

Tax Map Nos. 4812501301 & 4812501302

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 13 - Building 13

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 25<sup>th</sup> day of May, 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 13, CONDOMINIUM PLAT AND PLAN OF

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THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated May 24, 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 25<sup>th</sup> day of May, 20 18.

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 25<sup>th</sup> day of May, 20 18 has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 25<sup>th</sup> day of May, 20 18.

Kimberly G. Lowery  
Notary Public

My commission expires: 12/31/21



5 Large/Small Plat(s) Recorded  
herewith as # 180010007

INSTRUMENT 180010007  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
June 13, 2018 AT 11:52 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: EEO

4410



**LINE TABLE**

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°11'13"W	44.97'	L51	S47°17'28"E	106.06'	L101	N68°23'57"W	131.56'	L151	S23°45'37"E	153.56'
L2	S66°33'03"W	53.19'	L52	N47°18'11"E	70.88'	L102	N42°26'57"W	324.98'	L152	S21°33'03"W	153.56'
L3	N2°26'57"E	108.47'	L53	S49°41'49"E	50.00'	L103	N47°12'30"W	51.55'	L153	S88°33'03"W	228.04'
L4	S66°33'03"W	269.00'	L54	N47°18'11"E	10.00'	L104	N2°45'10"E	82.31'	L154	N42°26'57"W	324.98'
L5	S23°26'57"E	100.00'	L55	S49°41'49"E	10.00'	L105	N47°12'30"W	60.18'	L155	N47°12'30"W	51.55'
L6	S66°33'03"W	63.00'	L56	N47°18'11"E	14.72'	L106	N68°23'57"E	27.66'	L156	N47°12'30"W	51.55'
L7	N23°26'57"E	118.00'	L57	S49°41'49"E	84.74'	L107	S49°41'49"E	420.48'	L157	N47°12'30"W	51.55'
L8	S66°33'03"W	132.60'	L58	S24°33'07"E	11.47'	L108	S66°33'07"W	270.39'	L158	N47°12'30"W	51.55'
L9	S23°26'57"E	118.00'	L59	S66°33'03"W	450.73'	L109	S23°26'57"E	14.00'	L159	N47°12'30"W	51.55'
L10	S66°33'03"W	63.00'	L60	N85°26'57"W	4.24'	L110	S21°33'07"W	4.95'	L160	N47°12'30"W	51.55'
L11	N23°26'57"E	118.00'	L61	N47°18'11"E	24.93'	L111	S66°33'04"W	143.47'	L161	N47°12'30"W	51.55'
L12	S66°33'03"W	46.52'	L62	N21°33'03"E	19.99'	L112	N68°23'57"W	3.09'	L162	N47°12'30"W	51.55'
L13	S16°43'43"W	55.33'	L63	N66°33'03"E	390.49'	L113	N23°26'57"W	187.28'	L163	N47°12'30"W	51.55'
L14	S66°33'03"W	48.52'	L64	N47°18'11"E	90.11'	L114	N21°33'03"E	4.95'	L164	N47°12'30"W	51.55'
L15	S66°33'03"W	55.33'	L65	N47°18'11"E	36.41'	L115	N68°23'57"E	12.78'	L165	N47°12'30"W	51.55'
L16	S66°33'03"W	48.52'	L66	N47°18'11"E	28.94'	L116	N68°23'57"E	12.78'	L166	N47°12'30"W	51.55'
L17	S23°26'57"E	18.00'	L67	N47°18'11"E	20.26'	L117	N47°12'30"E	197.72'	L167	N47°12'30"W	51.55'
L18	S66°33'03"W	145.93'	L68	N47°18'11"E	18.00'	L118	N47°12'30"E	10.60'	L168	N47°12'30"W	51.55'
L19	S23°26'57"E	100.00'	L69	N47°18'11"E	20.26'	L119	N47°12'30"E	10.60'	L169	N47°12'30"W	51.55'
L20	S66°33'03"W	63.00'	L70	N47°18'11"E	20.26'	L120	S32°26'48"E	53.18'	L170	N47°12'30"W	51.55'
L21	N23°26'57"E	100.00'	L71	N47°18'11"E	20.26'	L121	N68°23'57"E	60.39'	L171	N47°12'30"W	51.55'
L22	S66°33'03"W	63.00'	L72	N47°18'11"E	20.26'	L122	N68°23'57"E	60.39'	L172	N47°12'30"W	51.55'
L23	N23°26'57"E	63.00'	L73	N47°18'11"E	20.26'	L123	N68°23'57"E	60.39'	L173	N47°12'30"W	51.55'
L24	N66°33'03"E	101.24'	L74	N47°18'11"E	20.26'	L124	N68°23'57"E	60.39'	L174	N47°12'30"W	51.55'
L25	N23°26'48"W	123.00'	L75	N47°18'11"E	20.26'	L125	N68°23'57"E	60.39'	L175	N47°12'30"W	51.55'

**CURVE TABLE**

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CH. BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	21.21'	S84°41'48"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 COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 55-79.5B AND 55-79.5C AND FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, §§ 55-79.5BA, ARE SUBSTANTIALLY COMPLETE.

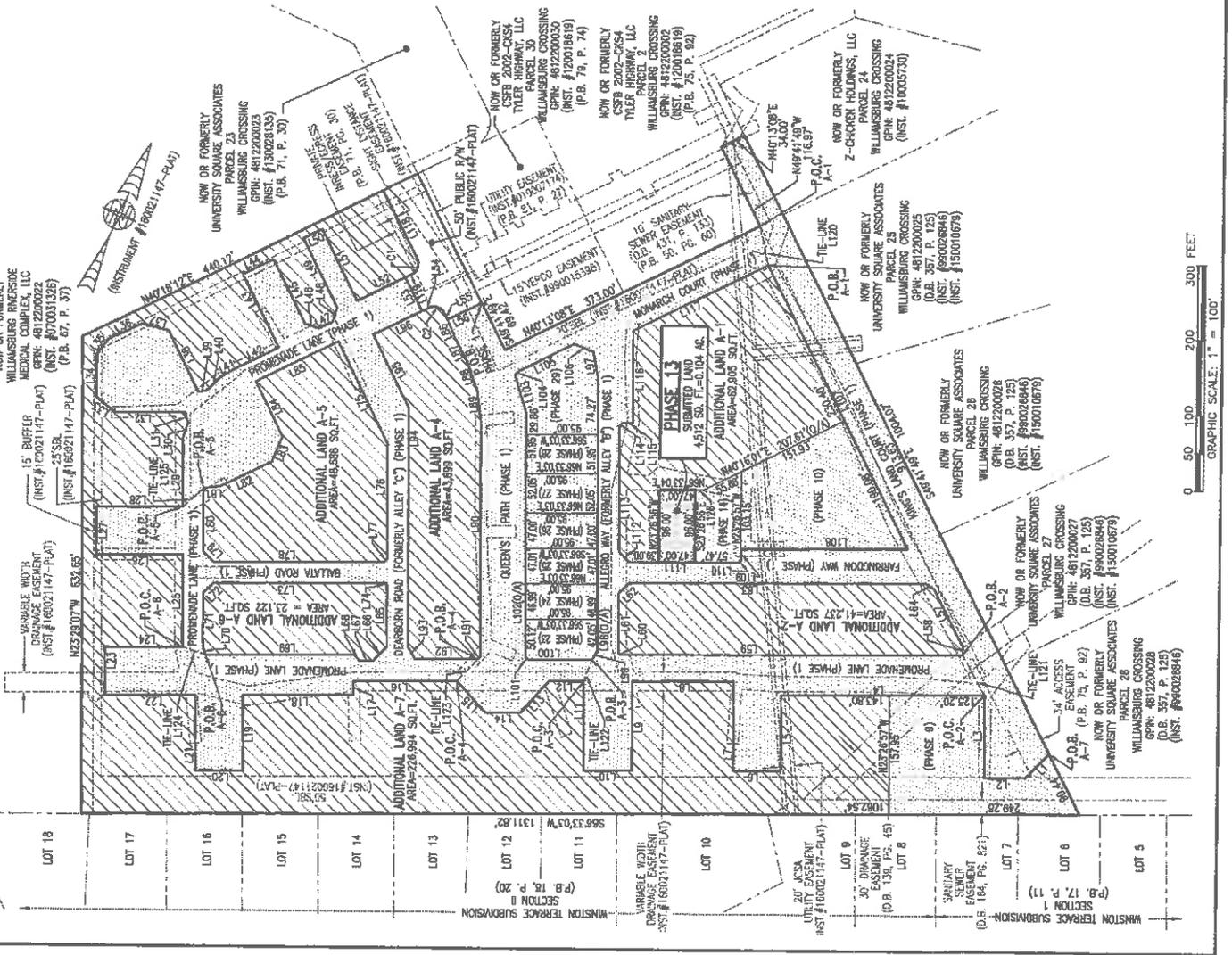


**PHASE 13**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Hayden Eric and Associates, Inc.  
 Land Surveyors  
 38 KELLAM ROAD, SUITE 201  
 VIRGINIA BEACH, VA, 23462  
 TEL: 757-432-1321 FAX: 757-432-1329

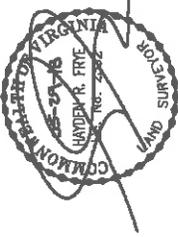
DATE: MAY 24, 2018  
 SCALE: 1" = 100'

SHEET 2 OF 5 THIS PHASE



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I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE CONDOMINIUM ACT, AS AMENDED, §§ 55-70.03 AND 1 FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREON REFERRED TO HEREIN PURSUANT TO THE CODE OF VIRGINIA, §§ 55-70.03A, ARE SUBSTANTIALLY COMPLETE.



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

THIS SHEET: BUILDING DETAIL

**PHASE 13**  
**CONDOMINIUM PLAT AND PLAN**  
**OF**  
**THE PROMENADE**

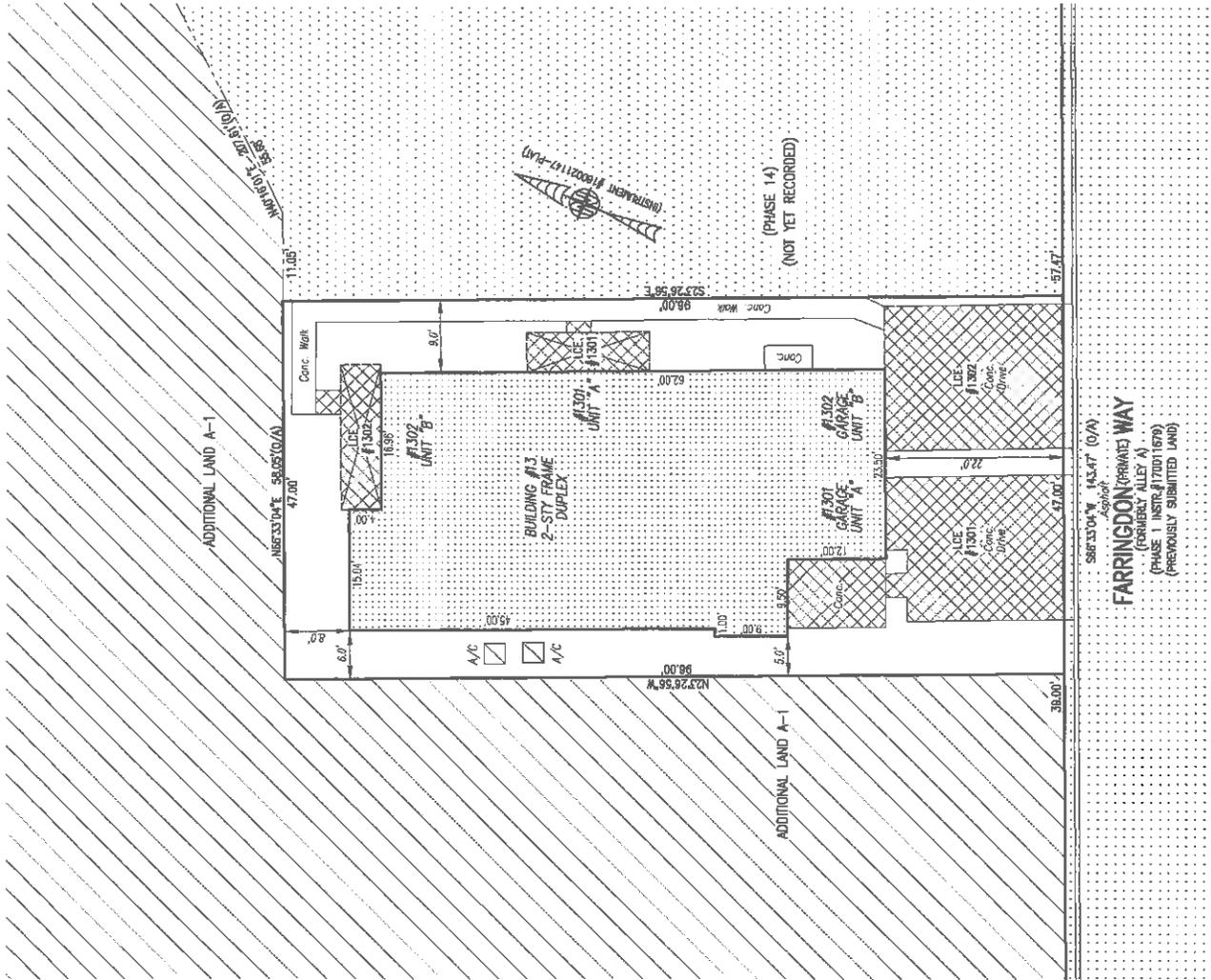
AT  
**JOHN TYLER**  
A CONDOMINIUM  
JAMES CITY COUNTY, VIRGINIA

155291



Playden Frite and Associates, Inc.  
**Land Surveyors**  
105 BELLAIR AVENUE, SUITE 200  
VIRGINIA BEACH, VA 23462  
PH: (757) 491-2228 / (757) 491-7229

DATE: MAY 24, 2018  
SCALE: 1" = 10'  
SHEET 3 OF 5 THIS PHASE

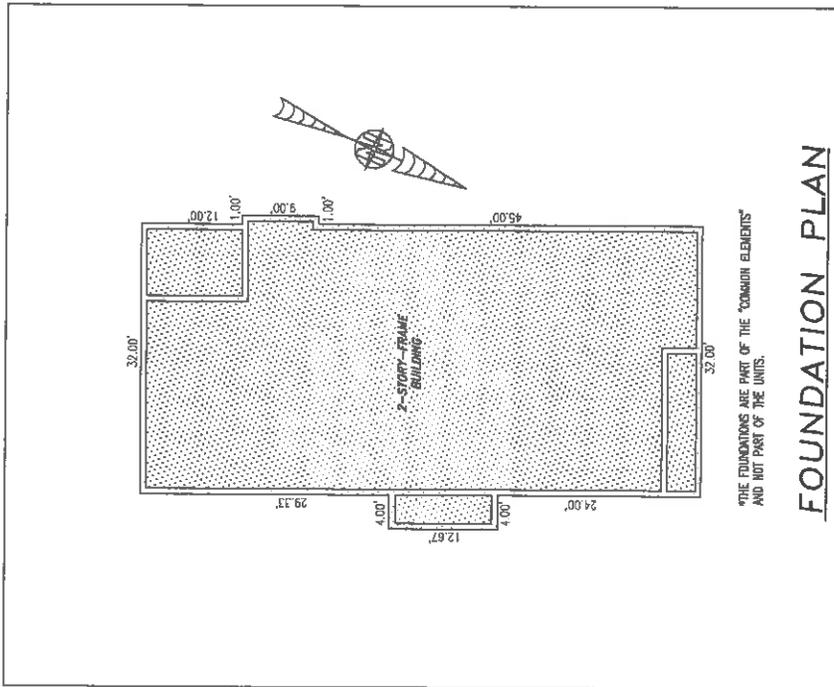


**FARRINGTON (PRIVATE) WAY**  
(FORMERLY ALLEY A)  
(PHASE 1 INSTR. #170011679)  
(PREVIOUSLY SUBMITTED LAND)



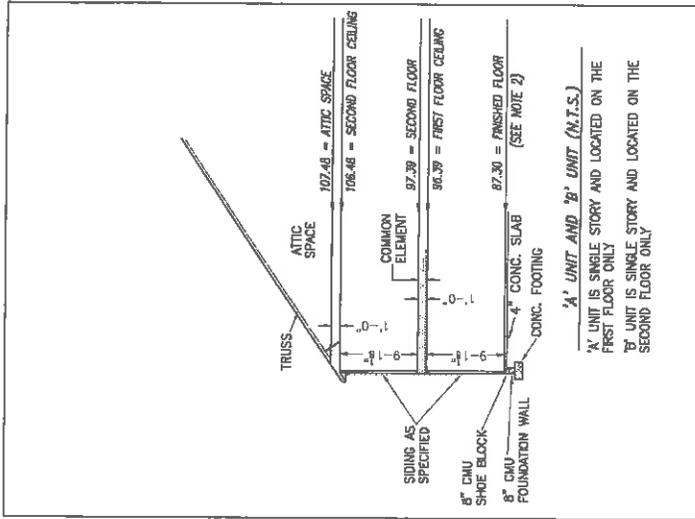
Handwritten signature or initials.

# BUILDING 13 (DUPLEX)



FOUNDATION PLAN

THE FOUNDATIONS ARE PART OF THE "COMMON ELEMENTS" AND NOT PART OF THE UNITS.



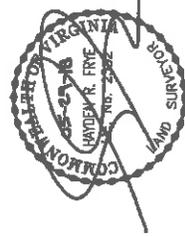
TYPICAL BUILDING SECTION

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 #13 (DUPLEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 03-14-18.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA, TITLE 55-79.06 AND I FURTHER CERTIFY THAT ALL UNITS THEREON COMPLY WITH PURSUANT TO THE CODE OF VIRGINIA : 55-79.06B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 13  
 CONDOMINIUM PLAN AND PLAN  
 OF  
 THE PROMENADE  
 AT  
 JOHN TYLER  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Ref: 150321

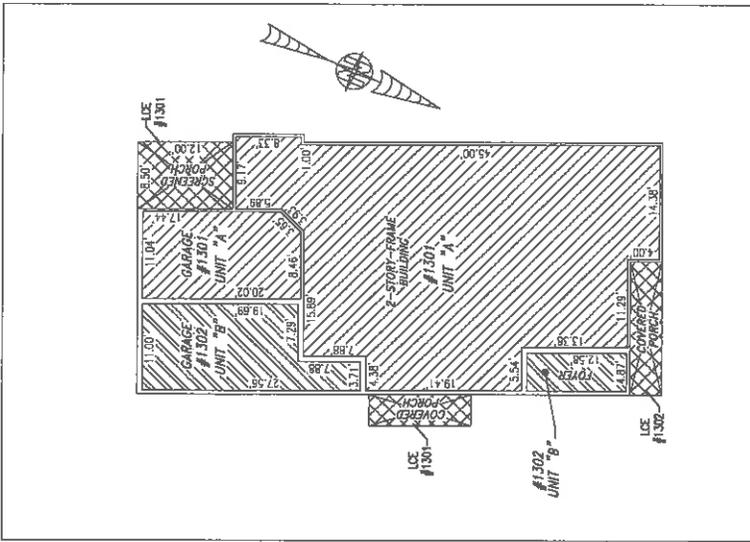


Haydon Frye and Associates, Inc.  
 Land Surveyors  
 100 W. MARKET STREET, 4TH FLOOR  
 VIRGINIA BEACH, VA 23462  
 PH: 757.401.2281 FAX: 757.401.2424

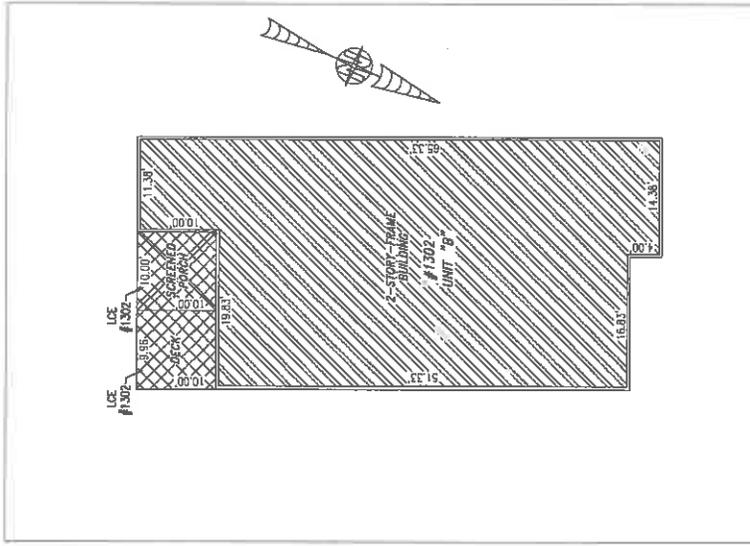
DATE: MAY 24, 2018  
 SCALE: 1"=10'  
 SHEET 4 OF 5 THIS PHASE

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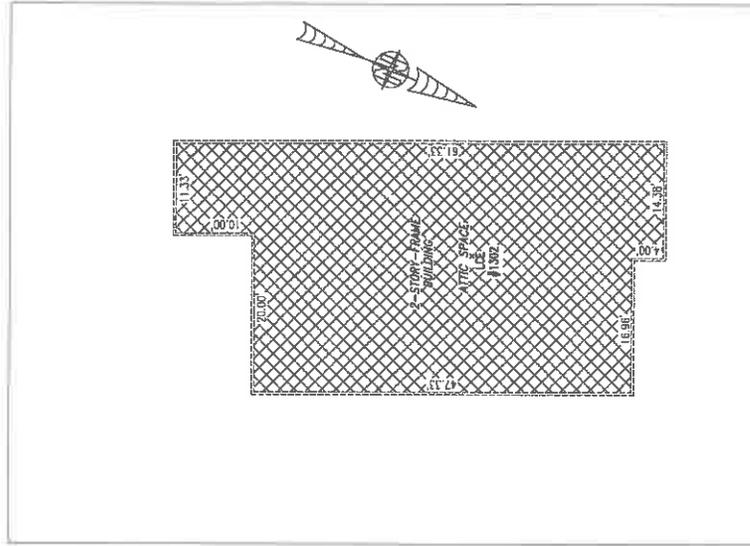
**BUILDING 13 (DUPLX)**



**FIRST FLOOR**



**SECOND FLOOR**



**THIRD FLOOR**

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, AS SE-70-ER AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON PURSUANT TO THE CODE OF VIRGINIA - 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 1301	#1301 FARRINGTON WAY
B	-INDICATES AREA OF UNIT 1302	#1302 FARRINGTON WAY
	-INDICATES COMMON ELEMENT	
	-INDICATES LIMITED COMMON ELEMENT	



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**OF**  
**THE PROMENADE**  
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**JOHN TYLER**  
**A CONDOMINIUM**  
**JAMES CITY COUNTY, VIRGINIA**

DATE: MAY 24, 2018  
 SCALE: 1"=10'  
 SHEET 5 OF 5 THIS PHASE

Hayden Frye and Associates, Inc.  
 Land Surveyors  
 333 KELLAM ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 TEL: (757) 491-5288 FAX: (757) 491-5289

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EXHIBIT A

Phase 13 - Building 13

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 THIRTEEN, AREA = 4,512 SQUARE FEET = 0.104 ACRES" on that certain plat entitled "PHASE 13, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated May 24, 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.