

Tax Map Nos. 4812501601 & 4812501602

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 16- Building 16

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 9th 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 16, CONDOMINIUM PLAT AND PLAN OF

107-60

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated January 9, 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

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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 9th day of January 2019.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

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

By: [Signature]
Russell Clark, Vice President

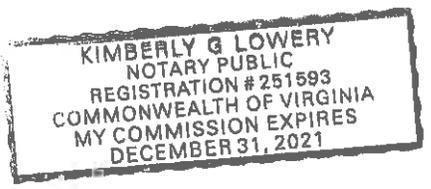
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

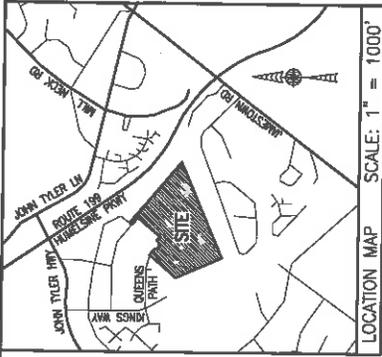
I, Kimberly G Lowery, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Russell Clark, Vice President of Franciscus Homes, Inc., a Virginia corporation, Manager of Franciscus at Promenade LLC, a Virginia limited liability company, whose name as such is signed to the foregoing document has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 19th day of January, 2019.

[Signature]
Notary Public

My commission expires: 12/31/21





LEGAL DESCRIPTION
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 20" CONTAINING 18,747 ACRES AS SHOWN ON "PLAT OF LOT LINE ENCROUSUREMENT BEING PARCELS 20 AND 29 OF WILLIAMSBURG SUBDIVISION AS PREPARED BY AEG CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160021147.

- NOTES:
1. PHASE 16 BUILDING 16 IS SUBSTANTIALLY COMPLETE.
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AEG CONSULTING ENGINEERS, DATED 3-23-15
 - PLAT BY AEG CONSULTING ENGINEERS, DATED 10-24-16,
 - PLAT 160021147
 - PLAT ENCROUSUREMENT BY AEG CONSULTING ENGINEERS, DATED 9-8-16

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA, 1950 AS AMENDED, 55-78.56 AND 1. FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.59A, ARE SUBSTANTIALLY COMPLETE.



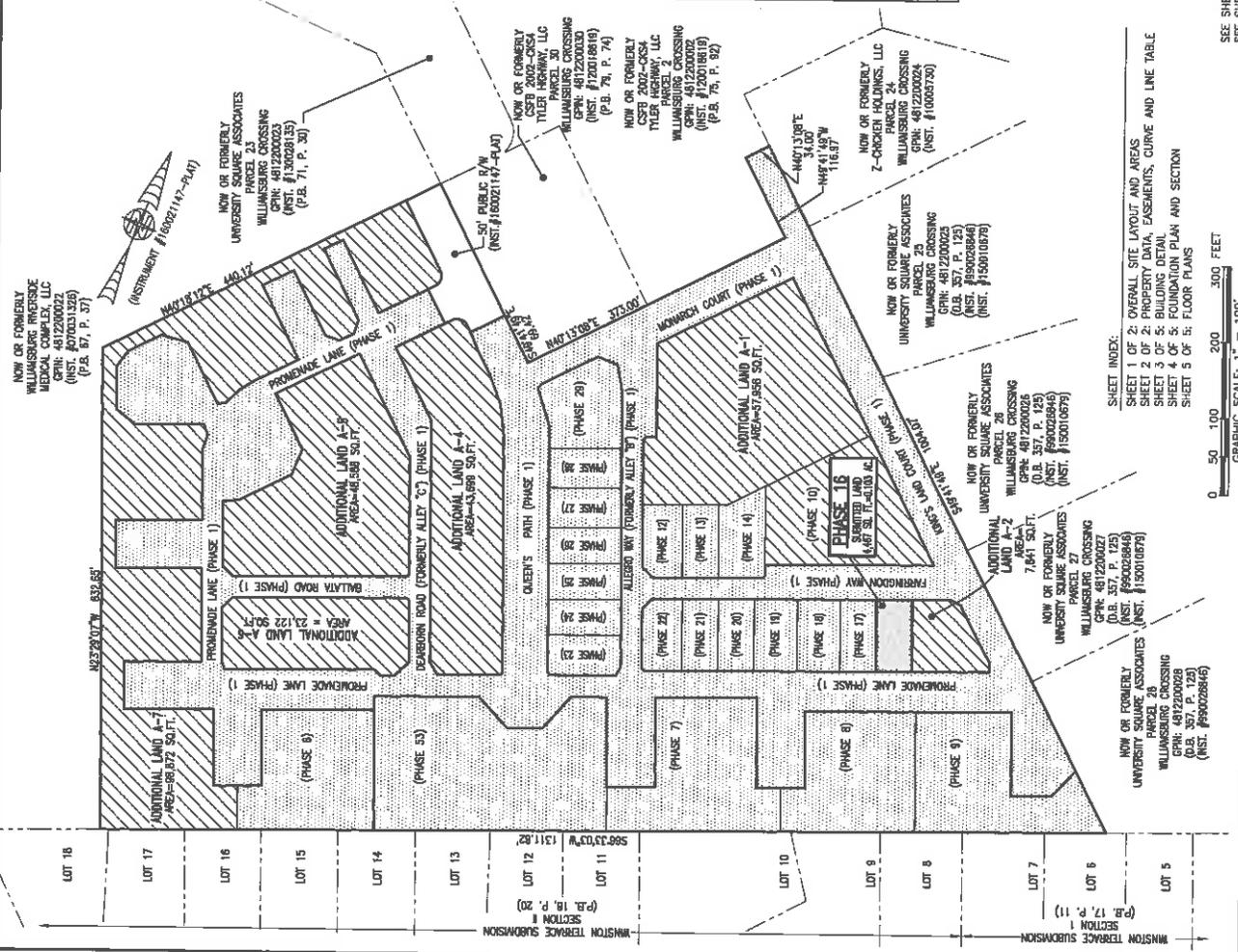
PHASE	BUDG	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	INSTR. #170011579	281,468	6.183	
6	6	INSTR. #180016356	24,675	0.571	
7	7	INSTR. #180014653	28,822	0.662	
8	8	INSTR. #180010359	24,539	0.563	
9	9	INSTR. #180003584	25,978	0.596	
10	10	INSTR. #70022466	25,808	0.592	
12	12	INSTR. #180018147	4,949	0.114	
13	13	INSTR. #180018007	4,512	0.104	
14	14	INSTR. #180008579	5,462	0.126	
16	16	SUBSTANTIALLY COMPLETE	4,467	0.103	
17	17	NOT YET RECORDED	4,467	0.103	
18	18	INSTR. #180019794	5,273	0.121	
19	19	INSTR. #180019705	5,367	0.123	
20	20	INSTR. #180016210	4,465	0.103	
21	21	INSTR. #180018289	4,465	0.103	
22	22	INSTR. #180018208	4,892	0.112	
23	23	INSTR. #180007469	5,014	0.115	
24	24	INSTR. #180005480	4,464	0.102	
25	25	INSTR. #180001779	4,466	0.103	
26	26	INSTR. #70021156	4,465	0.102	
27	27	INSTR. #70021157	4,844	0.111	
28	28	INSTR. #180001781	4,536	0.103	
29	29	NOT YET RECORDED	10,569	0.243	
53	N/A	INSTR. #180014662	48,888	1.145	
REMAINS OF ADDITIONAL LAND A-1				57,356	1.300
ADDITIONAL LAND A-2				7,841	0.180
ADDITIONAL LAND A-4				43,699	1.003
ADDITIONAL LAND A-5				48,588	1.115
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				96,872	2.270
TOTAL, NEW PARCEL 20				616,029	18.747

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 16 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER A CONDOMINIUM JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 1001 JAMES ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23462
 PH: (757) 461-5247, (757) 461-1259

DATE: JANUARY 9, 2019
 SCALE: 1" = 100'
 SHEET 1 OF 5 THIS PHASE



- INDICATES SIGHTED 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

507/10

LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°11'13"W	44.97'	L51	S4°17'28"E	106.00'	L76	S22°26'57"E	153.56'
L2	S68°33'03"W	113.01'	L52	N4°18'11"E	76.86'	L77	S21°33'03"W	4.85'
L3	N22°29'57"W	53.15'	L53	S48°41'48"E	50.00'	L78	S66°13'03"W	226.04'
L4	N63°30'37"W	108.47'	L54	N4°18'11"E	10.00'	L79	N87°27'04"W	18.00'
L5	N63°30'37"W	288.00'	L55	S48°41'48"E	10.00'	L80	N23°27'12"E	84.32'
L6	N63°30'37"W	100.00'	L56	N40°18'11"E	50.00'	L81	N65°43'28"E	22.85'
L7	N22°29'57"W	160.00'	L57	S48°41'48"E	84.74'	L82	N4°18'11"E	76.00'
L8	S63°30'37"W	132.86'	L58	S24°33'07"E	11.47'	L83	N40°18'11"E	30.04'
L9	S22°29'57"W	118.00'	L59	S63°30'37"W	480.73'	L84	N4°18'11"E	81.15'
L10	S63°30'37"W	63.00'	L60	N62°29'57"W	4.24'	L85	N4°18'11"E	21.00'
L11	N22°29'57"W	118.00'	L61	N40°18'11"E	76.50'	L86	S48°41'48"E	20.85'
L12	S63°30'37"W	46.57'	L62	N22°29'57"W	16.00'	L87	S48°41'48"E	35.15'
L13	S18°43'43"W	55.33'	L63	N63°30'37"W	380.42'	L88	S47°08'04"E	41.26'
L14	S63°30'37"W	46.57'	L64	S01°34'23"E	14.28'	L89	S27°29'47"E	310.00'
L15	N63°30'37"W	55.33'	L65	S22°29'57"E	81.00'	L90	S27°29'47"E	41.26'
L16	S63°30'37"W	135.86'	L66	N13°57'20"E	26.16'	L91	S21°33'07"W	4.24'
L17	S22°29'57"E	18.00'	L67	N63°30'37"W	17.30'	L92	S66°13'03"W	82.68'
L18	S63°30'37"W	145.93'	L68	N62°29'57"W	11.31'	L93	N53°02'03"W	16.83'
L19	S22°29'57"E	100.00'	L69	S63°30'37"W	195.80'	L94	N22°29'57"W	317.18'
L20	S63°30'37"W	63.00'	L70	N40°18'11"E	11.00'	L95	N49°17'28"E	107.22'
L21	N22°29'57"W	100.00'	L71	N22°29'57"W	71.00'	L96	N40°18'11"E	81.23'
L22	S63°30'37"W	118.31'	L72	N21°33'07"E	19.08'	L97	S33°14'07"E	36.03'
L23	N22°29'57"W	63.00'	L73	N63°30'37"E	225.70'	L98	S22°29'57"E	361.32'
L24	N63°30'37"E	101.24'	L74	S71°08'15"E	5.20'	L99	S08°21'20"W	12.95'
L25	N22°29'57"E	123.00'	L75	S47°17'28"E	150.14'	L100	S66°39'51"W	85.57'

CURVE TABLE

NO.	POINTS	DELTA	LENGTH	TANGENT	CHORD	CH. BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	21.21'	S04°41'46"E
C2	15.00'	90°00'00"	23.56'	15.00'	21.21'	N05°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, REPEALED AND FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA : 55-78.55A, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE

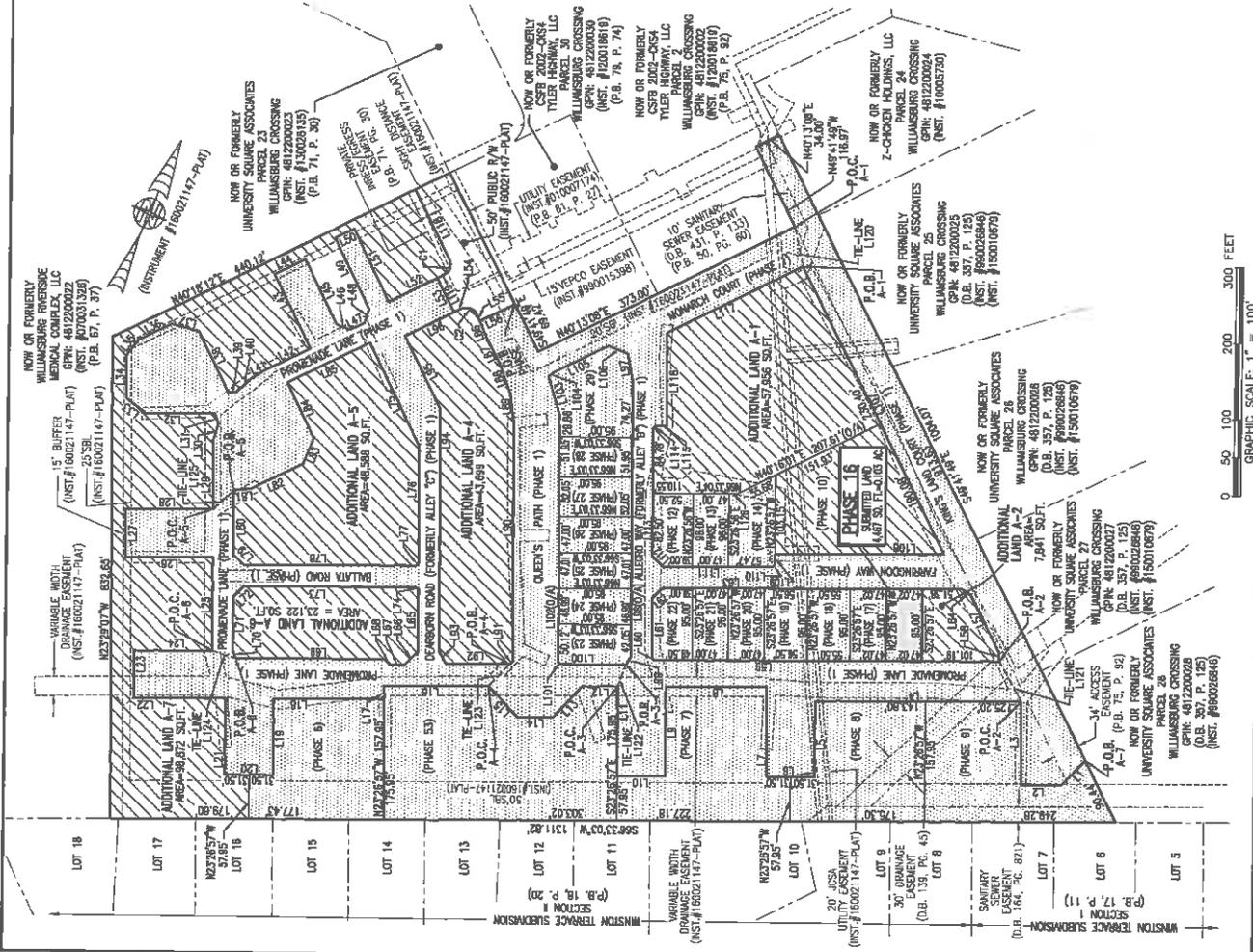
PHASE 16 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER A CONDOMINIUM JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
333 WILLIAM RYAN BLVD. #200
VIRGINIA BEACH, VA 23462
PH: (757) 267-2828 FAX: (757) 491-2529

DATE: JANUARY 9, 2019
SCALE: 1"=100'
SHEET 2 OF 5 THIS PHASE

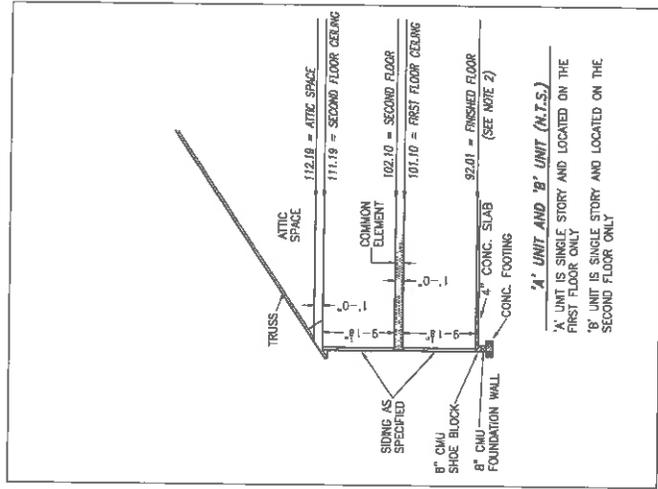
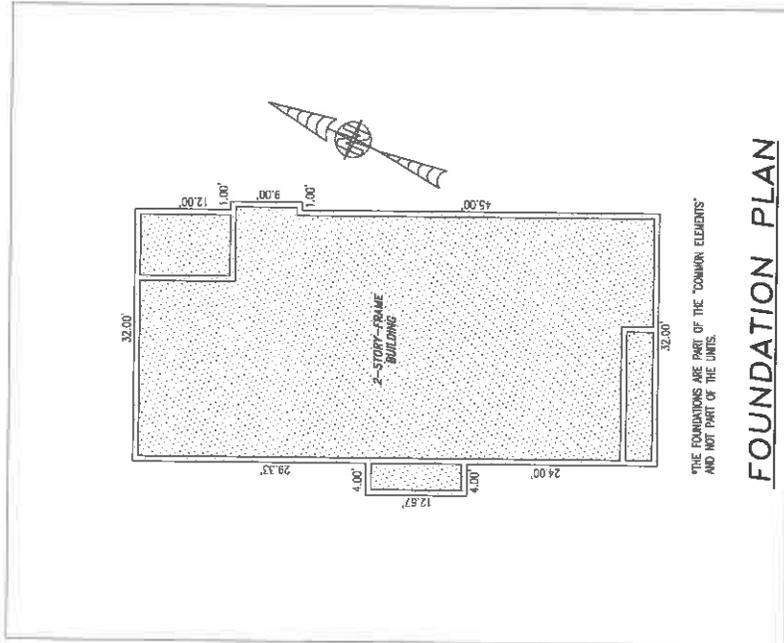
- INDICATES SUBMITTED LAND
 - INDICATES PREVIOUSLY SUBMITTED LAND
 - INDICATES ADDITIONAL LAND
- P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

SEE SHEET 1 FOR OVERALL SITE LAYOUT AND AREAS
SEE SHEET 3 FOR BUILDING DETAIL



6910

BUILDING 16 (DUPLEX)



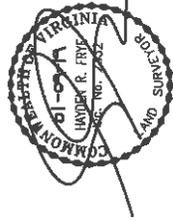
TYPICAL BUILDING SECTION

NOT TO SCALE (N.T.S.)

NOTES:

- VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
- FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #16 (DUPLX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 01-08-15.

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 UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-78.58B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 16
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

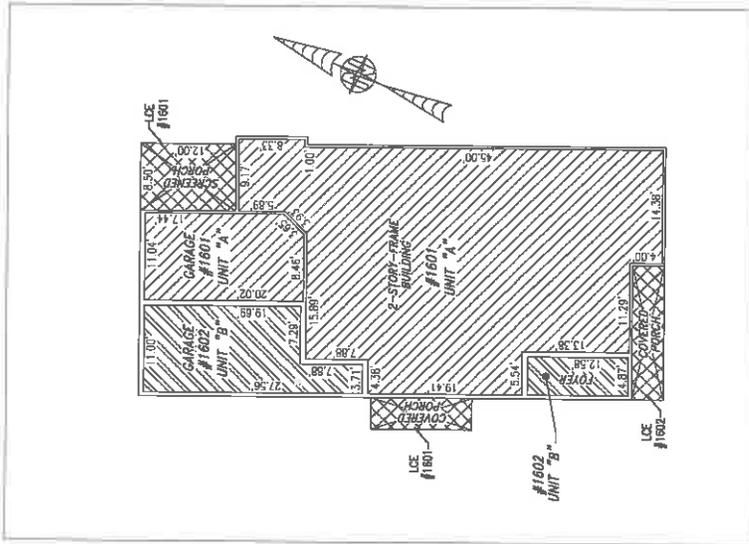
Hayden Frye and Associates, Inc.
Land Surveyors
 333 BELLAIR BLVD., SUITE 200
 VIRGINIA BEACH, VA 23462
 PHONE: (757) 636-2288 FAX: (757) 636-2289

DATE: JANUARY 9, 2019
 SCALE: 1" = 10'
 SHEET 4 OF 5 THIS PHASE

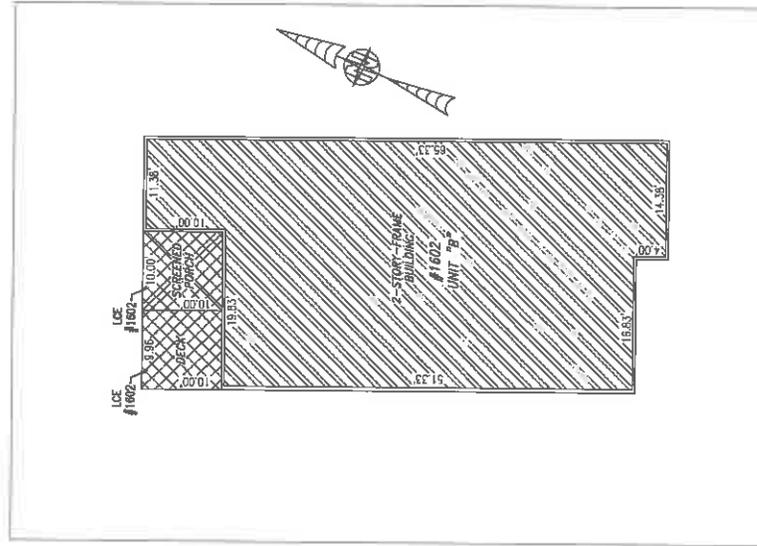


8910

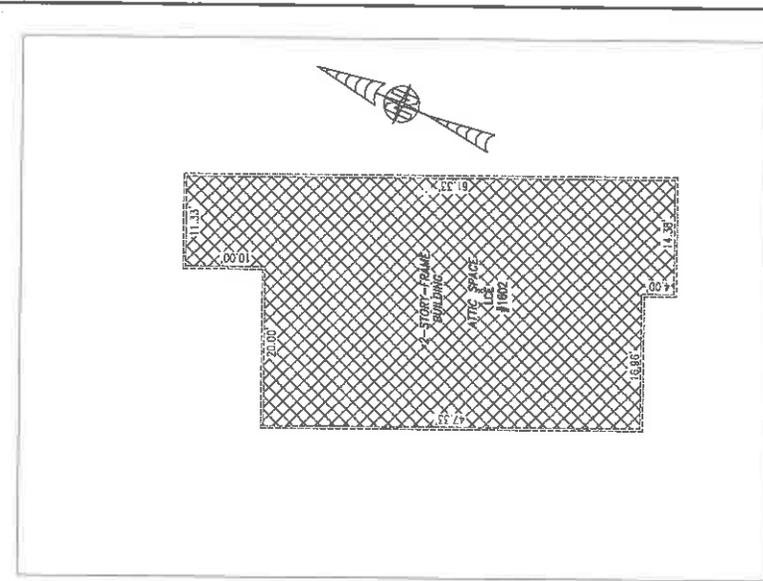
BUILDING 16 (DUPLEX)



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

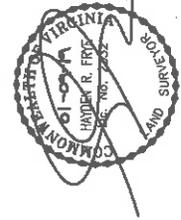
I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.5B, ARE SUBSTANTIALLY COMPLETE.

THIS SHEET: FLOOR PLANS

PHASE 16
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
313 WELLS BRAMA BLDG. 2ND FLOOR
VIRGINIA BEACH, VA 23462
PH: (757) 491-7200 (F) 491-7220

DATE: JANUARY 9, 2019
SCALE: 1"=10'
SHEET 5 OF 5 THIS PHASE



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 1601	#1601 PROMENADE LANE
B	-INDICATES AREA OF UNIT 1602	#1602 PROMENADE LANE
	-INDICATES COMMON ELEMENT	
	-INDICATES UNITED COMMON ELEMENT	

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EXHIBIT A

Phase 16 - Building 16

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 SIXTEEN, AREA = 4,467 SQUARE FEET = 0.103 ACRES" on that certain plat entitled "PHASE 16, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated January 9, 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 # 190001141

INSTRUMENT 190001141
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
JANUARY 28, 2019 AT 03:27 PM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

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