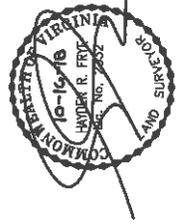


SECOND FLOOR



THIRD FLOOR

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.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 1201	#1201 FARRINGTON WAY
B	-INDICATES AREA OF UNIT 1202	#1202 FARRINGTON WAY
	-INDICATES COMMON ELEMENT	
	-INDICATES UNITED COMMON ELEMENT	

THIS SHEET: FLOOR PLANS

PHASE 12
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 333 KILLAM ROAD, SUITE 200
 FARMERSVILLE, VA 22434
 PH (703) 421-2245 FAX (703) 491-2228

DATE: OCTOBER 15, 2018
 SCALE: 1" = 10'
 SHEET 5 OF 5 THIS PHASE



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EXHIBIT A

Phase 12 - Building 12

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 TWELVE, AREA = 4,949 SQUARE FEET = 0.114 ACRES" on that certain plat entitled "PHASE 12, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated October 15, 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 180016847
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
October 19, 2018 AT 02:31 PM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

10910