

Tax Map Nos. 4812501401 & 4812501402

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 14 - Building 14

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 21<sup>st</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 14, CONDOMINIUM PLAT AND PLAN OF

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated May 21, 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

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 21<sup>st</sup> day of May, 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 21<sup>st</sup> day of May, 2018 has acknowledged the same before me in my City/County and State aforesaid.

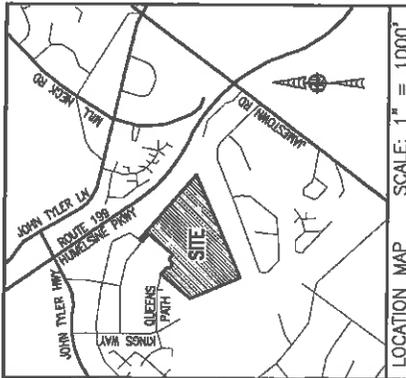
Given under my hand this 21<sup>st</sup> day of May, 2018.

Kimberly G. Lowery  
Notary Public

My commission expires: 12/31/21



I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-78.59 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-78.59A, ARE SUBSTANTIALLY COMPLETE.



**LEGAL DESCRIPTION**  
 PROPERTY SHOWN HEREON BEING 'NEW PARCEL 28' CONTAINING 18.747 ACRES AS SHOWN ON 'PLAN 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. 180021147.

**NOTES:**  
 1. PHASE 14 BUILDING 14 IS SUBSTANTIALLY COMPLETE.  
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:  
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-25-15  
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16,  
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS,  
 DATED 9-9-16  
 3. PHASE 24 (INSTR.#180005480) AREA TABLE WAS INCOMPLETE AT TIME OF RECORING DUE TO A SCRIBER'S ERROR. PHASES 9, 25 AND 28 WERE NOT SHOWN AND ADDITIONAL LAND A-3 AND A-7 WERE NOT SHOWN CORRECTLY. AREA TABLES HEREON REFLECT CURRENT STATUS.

PHASE	BLDG#	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	INSTR.#170011079	288,468	6.163	
8	9	INSTR.#180003894	25,976	0.598	
10	10	INSTR.#170023468	25,006	0.582	
14	14	SUBSTANTIALLY COMPLETE	8,462	0.148	
21	23	INSTR.#180001768	5,014	0.115	
24	24	INSTR.#180005480	4,464	0.102	
25	25	INSTR.#180001779	4,468	0.103	
26	26	INSTR.#170021158	4,465	0.102	
27	27	INSTR.#170021157	4,944	0.114	
28	28	INSTR.#180001781	4,936	0.113	
28	28	NOT YET RECORDED	10,288	0.243	
REMAINS OF ADDITIONAL LAND A-1				97,417	1.548
ADDITIONAL LAND A-2				41,237	0.947
ADDITIONAL LAND A-4				43,980	1.003
ADDITIONAL LAND A-5				40,268	1.115
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				276,884	5.211
TOTAL: NEW PARCEL 28				816,620	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

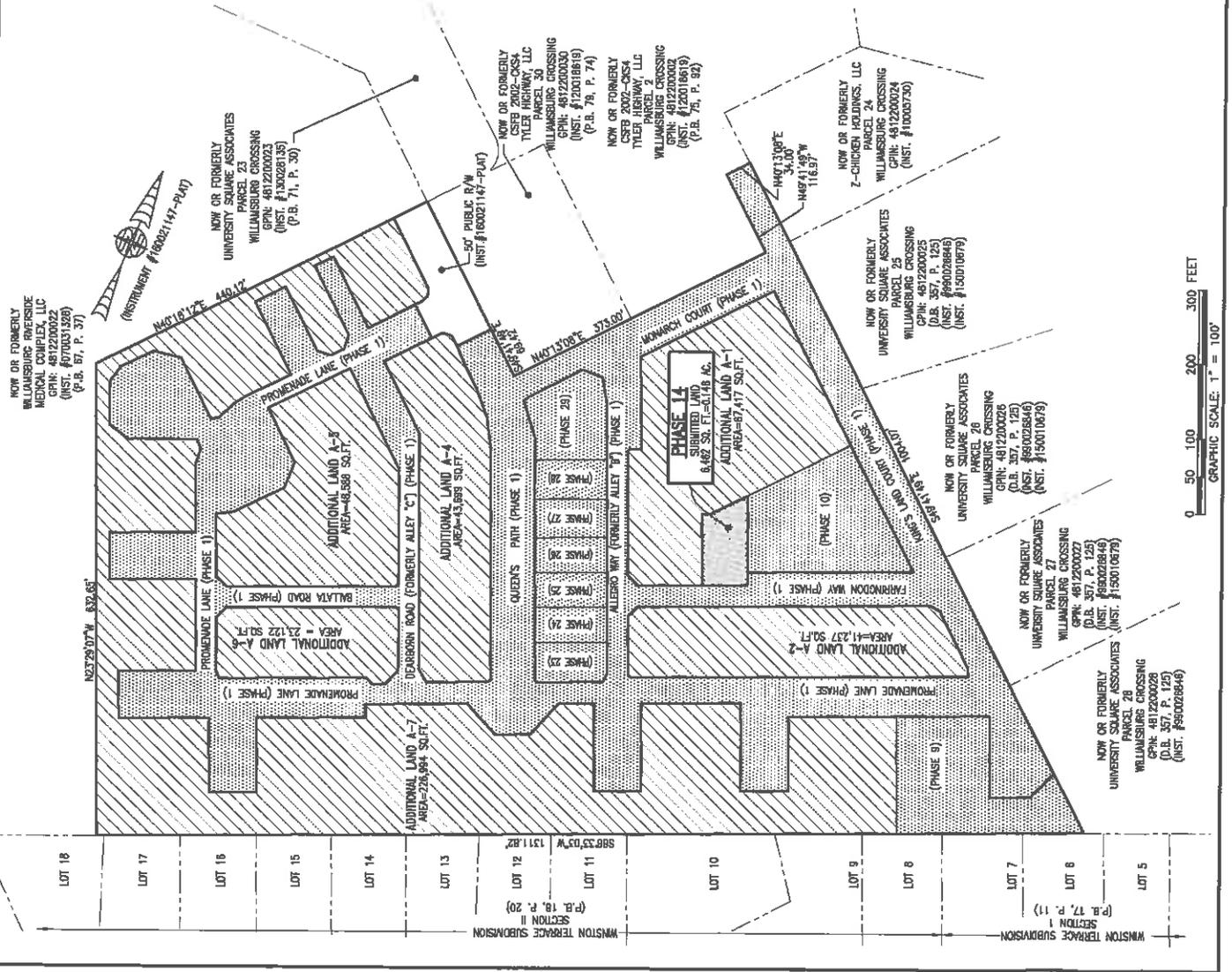
THIS SHEET: OVERALL SITE LAYOUT AND AREAS

**PHASE 14**  
**CONDOMINIUM PLAN AND PLAN**  
**OF**  
**THE PROMENADE**  
**AT**  
**JOHN TYLER**  
**A CONDOMINIUM**  
**JAMES CITY COUNTY, VIRGINIA**

Hayden R. Freese and Associates, Inc.  
 Land Surveyors  
 38 KELLAM ROAD, SUITE 206  
 VIRGINIA BEACH, VA 23462  
 PH: 757-538-0759 (FAX) 757-287-1692



DATE: MAY 21, 2018  
 SCALE: 1"=100'  
 SHEET 1 OF 5 THIS PHASE



### LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°11'13"W	44.97'	L51	S48°17'28"E	106.66'	L76	S72°26'57"E	153.56'
L2	S66°33'03"W	53.16'	L52	S48°18'11"E	70.86'	L77	S71°33'03"E	4.95'
L3	N23°28'57"W	109.47'	L53	S48°14'40"E	50.00'	L78	S66°33'03"W	28.04'
L4	S66°33'03"W	286.00'	L54	N48°18'11"E	10.00'	L79	N23°28'57"W	19.00'
L5	S23°26'57"E	106.00'	L55	S48°14'40"E	10.00'	L80	N23°27'12"W	84.32'
L6	S66°33'03"W	63.00'	L56	N48°18'11"E	50.00'	L81	N67°51'38"E	22.83'
L7	N23°26'57"E	116.00'	L57	S48°14'40"E	84.74'	L82	N48°42'28"E	75.00'
L8	S66°33'03"W	139.66'	L58	S48°13'07"E	11.49'	L83	N67°46'13"W	35.04'
L9	S23°28'57"E	115.00'	L59	S66°33'03"W	450.73'	L84	N47°13'37"W	91.13'
L10	S66°33'03"W	63.00'	L60	N67°26'57"W	4.24'	L85	N47°42'32"E	121.00'
L11	S66°33'03"W	116.00'	L61	N23°28'57"W	78.50'	L86	S48°14'40"E	35.15'
L12	S66°33'03"W	48.52'	L62	N23°33'03"E	19.00'	L87	S48°14'40"E	26.56'
L13	S16°33'03"W	55.33'	L63	S48°18'11"E	90.11'	L88	S48°14'40"E	41.26'
L14	S66°33'03"W	46.52'	L64	N67°26'57"W	388.42'	L89	S48°14'40"E	41.26'
L15	N67°37'17"W	50.31'	L65	S23°28'57"E	51.00'	L90	S23°28'49"E	310.86'
L16	S66°33'03"W	135.69'	L66	S23°28'57"E	26.16'	L91	S21°31'07"W	4.24'
L17	S23°26'57"E	18.00'	L67	N67°26'57"W	17.38'	L92	S66°33'03"W	82.66'
L18	S66°33'03"W	145.93'	L68	N67°26'57"W	13.31'	L93	N52°08'03"W	18.83'
L19	S23°26'57"E	100.00'	L69	S66°33'03"W	165.90'	L94	N23°26'57"W	317.16'
L20	S66°33'03"W	63.00'	L70	N48°14'18"W	11.80'	L95	N48°17'28"E	107.22'
L21	N23°28'57"E	100.00'	L71	N23°28'49"W	71.00'	L96	N48°18'11"E	81.23'
L22	S66°33'03"W	118.31'	L72	N23°33'03"E	16.80'	L97	S33°14'07"E	36.03'
L23	N23°28'57"E	63.00'	L73	N66°33'03"E	225.70'	L98	S23°26'57"E	36.32'
L24	N67°26'57"E	101.24'	L74	S71°08'13"E	5.20'	L99	S67°21'20"W	12.95'
L25	N23°26'49"W	123.00'	L75	S48°13'28"E	150.14'	L100	S66°33'03"W	85.57'

### 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'	N80°18'11"E

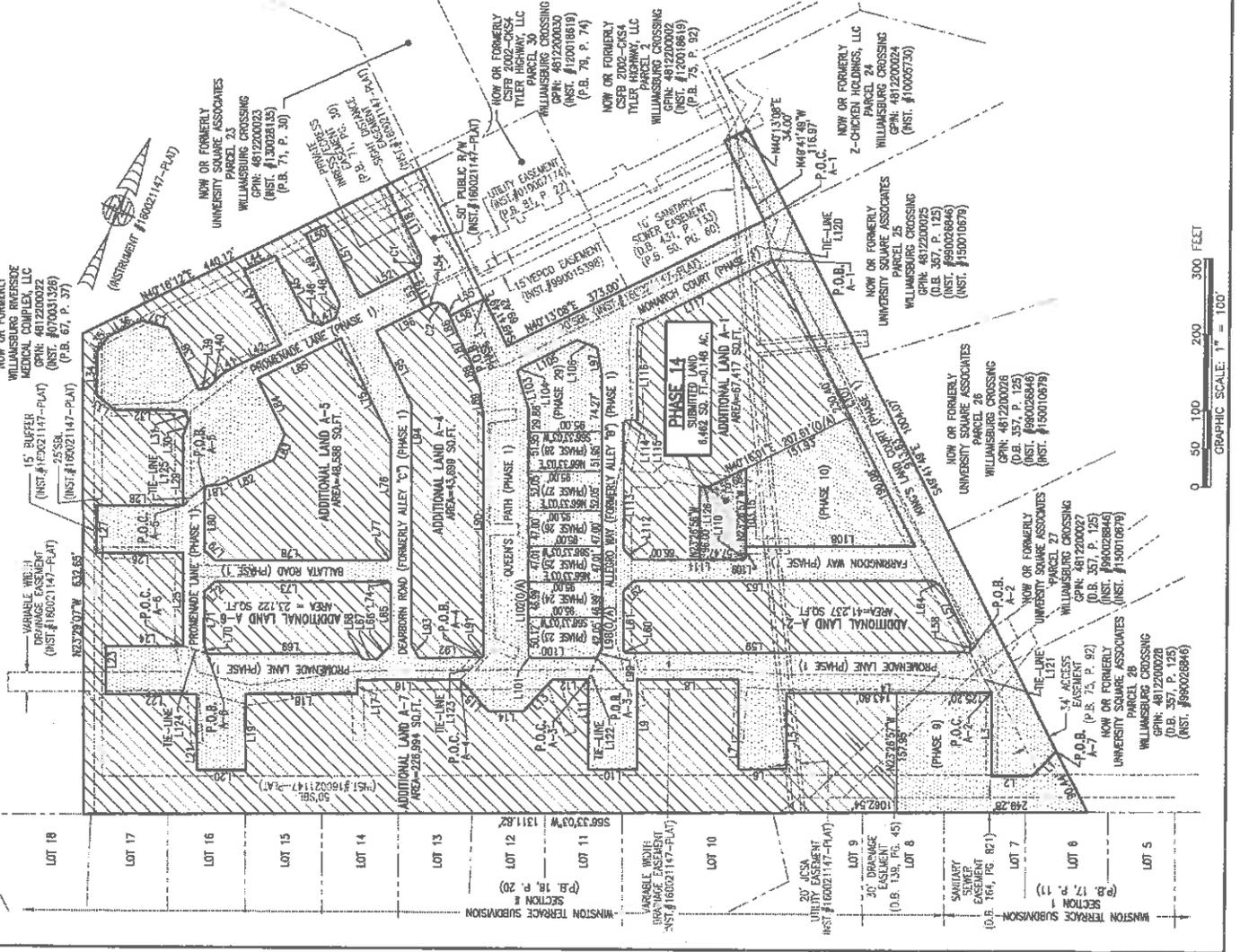
I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.58 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58A, ARE SUBSTANTIALLY COMPLETE.



**PHASE 14**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

of record: **Hayden Fry and Associates, Inc.**  
**Land Surveyors**  
 51 KELLAM ROAD, SUITE 201  
 VIRGINIA BEACH, VA 23462  
 PR 05747-2002/05747-401-229

DATE: MAY 21, 2018  
 SCALE: 1"=100'  
 SHEET 2 OF 5 THIS PHASE

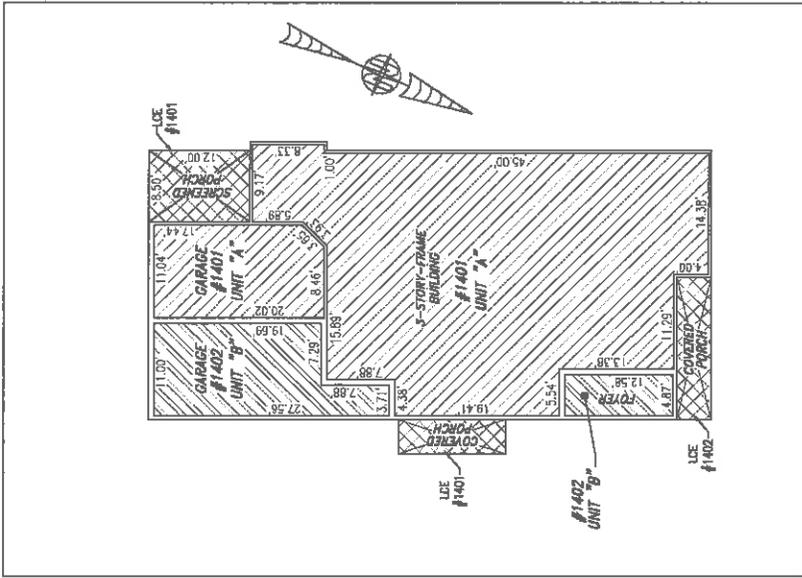


- INDICATES SUBMITTED LAND
  - INDICATES PREVIOUSLY SUBMITTED LAND
  - INDICATES ADDITIONAL LAND
- P.O.B. = POINT OF BEGINNING  
 P.O.B. = POINT OF BEGINNING

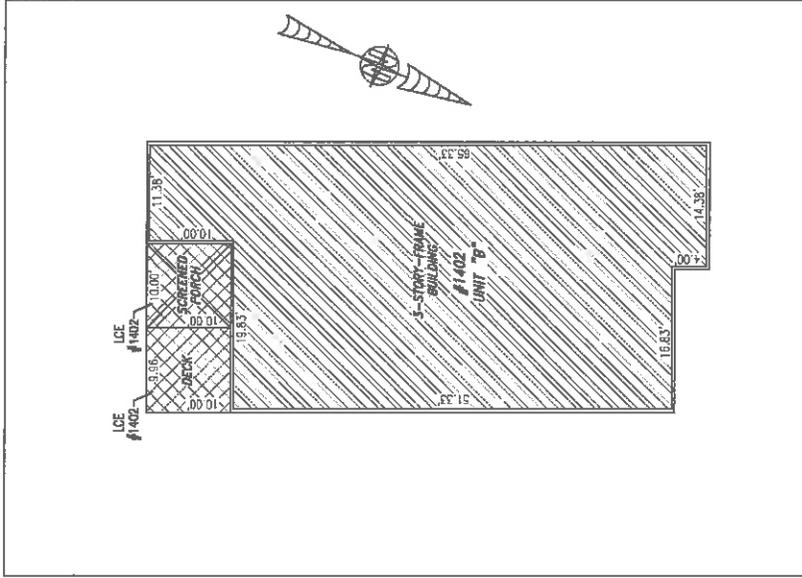




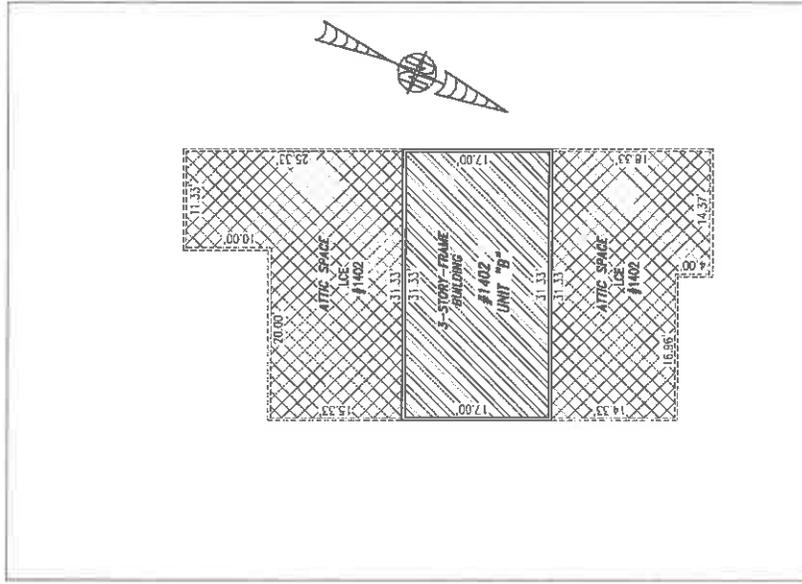
# BUILDING 14 (DUPLEX)



FIRST FLOOR



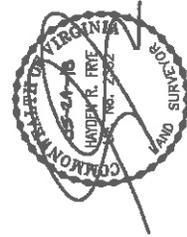
SECOND FLOOR



THIRD FLOOR

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA AS AMENDED, 55-78.336 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DESCRIBED HEREIN PURSUANT TO THE CODE OF VIRGINIA 55-78.586, ARE SUBSTANTIALLY COMPLETE.

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 1401	#1401 FARRINGTON WAY
B	INDICATES AREA OF UNIT 1402	#1402 FARRINGTON WAY
	INDICATES COMMON ELEMENT	
	INDICATES UNITED COMMON ELEMENT	



THIS SHEET: FLOOR PLANS

PHASE 14  
 CONDOMINIUM PLAT AND PLAN  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Leaf 16892



Hayden R. Erbe and Associates, Inc.  
 Land Surveyors  
 315 KELLAM ROAD, SUITE 300  
 VIRGINIA BEACH, VA 23462  
 PH: (757) 491-2294 FX: (757) 491-2299

DATE: MAY 21, 2018  
 SCALE: 1"=10'  
 SHEET 5 OF 5 THIS PHASE

EXHIBIT A

Phase 14 - Building 14

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 FOURTEEN, AREA = 6,462 SQUARE FEET = 0.148 ACRES" on that certain plat entitled "PHASE 14, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated May 21, 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 180009579  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
June 6, 2018 AT 02:34 PM  
MONA A. FOLEY , CLERK  
RECORDED BY: EEO