

Tax Map Nos. 4812501801 & 4812501802

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 18- Building 18

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 5th day of December, 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 18, CONDOMINIUM PLAT AND PLAN OF

1810

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated December 5, 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

2010

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 5th day of December, 2018.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

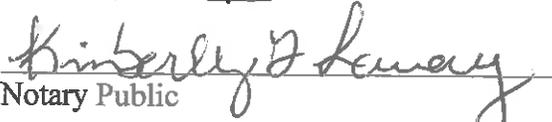
By: FRANCISCUS HOMES, INC.
A Virginia corporation, Manager

By: 
Russell Clark, Vice President

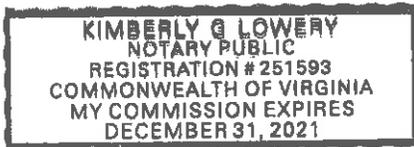
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

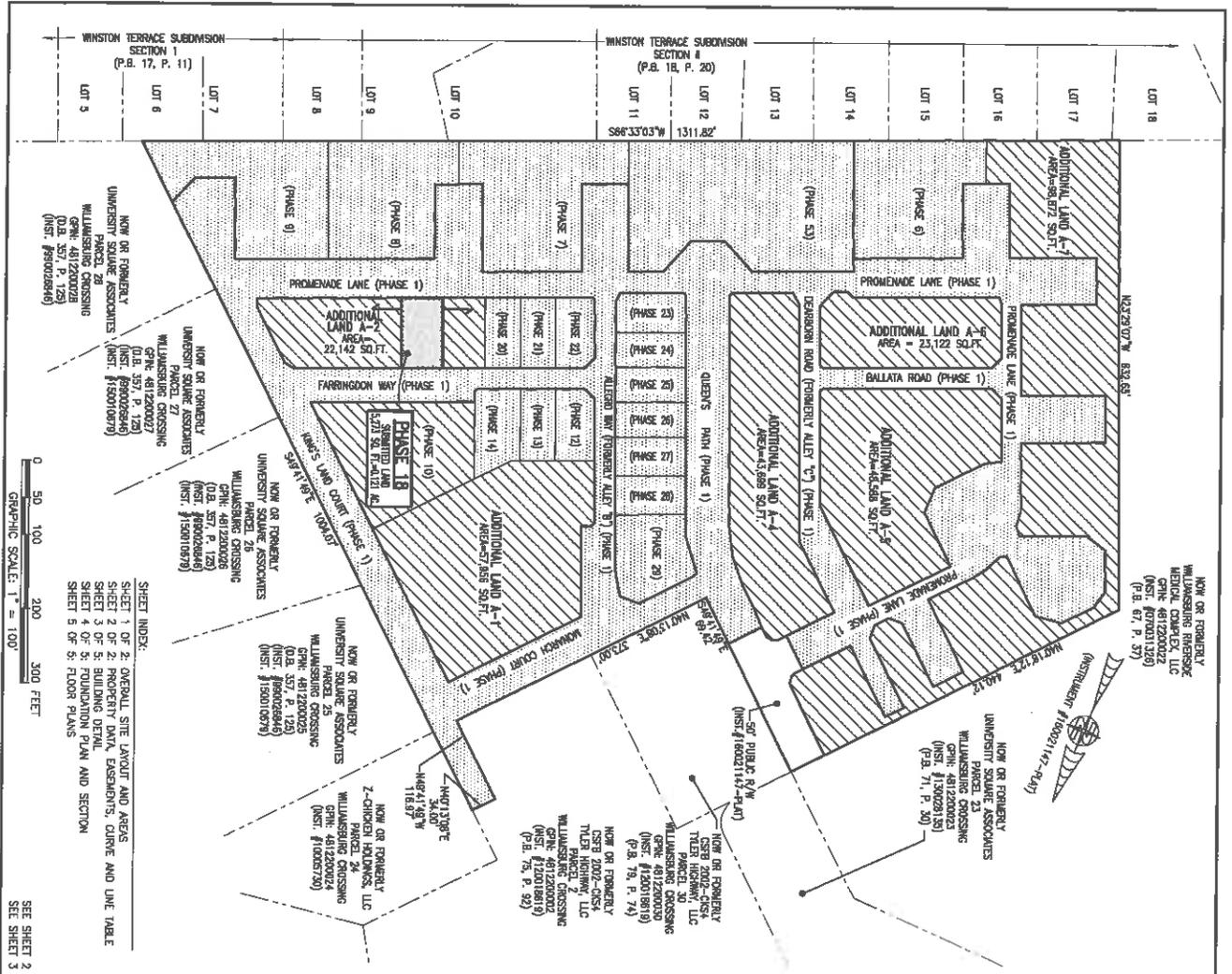
I, Kimberly G. Lowery, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Russell Clark, Vice President of Franciscus Homes, Inc., a Virginia corporation, Manager of Franciscus at Promenade LLC, a Virginia limited liability company, whose name as such is signed to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

Given under my hand this 5th day of December, 2018.


Notary Public

My commission expires: 12/31/21

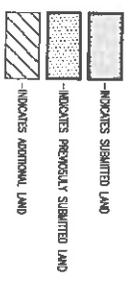




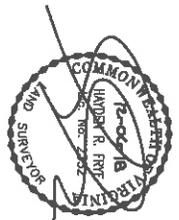
0 50 100 200 300 FEET
 GRAPHIC SCALE: 1" = 100'

SHEET INDEX:
 SHEET 1 OF 5: OVERALL SITE LAYOUT AND ARCS
 SHEET 2 OF 5: PROJECT 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

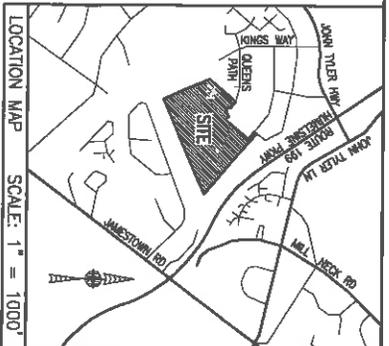
SEE SHEET 2 FOR PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SEE SHEET 3 FOR BUILDING DETAIL



PHASE	BLDG	STATUS/REGISTRATION	SQUARE FEET	ACRES	
1	N/A	INST# 17001679	284,498	6.163	
6		INST# 18001839	24,875	0.571	
7		INST# 18001645	24,822	0.568	
8		INST# 18001659	24,539	0.563	
9		INST# 18000884	25,978	0.596	
10		INST# 17002346	25,806	0.592	
12		INST# 18001840	4,949	0.114	
13		INST# 18001007	4,512	0.104	
14		INST# 18000932	6,462	0.148	
18		SUBSTANTIALLY COMPLETE	6,273	0.143	
20		INST# 18001620	4,465	0.102	
21		INST# 18001808	4,465	0.102	
22		INST# 18001808	4,462	0.102	
23		INST# 18000768	5,014	0.115	
24		INST# 18000610	4,464	0.102	
25		INST# 18000773	4,465	0.102	
26		INST# 17002115	4,465	0.102	
27		INST# 17002157	4,944	0.114	
28		INST# 18000781	4,536	0.113	
29		NOT YET RECORDED	10,569	0.243	
33		N/A	49,880	1.146	
REMAINS OF ADDITIONAL LAND A-1				57,956	1.300
ADDITIONAL LAND A-2				22,142	0.508
ADDITIONAL LAND A-3				43,899	1.003
ADDITIONAL LAND A-4				48,388	1.115
ADDITIONAL LAND A-5				23,122	0.531
ADDITIONAL LAND A-6				98,872	2.270
TOTAL, NEW PARCEL 29				815,839	18.747



I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-28.66 AND 55-28.68 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DESCRIBED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.594, ARE SUBSTANTIALLY COMPLETE.



LEGAL DESCRIPTION
 PROPERTY SHOWN HEREON BEING 'NEW PARCEL 29' CONTAINING 18.747 ACRES AS SHOWN ON 'PLAN OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 29 OF WILLAMSBURG CROSSING' PREPARED BY AEG CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160021147.

NOTES:
 1. PHASE 18 BUILDING 18 IS SUBSTANTIALLY COMPLETE.
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE BUILDING PERMITS.
 - AEA SURVEY BY AEG CONSULTING ENGINEERS, DATED 3-23-15
 - PLAN BY AEG CONSULTING ENGINEERS, DATED 10-24-16.
 - INSTR# 160021147
 - PLAN OF DEVELOPMENT BY AEG CONSULTING ENGINEERS, DATED 9-9-16

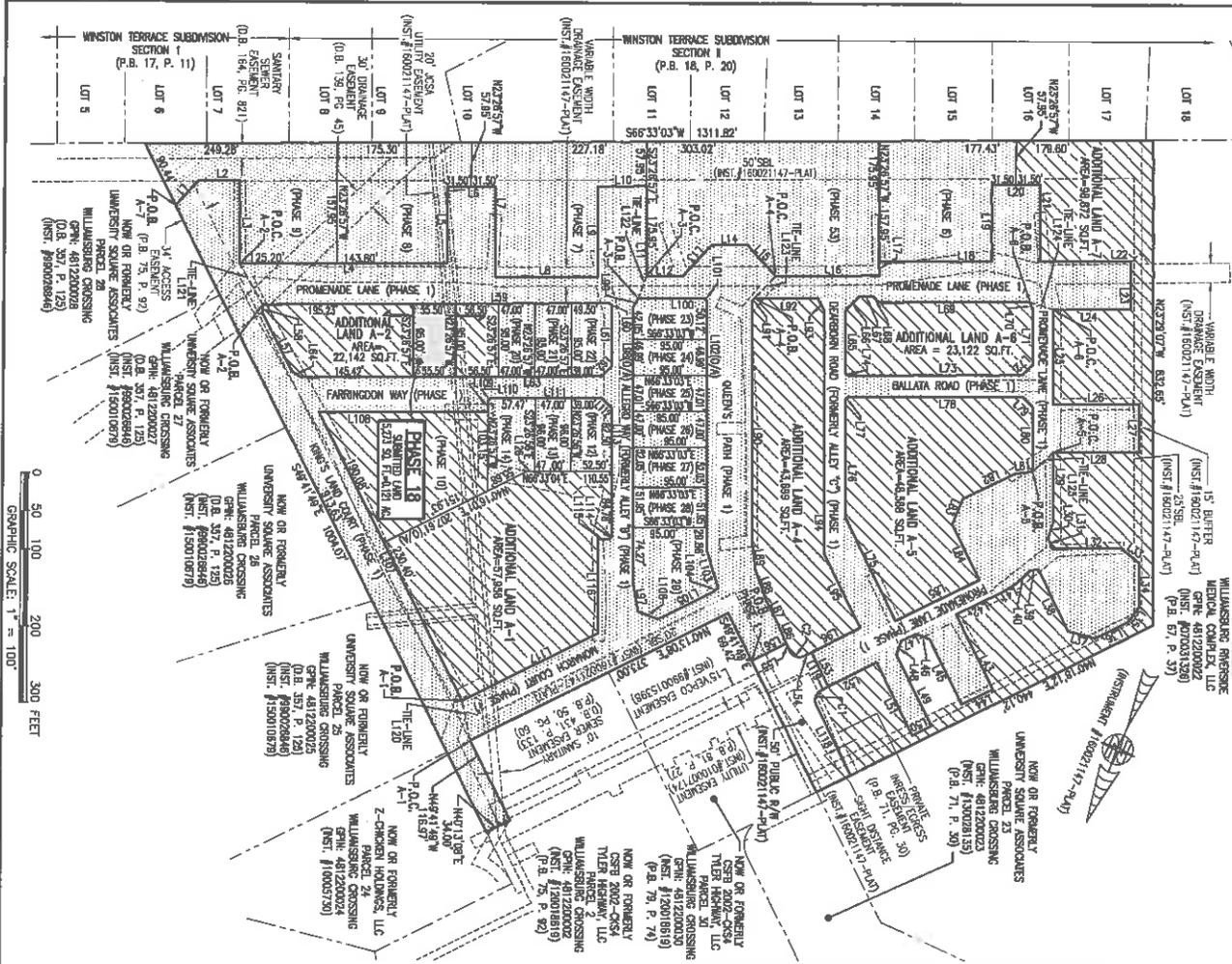
THIS SHEET: OVERALL SITE LAYOUT AND ARCS

PHASE 18
 CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hardy Frye and Associates, Inc.
 Land Surveyors
 100 WEST MAIN STREET, SUITE 200
 VIRGINIA BEACH, VA 23462
 PH: (757) 491-2388 FAX: (757) 491-2399

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

50410



1. HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED. I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 56-79.25A, ARE SUBSTANTIALLY COMPLETE.

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE												
L1	S00°01'33"W	44.87'	L28	S85°33'03"W	113.01'	L51	S49°17'28"E	108.04'	L16	S27°29'57"E	153.56'	L01	N67°33'34"W	4.24'						
L2	S85°33'03"W	53.15'	L29	N23°29'49"W	91.87'	L52	N67°11'17"E	70.88'	L17	S71°33'03"W	324.58'	L02	N23°29'57"W	314.58'						
L3	N23°29'57"E	109.47'	L30	N04°56'50"W	20.85'	L53	S49°41'48"E	50.00'	L18	S85°33'03"W	226.94'	L03	N67°12'30"W	51.55'						
L4	S85°33'03"W	288.00'	L31	N04°56'50"W	20.85'	L54	N40°18'11"E	50.00'	L19	N67°10'18"W	19.08'	L04	N67°10'18"W	82.31'						
L5	S85°33'03"W	100.00'	L32	N23°29'49"W	91.87'	L55	S49°41'48"E	100.00'	L20	N23°29'57"E	84.32'	L05	N40°18'11"E	80.18'						
L6	S85°33'03"W	63.00'	L33	N04°56'50"W	20.85'	L56	N40°18'11"E	50.00'	L21	S49°41'48"E	84.32'	L06	N67°10'18"W	27.86'						
L7	N23°29'57"E	118.80'	L34	N23°29'49"W	91.87'	L57	N40°18'11"E	50.00'	L22	N40°18'11"E	78.00'	L07	S49°41'48"E	400.46'						
L8	S85°33'03"W	118.80'	L35	N23°29'49"W	91.87'	L58	N40°18'11"E	50.00'	L23	N40°18'11"E	78.00'	L08	S49°41'48"E	14.00'						
L9	S85°33'03"W	118.80'	L36	N23°29'49"W	91.87'	L59	N40°18'11"E	50.00'	L24	N40°18'11"E	78.00'	L09	S49°41'48"E	14.00'						
L10	S85°33'03"W	63.00'	L37	N23°29'49"W	91.87'	L60	N40°18'11"E	50.00'	L25	N40°18'11"E	78.00'	L10	S49°41'48"E	14.00'						
L11	N23°29'57"E	118.80'	L38	N23°29'49"W	91.87'	L61	N40°18'11"E	50.00'	L26	N40°18'11"E	78.00'	L11	S49°41'48"E	14.00'						
L12	N23°29'57"E	118.80'	L39	N23°29'49"W	91.87'	L62	N40°18'11"E	50.00'	L27	N40°18'11"E	78.00'	L12	N67°10'18"W	18.28'						
L13	S17°43'43"W	55.33'	L40	N23°29'49"W	91.87'	L63	N40°18'11"E	50.00'	L28	N40°18'11"E	78.00'	L13	N23°29'57"W	107.28'						
L14	S85°33'03"W	48.52'	L41	N23°29'49"W	91.87'	L64	N40°18'11"E	50.00'	L29	N40°18'11"E	78.00'	L14	N23°29'57"W	107.28'						
L15	S85°33'03"W	55.33'	L42	N23°29'49"W	91.87'	L65	N40°18'11"E	50.00'	L30	N40°18'11"E	78.00'	L15	N23°29'57"W	107.28'						
L16	S85°33'03"W	135.86'	L43	N23°29'49"W	91.87'	L66	N40°18'11"E	50.00'	L31	N40°18'11"E	78.00'	L16	N23°29'57"W	107.28'						
L17	S23°28'57"E	18.00'	L44	N23°29'49"W	91.87'	L67	N40°18'11"E	50.00'	L32	N40°18'11"E	78.00'	L17	N23°29'57"W	107.28'						
L18	S23°28'57"E	18.00'	L45	N23°29'49"W	91.87'	L68	N40°18'11"E	50.00'	L33	N40°18'11"E	78.00'	L18	N23°29'57"W	107.28'						
L19	S23°28'57"E	18.00'	L46	N23°29'49"W	91.87'	L69	N40°18'11"E	50.00'	L34	N40°18'11"E	78.00'	L19	N23°29'57"W	107.28'						
L20	S85°33'03"W	63.00'	L47	N23°29'49"W	91.87'	L70	N40°18'11"E	50.00'	L35	N40°18'11"E	78.00'	L20	N23°29'57"W	107.28'						
L21	N23°29'57"E	100.00'	L48	N23°29'49"W	91.87'	L71	N40°18'11"E	50.00'	L36	N40°18'11"E	78.00'	L21	N23°29'57"W	107.28'						
L22	N23°29'57"E	100.00'	L49	N23°29'49"W	91.87'	L72	N40°18'11"E	50.00'	L37	N40°18'11"E	78.00'	L22	N23°29'57"W	107.28'						
L23	N23°29'57"E	63.00'	L50	N49°29'25"E	20.64'	L73	N40°18'11"E	50.00'	L38	N40°18'11"E	78.00'	L23	N23°29'57"W	107.28'						
L24	N65°33'03"E	101.24'	L51	N49°29'25"E	20.64'	L74	S71°09'13"E	5.20'	L39	S27°29'57"E	318.52'	L24	N65°33'03"E	31.88'						
L25	N23°28'49"W	120.00'	L52	N49°29'25"E	20.64'	L75	S49°17'28"E	150.14'	L40	S49°17'28"E	150.14'	L25	N65°33'03"E	11.05'						

PHASE 18
OF
THE PROMENADE
CONDOMINIUM PLAT AND PLAN

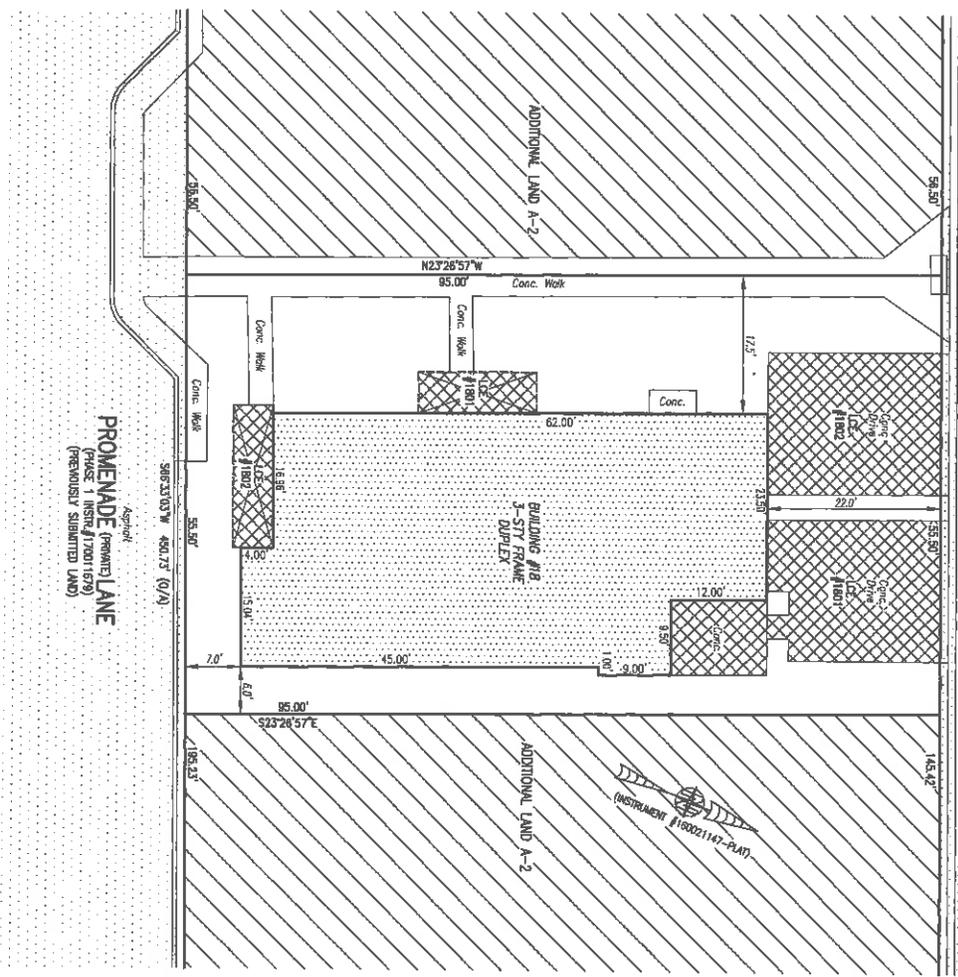
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

DATE: DECEMBER 5, 2018
SCALE: 1"=100'

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

COMMONWEALTH OF VIRGINIA
LAND SURVEYOR

Hayden Frye and Associates, Inc.
Land Surveyors
13111 LANTANA BLVD, SUITE 200
VIRGINIA BEACH, VA 23464
P.O. BOX 912289 RICHMOND, VA 23291

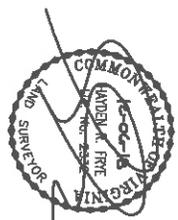


FARLINGTON (Promenade Way)
 (Phase 1 INSTR. #170011679)
 (Previously Submitted Land)
 Ass'd to:
 INSTRUMENT 39042 (Q/A)

PROMENADE (Promenade Lane)
 (Phase 1 INSTR. #170011679)
 (Previously Submitted Land)



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



I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, § 55-79.56 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.59A, ARE SUBSTANTIALLY COMPLETE.

THIS SHEET: BUILDING DETAIL

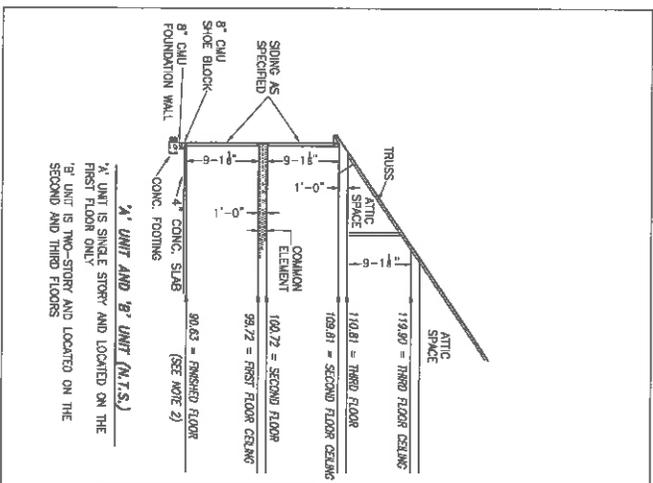
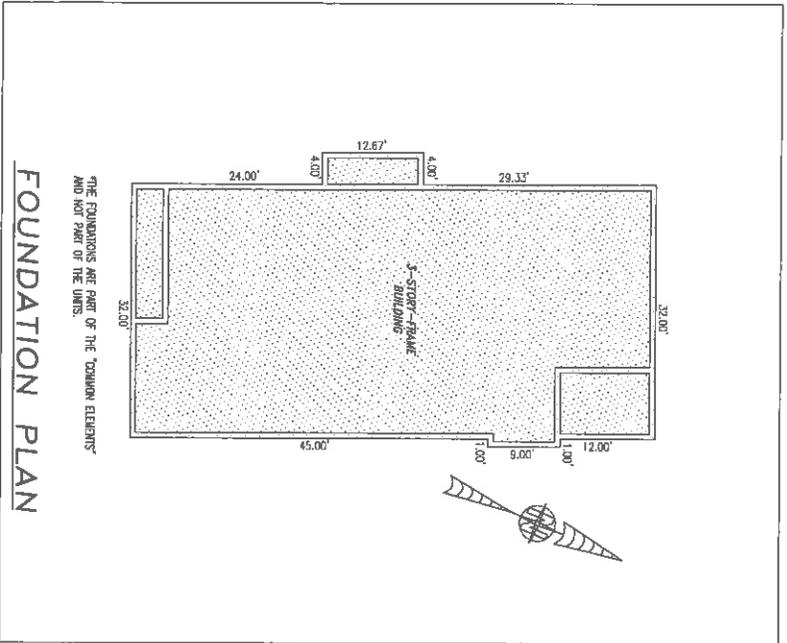
PHASE 18
 CONDOMINIUM PLAT AND PLAN
 OF
 THE PROMENADE
 AT
 JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Eyre and Associates, Inc.
 Land Surveyors
 10000 WOODBURN AVENUE
 VIRGINIA BEACH, VA 23462
 PH: (757) 641-2228 FAX: (757) 697-7229

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

0182

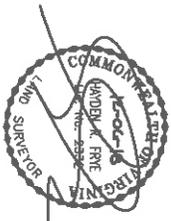
BUILDING 18 (DUPLEX)



TYPICAL BUILDING SECTION

- 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 #18 (DUPLICATED THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES, FIELD WORK WAS PERFORMED ON 12-04-18).

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 THEREON DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.58(B), ARE SUBSTANTIALLY COMPLETE.



INDICATES COMMON ELEMENT



THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 18
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

10/1/18/2018

Hayden Frye and Associates, Inc.
Land Surveyors
11515 LANTANA ROAD, SUITE 204
VIRGINIA BEACH, VA 23464
PH: 757-691-2288 EXT. 601-228

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

01258

EXHIBIT A

Phase 18 - Building 18

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 EIGHTEEN, AREA = 5,273 SQUARE FEET = 0.121 ACRES" on that certain plat entitled "PHASE 18, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated December 5, 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.

5 Large/Small Plat(s) Recorded
herewith as # 180019704

INSTRUMENT 180019704
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
DECEMBER 11, 2018 AT 01:08 PM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

10010