

Tax Map Nos. 4812501501 & 4812501502

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 15- Building 15

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 10th day of January, 2019, 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 15, CONDOMINIUM PLAT AND PLAN OF

1910

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated January 10, 2019 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

2021

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.

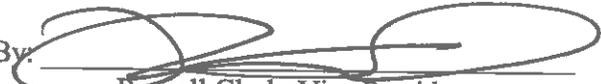
5. CONFIRMATION OF CONDOMINIUM INSTRUMENTS. Except as modified by this Amendment, all terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed, and shall remain in full force and effect and shall be applicable to the Condominium Units and Common Elements created hereby.

30210

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 10th day of January, 2019.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

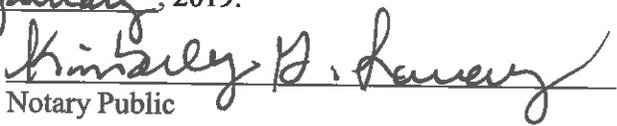
By: FRANCISCUS HOMES, INC.
A Virginia corporation, Manager

By: 
Russell Clark, Vice President

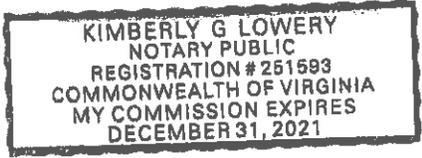
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

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.

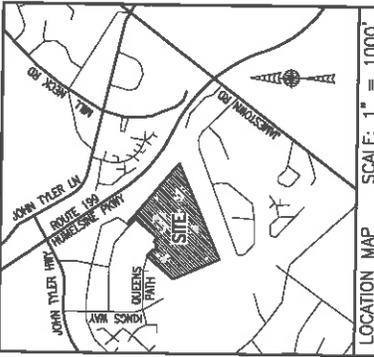
Given under my hand this 10th day of January, 2019.


Notary Public

My commission expires: 12/31/21



4050



LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 29" CONTAINING LOTS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 AND 30 OF WILLIAMSBURG CROSSING PREPARED BY A.S. CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 18002147.

- NOTES:**
- PHASE 15 BUILDING IS SUBSTANTIALLY COMPLETE.
 - EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 10-24-16.
 - ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 10-24-16.
 - ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 10-24-16.
 - ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 10-24-16.
 - ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 10-24-16.
 - ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 10-24-16.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CONDOMINIUM ACT OF 1950 AS AMENDED, 55-78.50 AND 55-78.51, AND THAT THE INFORMATION THEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, PURSUANT TO THE CODE OF VIRGINIA 55-78.58, ARE SUBSTANTIALLY COMPLETE.

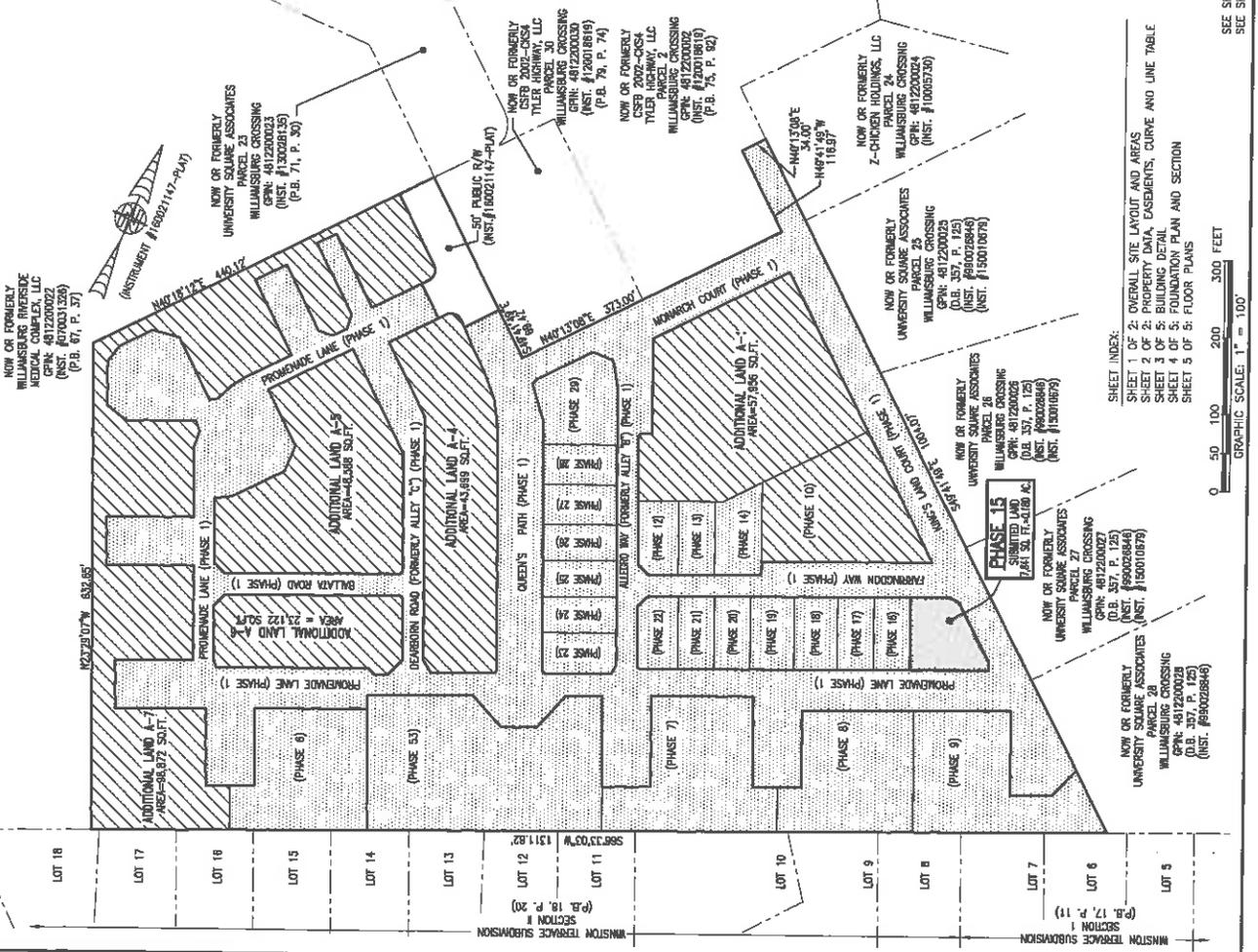


PHASE	BUILDING	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INSTR. #170011679	299,488	6.183
6	6	INSTR. #180018358	24,875	0.571
7	7	INSTR. #180014883	28,822	0.662
8	8	INSTR. #180010369	24,539	0.563
9	9	INSTR. #180003684	23,978	0.556
10	10	INSTR. #170022466	25,806	0.592
12	12	INSTR. #180016847	4,948	0.114
13	13	INSTR. #180010077	4,512	0.104
14	14	INSTR. #180006679	6,462	0.146
15	15	SUBSTANTIALLY COMPLETE	7,841	0.180
16	16	NOT YET RECORDED	4,467	0.103
17	17	NOT YET RECORDED	4,467	0.103
18	18	INSTR. #180019704	5,273	0.121
19	19	INSTR. #180019705	5,367	0.123
20	20	INSTR. #180018210	4,465	0.103
21	21	INSTR. #180016208	4,465	0.103
22	22	INSTR. #180016209	4,882	0.112
23	23	INSTR. #180001788	5,014	0.115
24	24	INSTR. #180035460	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. #180001781	4,936	0.113
29	29	NOT YET RECORDED	10,569	0.243
30	30	INSTR. #180014882	49,886	1.145
REMAINS OF ADDITIONAL LAND A-1			37,956	1.330
ADDITIONAL LAND A-1			43,689	1.003
ADDITIONAL LAND A-5			46,588	1.115
ADDITIONAL LAND A-6			23,122	0.531
ADDITIONAL LAND A-7			98,672	2.270
TOTAL - NEW PARCEL 29			816,629	18.747

PHASE 15
CONDOMINIUM PLAN AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 533 WEST LANTANA AVENUE, SUITE 200
 VIRGINIA BEACH, VA 23462
 PHONE: (757) 435-4725 FAX: (757) 471-2529

DATE: JANUARY 10, 2018
 SCALE: 1"=100'
 SHEET 1 OF 5 THIS PHASE



THIS SHEET: OVERALL SITE LAYOUT AND AREAS

LEGEND:
 -INDICATES SUBMITTED LAND
 -INDICATES PREVIOUSLY SUBMITTED LAND
 -INDICATES ADDITIONAL LAND

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

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

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

Saw

LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°07'13"W	44.97'	L26	S86°33'03"W	113.01'	L51	S48°17'28"E	108.00'	L76	S23°26'57"E	153.58'	L101	N68°23'33"W	4.24'
L2	S66°33'03"W	53.19'	L27	N23°26'57"E	63.00'	L52	N40°18'11"E	70.86'	L77	S21°33'03"W	4.88'	L102	N23°26'57"E	324.88'
L3	N23°26'57"E	108.47'	L28	N68°33'03"E	113.01'	L53	N40°18'11"E	70.86'	L78	S86°33'03"W	228.04'	L103	N40°18'11"E	51.85'
L4	S66°33'03"W	289.00'	L29	N23°26'49"W	91.87'	L54	N40°18'11"E	10.00'	L79	N68°33'03"W	18.00'	L104	N23°26'57"E	82.31'
L5	S23°26'57"E	100.00'	L30	N40°35'56"W	20.85'	L55	S49°41'48"E	10.00'	L80	N23°27'27"E	84.32'	L105	N40°18'11"E	80.19'
L6	S86°33'03"W	63.00'	L31	N40°35'56"W	14.72'	L56	N40°18'11"E	50.00'	L81	N68°33'03"E	27.66'	L106	N68°33'03"E	120.48'
L7	N23°26'57"E	118.00'	L32	S68°30'53"W	90.51'	L57	S49°41'48"E	86.74'	L82	N40°42'28"E	76.00'	L107	S49°41'48"E	120.48'
L8	S68°30'53"W	132.80'	L33	N73°30'33"W	30.87'	L58	S23°33'07"E	11.47'	L83	N40°18'13"W	36.04'	L108	S86°33'03"W	220.38'
L9	S23°26'57"E	118.00'	L34	N23°26'57"E	57.00'	L59	S68°30'53"W	460.73'	L84	N49°17'32"W	81.13'	L109	S23°26'57"E	14.00'
L10	S68°30'53"W	63.00'	L35	N12°08'50"E	24.93'	L60	N68°26'57"E	4.24'	L85	N40°42'28"E	91.00'	L110	S21°33'03"W	4.88'
L11	N23°26'57"E	118.00'	L36	N40°41'48"E	46.00'	L61	N23°26'57"E	76.50'	L86	S49°41'48"E	26.85'	L111	S68°30'53"W	43.47'
L12	S68°30'53"W	46.32'	L37	N87°38'35"E	36.41'	L62	N21°33'07"E	10.08'	L87	S49°41'48"E	35.15'	L112	N23°26'57"E	18.00'
L13	S17°43'43"W	55.33'	L38	S49°19'11"E	90.11'	L63	N68°33'03"E	30.42'	L88	S43°08'04"E	41.26'	L113	N23°26'57"E	187.28'
L14	S68°30'53"W	63.00'	L39	N59°03'06"E	10.61'	L64	S01°34'23"E	14.26'	L89	S07°03'47"E	41.26'	L114	N21°33'03"E	4.88'
L15	N68°33'03"W	55.33'	L40	N23°26'57"E	25.84'	L65	S23°26'57"E	81.00'	L90	S23°26'49"E	310.88'	L115	N68°33'03"E	14.50'
L16	S23°26'57"E	118.00'	L41	N23°26'57"E	20.28'	L66	S21°33'03"W	26.18'	L91	S21°33'07"E	4.24'	L116	N23°26'57"E	122.79'
L17	S23°26'57"E	118.00'	L42	N40°41'48"E	65.92'	L67	S68°30'53"W	17.30'	L92	S68°30'53"W	82.88'	L117	N40°18'11"E	10.00'
L18	S68°30'53"W	145.93'	L43	N49°17'28"E	108.73'	L68	N12°08'50"E	11.31'	L93	N57°06'03"W	16.83'	L118	S49°41'48"E	53.16'
L19	S23°26'57"E	100.00'	L44	N40°42'28"E	45.00'	L69	S68°30'53"W	185.80'	L94	N23°26'57"E	317.18'	L119	S40°18'11"W	80.00'
L20	S68°30'53"W	63.00'	L45	S49°17'28"E	95.23'	L70	N40°41'48"W	11.00'	L95	N49°17'28"E	107.22'	L120	S20°24'48"E	53.16'
L21	N23°26'57"W	100.00'	L46	N68°40'58"E	18.10'	L71	N23°26'49"W	71.00'	L96	N49°17'28"E	81.23'	L121	N23°26'57"E	60.30'
L22	S68°30'53"W	113.31'	L47	N40°39'25"E	20.84'	L72	N21°33'07"E	18.08'	L97	S31°40'77"E	36.03'	L122	N23°26'57"E	30.32'
L23	N23°26'57"E	63.00'	L48	N04°19'02"W	19.00'	L73	N68°33'03"E	225.70'	L98	S23°26'57"E	30.32'	L123	N23°26'57"E	40.28'
L24	N68°33'03"E	101.24'	L49	N49°17'28"E	103.50'	L74	S71°08'13"E	5.20'	L99	S06°21'20"W	12.86'	L124	N49°49'00"E	31.88'
L25	N23°26'49"W	123.00'	L50	N40°42'28"E	27.52'	L75	S49°17'28"E	150.14'	L100	S68°30'53"W	83.57'	L125	N23°26'57"E	11.06'

CURVE TABLE

NO.	POINTS	DELTA	LENGTH	TANGENT	CHORD	CHL BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	21.21'	S04°41'48"E
C2	15.00'	90°00'00"	23.56'	15.00'	21.21'	N85°18'11"E

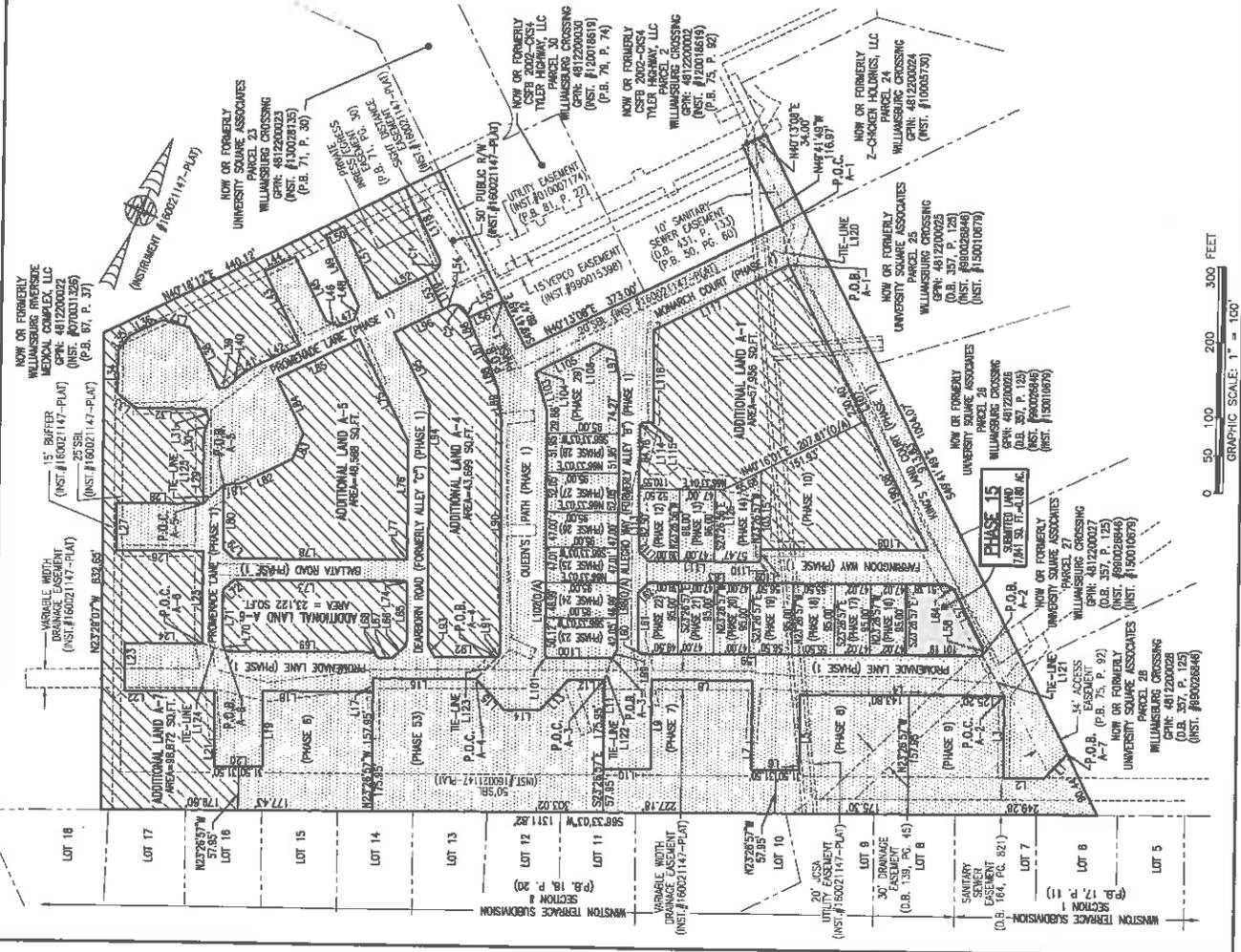
I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODES HEREIN AS AMENDED, AS TO BEING AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREON BEING HEREON, PURSUANT TO THE CODE OF VIRGINIA: 55-78.55A, ARE SUBSTANTIALLY COMPLETE.



PHASE 15
OF
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

DATE, JANUARY 10, 2019
SCALE: 1"=100'
SHEET 2 OF 5 THIS PHASE

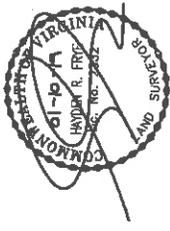
- INDICATES SUBMITTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND
- POINT OF BEGINNING
- POINT OF BEGINNING



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

0609

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-78.5B AND I FURTHER CERTIFY THAT THE DIMENSIONS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.55A, ARE SUBSTANTIALLY COMPLETE.



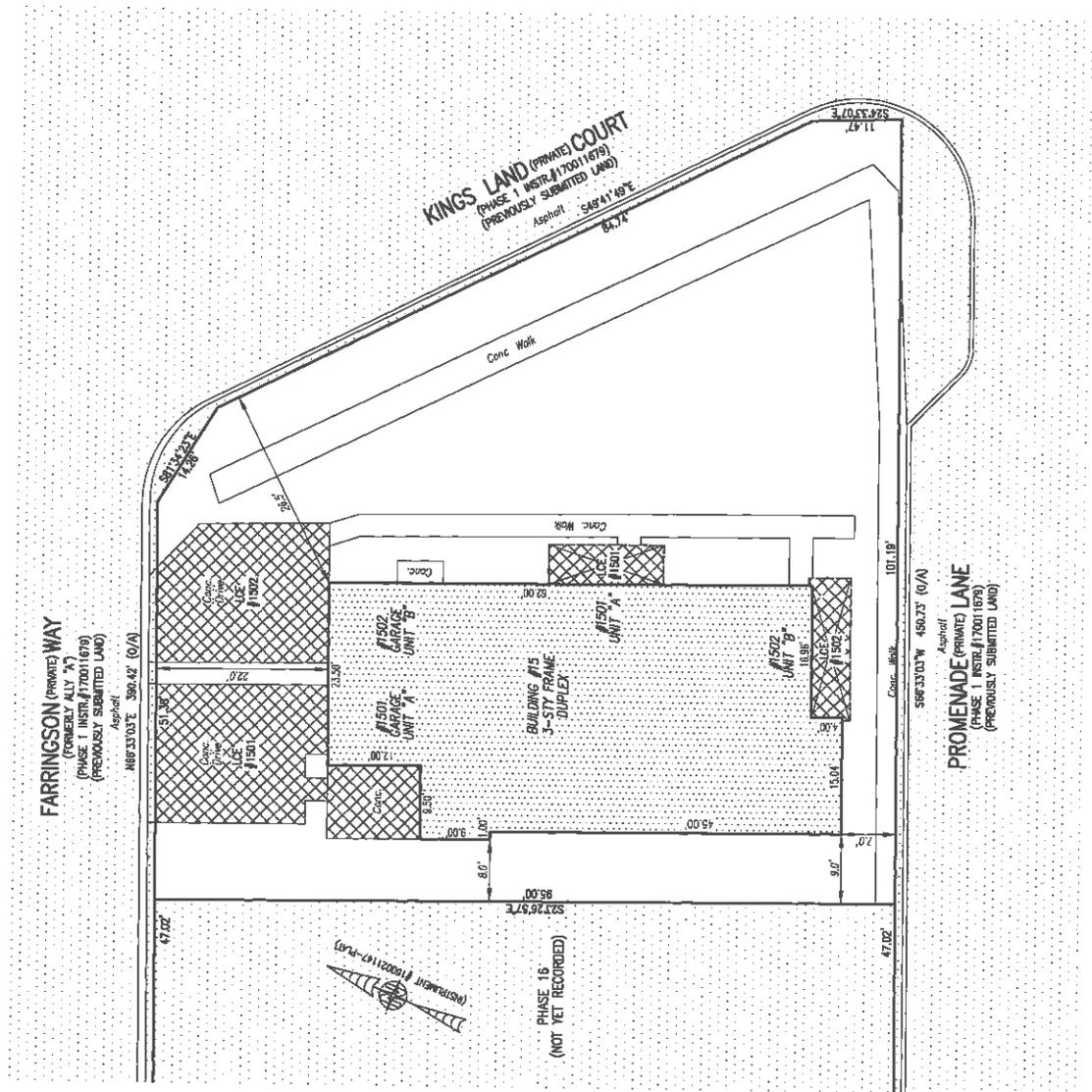
- INDICATES PREVIOUSLY SUBMITTED LAND
 - INDICATES BUILDING AREA (SEE PLANS FOR UNIT DIMENSIONS)
 - INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT #
 - INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
 - INDICATES ADDITIONAL LAND
- LCE #1000 (EXAMPLE UNIT #)

THIS SHEET: BUILDING DETAIL

PHASE 15
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

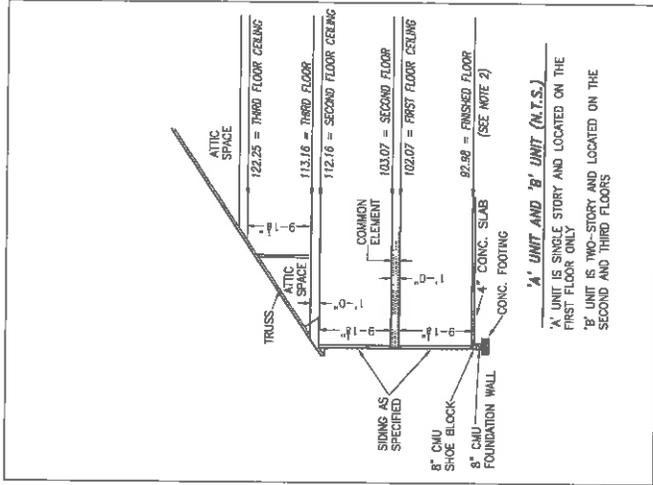
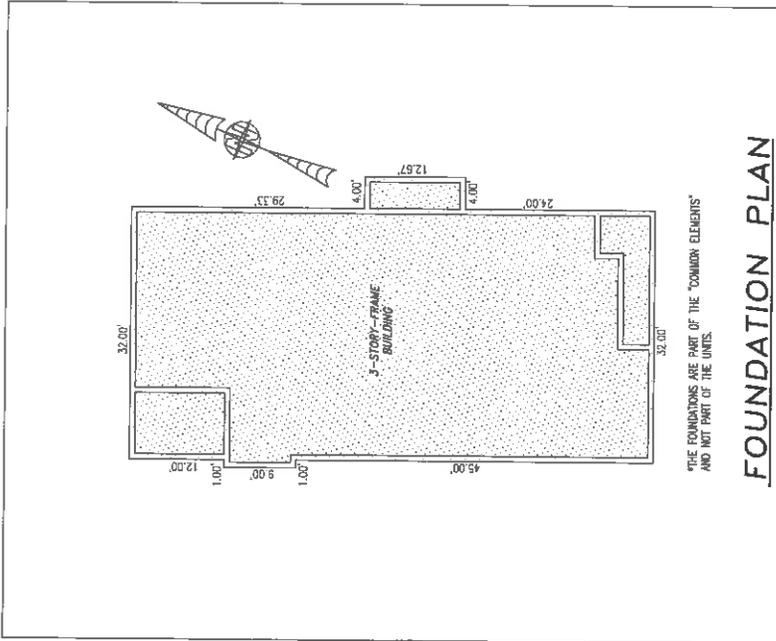
Hayden Frye and Associates, Inc.
Land Surveyors
 335 KILLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 PH: (757) 485-8800 FAX: (757) 485-2929

DATE: JANUARY 10, 2019
 SCALE: 1" = 10'
 SHEET 3 OF 5 THIS PHASE



0162

BUILDING 15 (DUPEX)



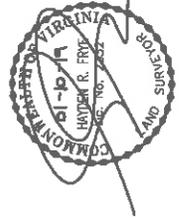
TYPICAL BUILDING SECTION

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 #15 (DUPEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 01-08-18.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.58 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 15
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

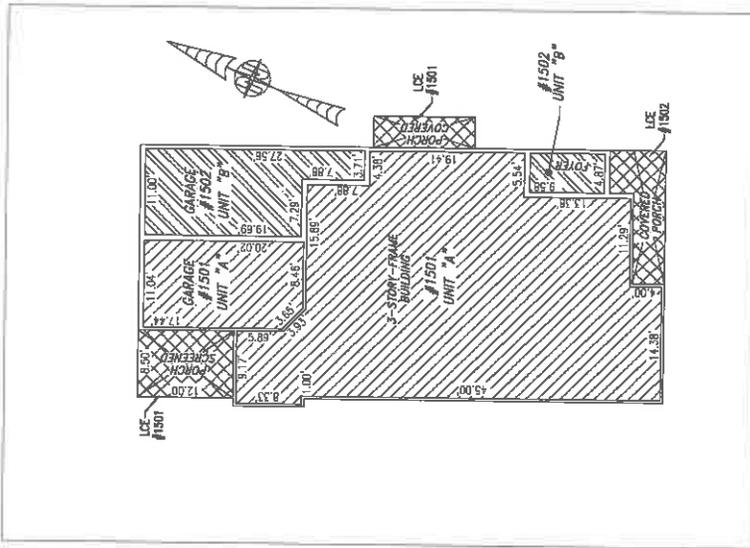
Hayden Frye and Associates, Inc.
Land Surveyors
BY KELLAMARA S. LITTLE
VIRGINIA LICENSE NO. 106,100,200
PA-C-75-96728-PC-03-01-25

DATE: JANUARY 10, 2019
SCALE: 1" = 10'
SHEET 4 OF 5 THIS PHASE

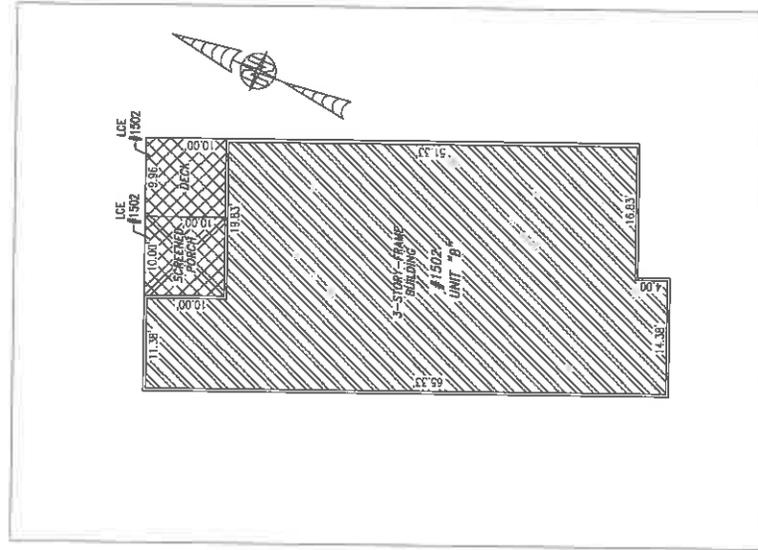


8910

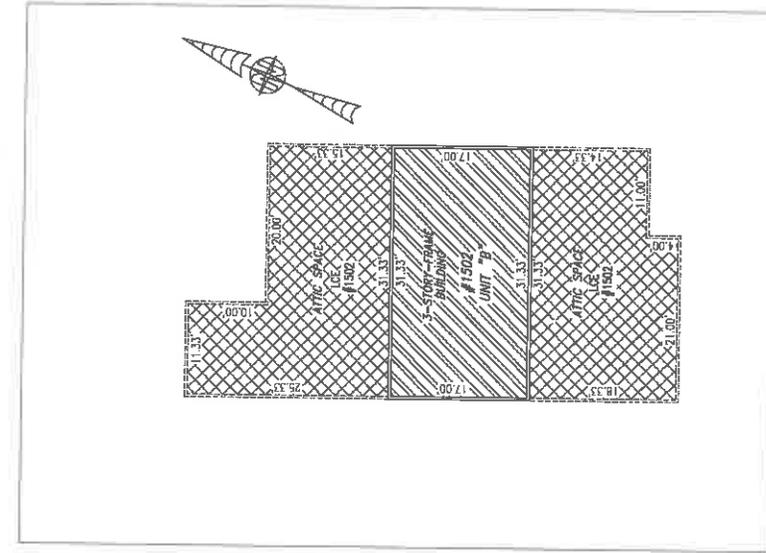
BUILDING 15 (DUPLEX)



FIRST FLOOR

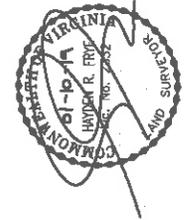


SECOND FLOOR



THIRD FLOOR

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1980, AS AMENDED BY 55-79.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREON DESCRIBED HEREON PURSUANT TO THE CODE OF VIRGINIA 55-79.5BB, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 1501	#1501 PROMENADE LANE
B	-INDICATES AREA OF UNIT 1502	#1502 PROMENADE LANE
	-INDICATES COMMON ELEMENT	
	-INDICATES LIMITED COMMON ELEMENT	

THIS SHEET: FLOOR PLANS

PHASE 15
 CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 10 SHELTON ROAD, SUITE 204
 VIRGINIA BEACH, VA, 23462
 PH: (757) 497-7228 FAX: (757) 491-7229
 DATE: JANUARY 10, 2018
 SCALE: 1" = 10'
 SHEET 5 OF 5 THIS PHASE



9090

EXHIBIT A

Phase 15 - Building 15

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 FIFTEEN, AREA = 7,841 SQUARE FEET = 0.180 ACRES" on that certain plat entitled "PHASE 15, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated January 10, 2019, 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 # 190001143

INSTRUMENT 190001143
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
JANUARY 28, 2019 AT 03:30 PM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ