

Tax Map Nos. 4812501701 & 4812501702

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 17- Building 17

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 8th 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 17, CONDOMINIUM PLAT AND PLAN OF

10210

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated January 8, 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 8th day of January, 2019.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

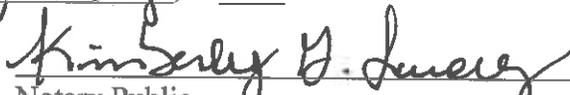
By: FRANCISCUS HOMES, INC.
A Virginia corporation, Manager

By: 
Russell Clark, Vice President

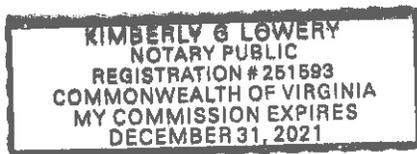
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

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.

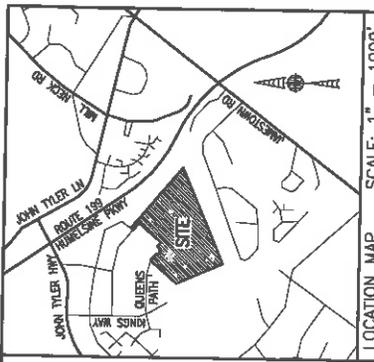
Given under my hand this 8th day of January, 2019.


Notary Public

My commission expires: 12/31/21



46910



LOCATION MAP SCALE: 1" = 1000'

LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 29" CONTAINING 18.747 ACRES AS SHOWN ON "PLAT OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 29 OF WILLIAMSBURG CROSSING PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 180021147.

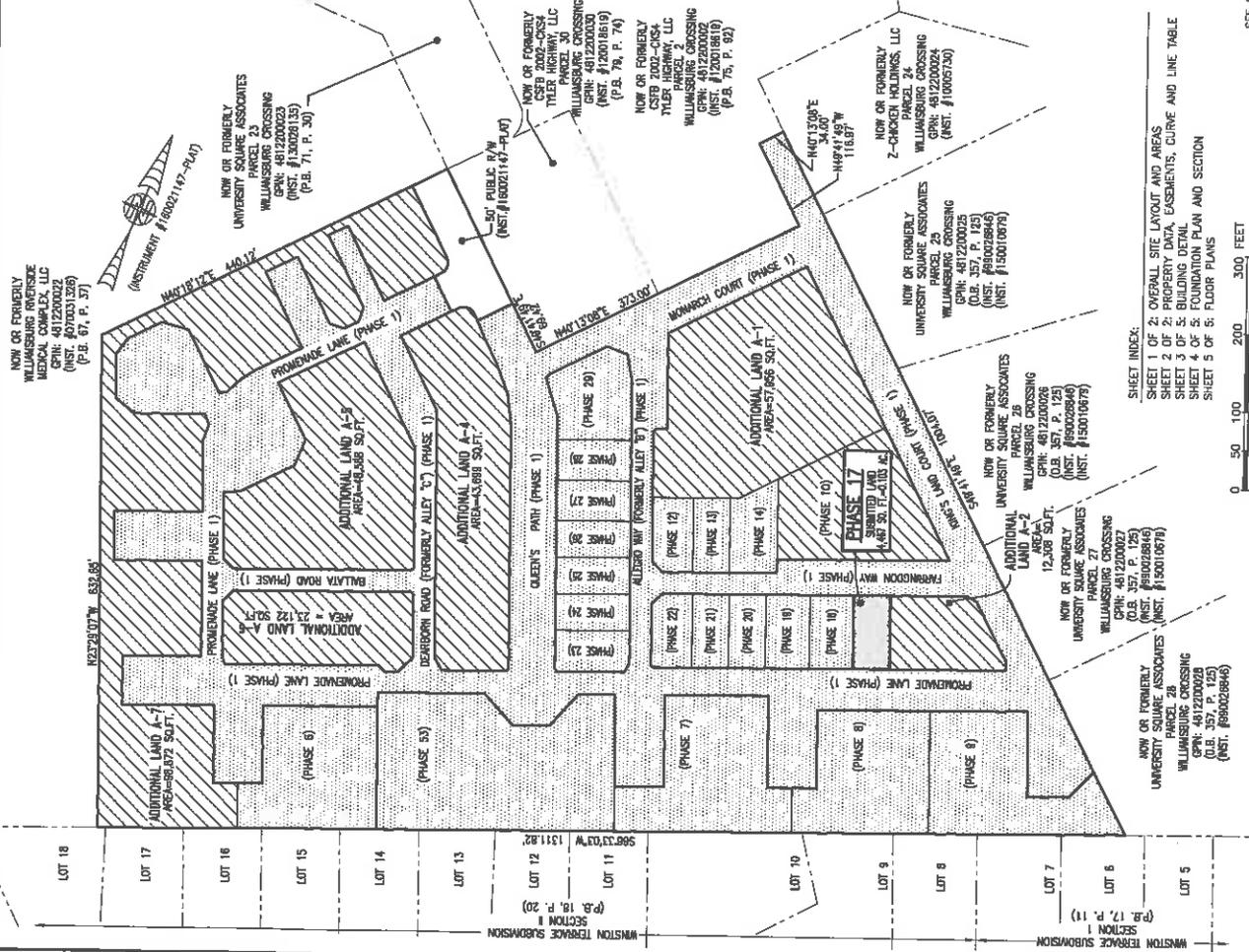
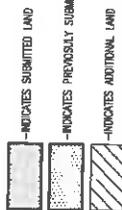
NOTES:

1. PHASE 17 BUILDING 17 IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-23-15
 - PLAT BY AES CONSULTING ENGINEERS, DATED 10-24-16, INST.#180021147
 - PLAT BY AES CONSULTING ENGINEERS, DATED 9-9-16, INST.#180021147

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-78.58 AND I CERTIFY THAT ALL IMPROVEMENTS HEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.35A, ARE SUBSTANTIALLY COMPLETE.



| PHASE | BLOCK | STATUS/RECORDATION | SQUARE FEET | ACRES |
|--------------------------------|-------|------------------------|-------------|--------|
| 1 | N/A | INST.#17001679 | 288,468 | 6.183 |
| 6 | 6 | INST.#180016358 | 24,675 | 0.571 |
| 7 | 7 | INST.#180014653 | 28,822 | 0.662 |
| 8 | 8 | INST.#180010369 | 24,538 | 0.563 |
| 9 | 9 | INST.#180003684 | 25,978 | 0.596 |
| 10 | 10 | INST.#170023466 | 25,808 | 0.592 |
| 12 | 12 | INST.#180016847 | 4,948 | 0.114 |
| 13 | 13 | INST.#180016007 | 4,512 | 0.104 |
| 14 | 14 | INST.#180008579 | 6,462 | 0.148 |
| 17 | 17 | SUBSTANTIALLY COMPLETE | 4,467 | 0.103 |
| 18 | 18 | INST.#180019704 | 5,273 | 0.121 |
| 19 | 19 | INST.#180019705 | 5,367 | 0.123 |
| 20 | 20 | INST.#180016210 | 4,465 | 0.103 |
| 21 | 21 | INST.#180016209 | 4,465 | 0.103 |
| 22 | 22 | INST.#180016208 | 4,892 | 0.112 |
| 23 | 23 | INST.#180007480 | 5,014 | 0.115 |
| 24 | 24 | INST.#180007480 | 4,484 | 0.102 |
| 25 | 25 | INST.#180001778 | 4,466 | 0.103 |
| 26 | 26 | INST.#170021158 | 4,445 | 0.102 |
| 27 | 27 | INST.#170021157 | 4,544 | 0.114 |
| 28 | 28 | INST.#180001781 | 4,938 | 0.113 |
| 29 | 29 | NOT YET RECORDED | 10,569 | 0.243 |
| 53 | N/A | INST.#180014852 | 48,866 | 1.145 |
| REMAINS OF ADDITIONAL LAND A-1 | | | 57,956 | 1.309 |
| ADDITIONAL LAND A-2 | | | 12,308 | 0.283 |
| 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 | | | 98,872 | 2.270 |
| TOTAL NEW PARCEL 29 | | | 616,809 | 14.147 |



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

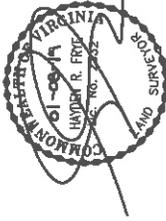
GRAPHIC SCALE: 1" = 100'

PHASE 17
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Tyler and Associates, Inc.
Land Surveyors
333 KILLAM ROAD, SUITE 206
VIRGINIA BEACH, VA, 23462
PH: (757) 491-2281 FAX: (757) 491-2289

DATE: JANUARY 6, 2019
SCALE: 1"=100'
SHEET 1 OF 5 THIS PHASE

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 IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58A, ARE SUBSTANTIALLY COMPLETE.



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

THIS SHEET: BUILDING DETAIL

PHASE 17
CONDOMINIUM PLAN AND PLAN
OF
THE PROMENADE

AT
JOHN TYLER

A CONDOMINIUM
 IN
 JAMES CITY COUNTY, VIRGINIA

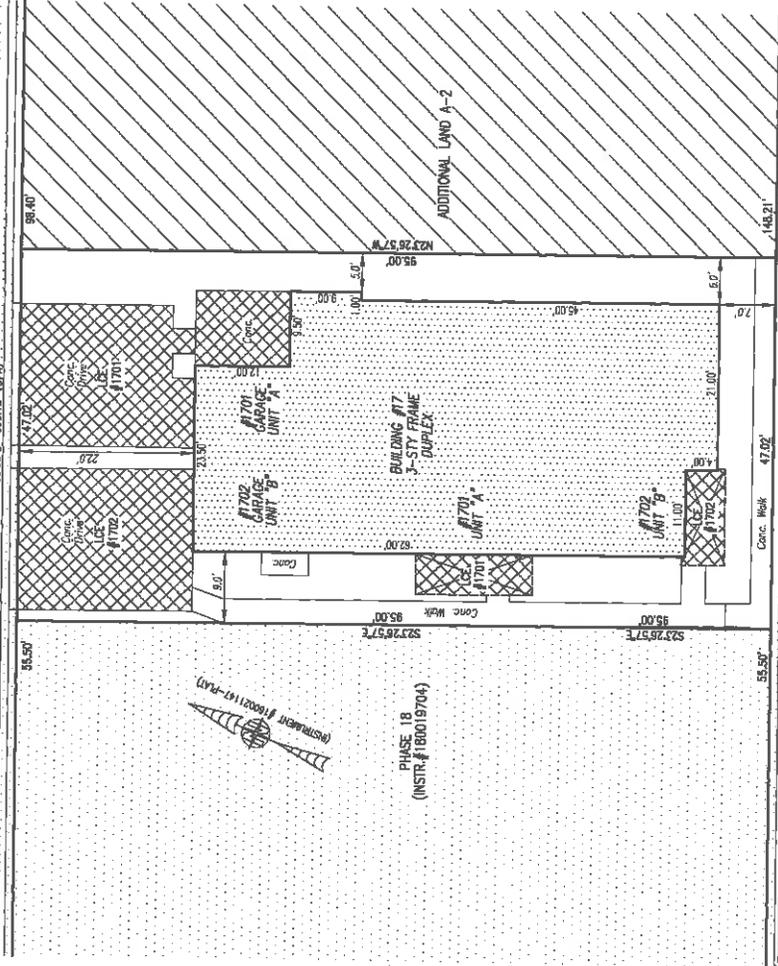
Hayden Fritch and Associates, Inc.
 Land Surveyors
 333 SULLY ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 PH: (757) 491-2528 FAX: (757) 491-2228

DATE: JANUARY 8, 2019
 SCALE: 1" = 10'
 SHEET 3 OF 5 THIS PHASE



FARRINGTON WAY
 (FORMERLY ALY "A")
 (PHASE 1 INSTR. #170011679)
 (PREVIOUSLY SUBMITTED LAND)
 Asphalt

MBE 33.03°E 390.42' (0/A)



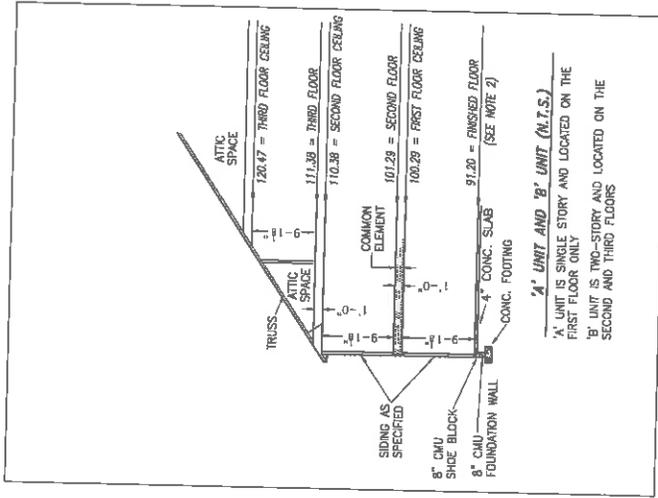
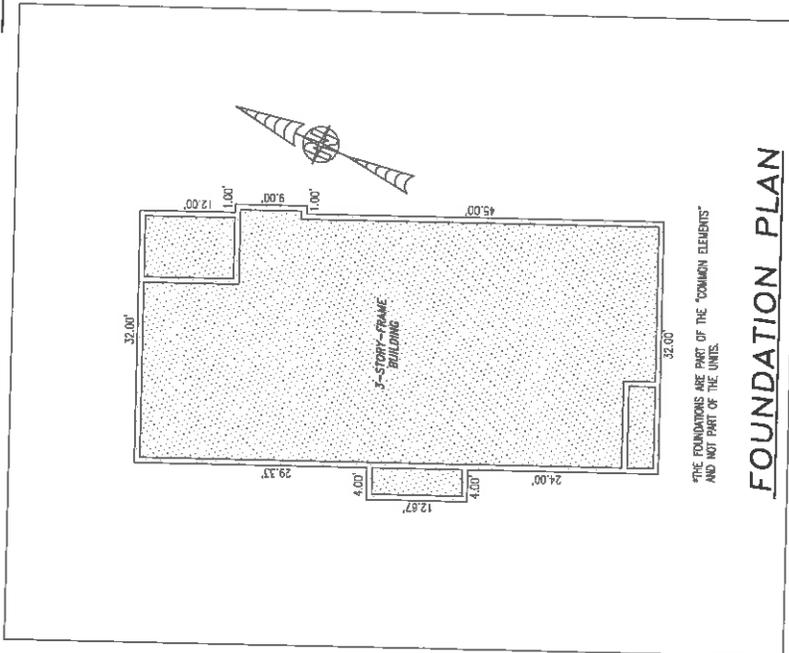
PROMENADE LANE
 (FORMERLY PRIVATE LANE)
 (PHASE 1 INSTR. #170011679)
 (PREVIOUSLY SUBMITTED LAND)
 Asphalt

S86°33'03"W 480.73' (0/A)

0 10 20 30 FEET
 GRAPHIC SCALE: 1" = 10'

710

BUILDING 17 (DUPEX)



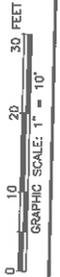
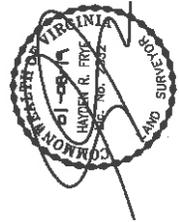
TYPICAL BUILDING SECTION

NOT TO SCALE (N.T.S.)

NOTES:

1. VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
2. FINISHED FLOOR ELEVATION SHOWN FROM AS-BUILT SURVEY OF BUILDING #17 (DUPEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 01-08-19.

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



INDICATES COMMON ELEMENT

THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 17
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OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

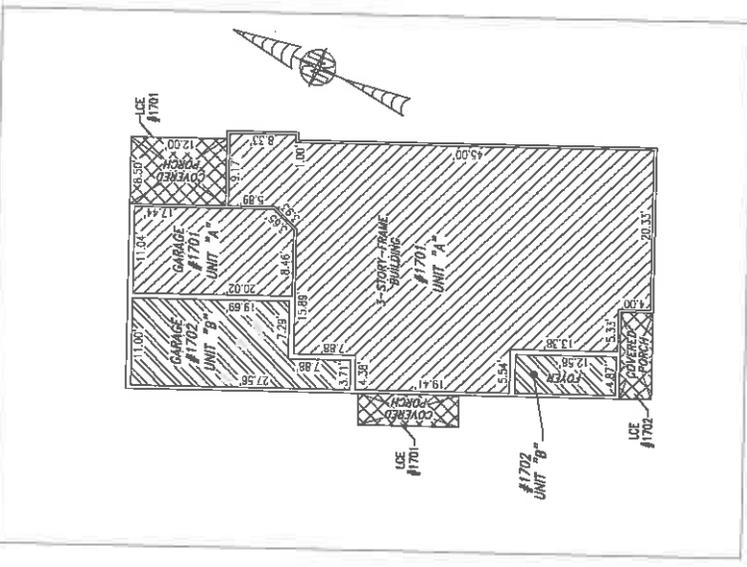
Hayden Frye and Associates, Inc.
Land Surveyors
100 HICKORY ROAD, SUITE 200
P.O. BOX 200, GREENSBORO, NC 27402
PH: 773-401-2288 FAX: 773-401-2291



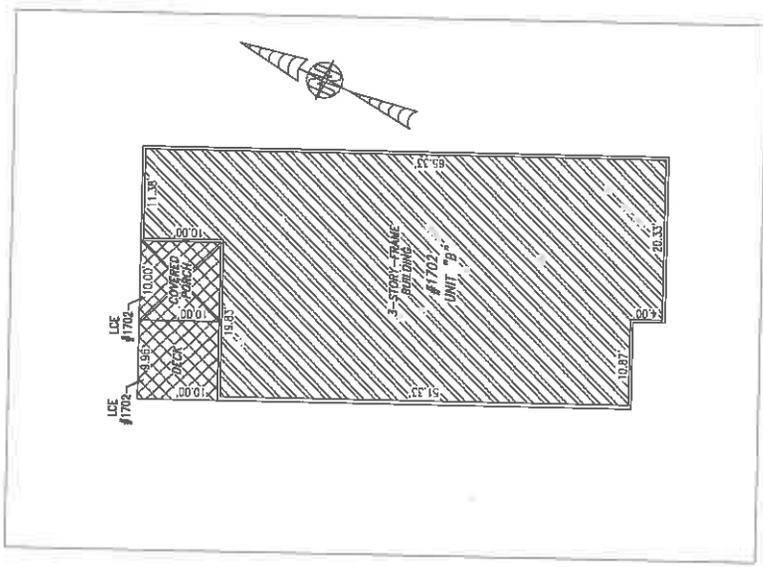
DATE: JANUARY 8, 2019
SCALE: 1" = 10'
SHEET 4 OF 5 THIS PHASE

8910

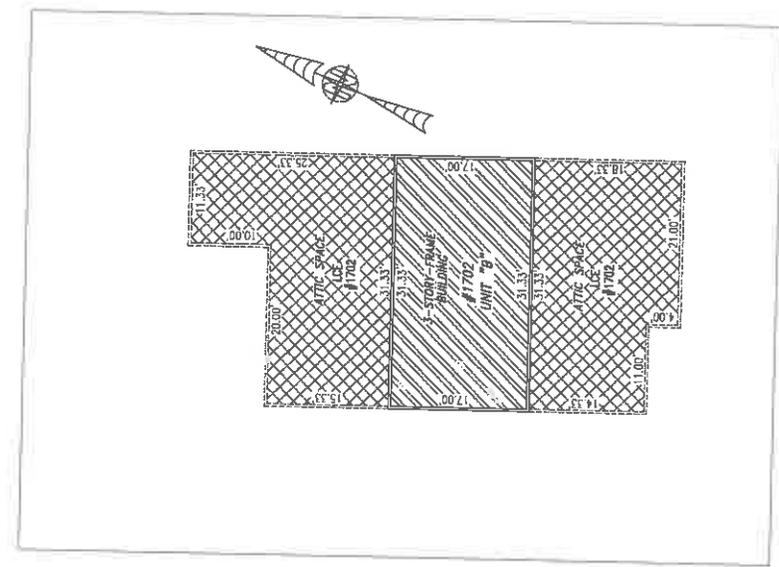
BUILDING 17 (DUPLIX)



FIRST FLOOR

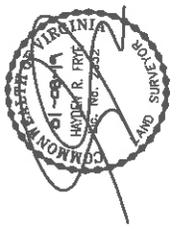


SECOND FLOOR



THIRD FLOOR

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA AS AMENDED, 55-79.55 AND I FURTHER CERTIFY THAT ALL UNITS THEREON CONFORM TO THE PROVISIONS PURSUANT TO THE CODE OF VIRGINIA, 55-78.58B, ARE SUBSTANTIALLY COMPLETE.



| UNIT ID | UNIT DESCRIPTION | UNIT ADDRESS |
|---------|----------------------------------|----------------------|
| A | INDICATES AREA OF UNIT 1701 | #1701 PROMENADE LANE |
| B | INDICATES AREA OF UNIT 1702 | #1702 PROMENADE LANE |
| | INDICATES COMMON ELEMENT | |
| | INDICATES LIMITED COMMON ELEMENT | |



THIS SHEET, FLOOR PLANS

PHASE 17
 CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 28117-00
 VIRGINIA BEACH, VA
 PH: (757) 491-2288 FAX: (757) 491-2289

DATE: JANUARY 6, 2019
 SCALE: 1"=10'
 SHEET 5 OF 5 THIS PHASE

ortho

EXHIBIT A

Phase 17 - Building 17

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 SEVENTEEN, AREA = 4,467 SQUARE FEET = 0.103 ACRES" on that certain plat entitled "PHASE 17, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated January 8, 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 # 190001140

INSTRUMENT 190001140
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
JANUARY 28, 2019 AT 03:26 PM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

100810