

Tax Map Nos. 4812501901 & 4812501902

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 19- Building 19

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 6th 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 19, CONDOMINIUM PLAT AND PLAN OF

1840

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated December 6, 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

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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 6th 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

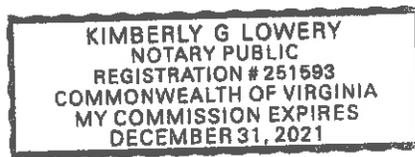
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of James City, to wit:

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.

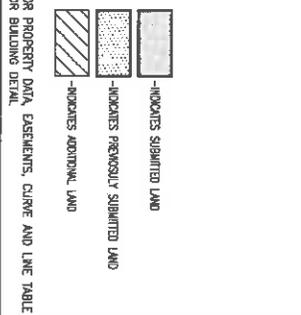
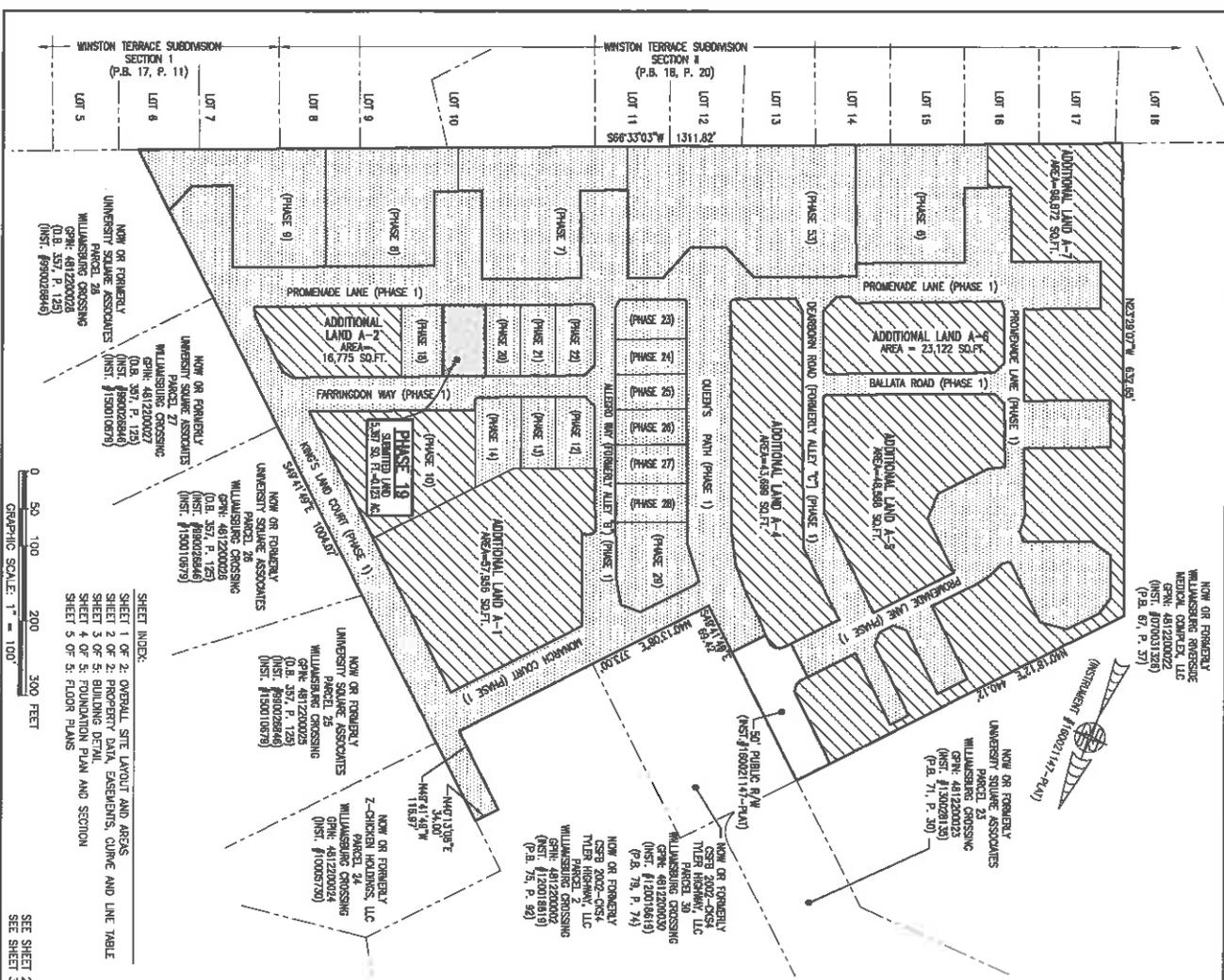
Given under my hand this 6th day of December, 2018.

Kimberly G Lowery
Notary Public

My commission expires: 12/31/21



4010



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

SHEET INDEX:
SHEET 1 OF 2: OVERALL SITE LAYOUT AND AREAS
SHEET 2 OF 2: BUILDING DATA, EASEMENTS, CURVE AND LINE TABLE
SHEET 3 OF 5: FOUNDATION PLAN AND SECTION
SHEET 4 OF 5: FLOOR PLANS

PHASE 19
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hyden Eryd and Associates, Inc.
Lard Suttygors
3030 SULLY ROAD, SUITE 300
VIRGINIA BEACH, VA 23462
PH: (757) 491-2300 FAX: (757) 491-2299

DATE: DECEMBER 6, 2018
SCALE: 1" = 100'
SHEET 1 OF 5 THIS PHASE

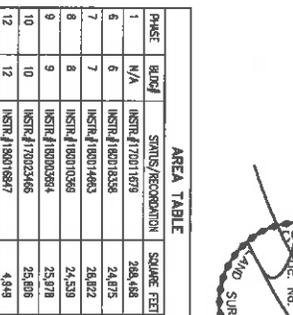
AREA TABLE

PHASE	BUILDING	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	NSR# J12011679	298,448	6.163	
6		NSR# J180014336	24,025	0.571	
7		NSR# J180014663	26,872	0.627	
8		NSR# J180010266	24,539	0.563	
9		NSR# J180003664	25,378	0.586	
10		NSR# J12022466	25,809	0.592	
12		NSR# J180018847	4,848	0.114	
13		NSR# J180010007	4,812	0.109	
14		NSR# J180006579	6,492	0.148	
18		NOT YET RECORDED	5,272	0.121	
19		SUBSTANTIALLY COMPLETE	5,307	0.123	
20		NSR# J180016210	4,485	0.103	
21		NSR# J180018208	4,465	0.103	
22		NSR# J180018208	4,892	0.112	
23		NSR# J180001788	5,014	0.115	
24		NSR# J180004680	4,464	0.102	
25		NSR# J180001729	4,465	0.103	
26		NSR# J12021158	4,465	0.102	
27		NSR# J12021157	4,944	0.114	
28		NSR# J180001781	4,538	0.113	
29		NOT YET RECORDED	10,589	0.243	
30		NSR# J180014682	49,285	1.145	
REMAINS OF ADDITIONAL LAND A-1				57,656	1.330
ADDITIONAL LAND A-2				18,775	0.4285
ADDITIONAL LAND A-4				43,889	1.003
ADDITIONAL LAND A-5				48,288	1.115
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				90,872	2.270
TOTAL, NEW PARCEL 29				816,628	18.747

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

LEGAL DESCRIPTION
PROPERTY SHOWN HEREBY BEING NEW PARCEL 29TH CONTAINING 18.747 ACRES AS SHOWN ON "PLAN OF LOT LINE ESTABLISHMENT BEING PARCELS 20 AND 29 OF WILLIAMSBURG CROSSING PREPARED BY A.S. CONSULTING ENGINEERS, DATED 10-24-18 AND RECORDED AS INSTRUMENT NO. 18022119, DATED 5-8-19.

NOTES:
1. PHASE 19 BUILDING 19 IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREBY PER THE FOUNDING.
- ALTA SURVEY BY A.S. CONSULTING ENGINEERS, DATED 3-23-15.
- PLAN BY A.S. CONSULTING ENGINEERS, DATED 10-24-18.
- PLAN BY A.S. CONSULTING ENGINEERS, DATED 10-24-18 AND RECORDED AS INSTRUMENT NO. 18022119, DATED 5-8-19.



HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, '55-78.58 AND 1) FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREBY, PURSUANT TO THE CODE OF VIRGINIA, '55-79.59A, ARE SUBSTANTIALLY COMPLETE.

WILLIAMSBURG CROSSING
MEDICAL CENTER, LLC
GPN: 4812200022
(INST. #070031230)
(P.A. 67, P. 57)

UNIVERSITY SQUARE ASSOCIATES
WILLIAMSBURG CROSSING
GPN: 4812200023
(INST. #130281135)
(P.A. 71, P. 20)

UNIVERSITY SQUARE ASSOCIATES
WILLIAMSBURG CROSSING
GPN: 4812200024
(INST. #150010878)

UNIVERSITY SQUARE ASSOCIATES
WILLIAMSBURG CROSSING
GPN: 4812200025
(O.B. 357, P. 125)

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WILLIAMSBURG CROSSING
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(O.B. 357, P. 125)

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WILLIAMSBURG CROSSING
GPN: 4812200028
(INST. #09028846)

UNIVERSITY SQUARE ASSOCIATES
WILLIAMSBURG CROSSING
GPN: 4812200029
(INST. #150010879)

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WILLIAMSBURG CROSSING
GPN: 4812200030
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WILLIAMSBURG CROSSING
GPN: 4812200031
(INST. #09028846)

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WILLIAMSBURG CROSSING
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(INST. #150010879)

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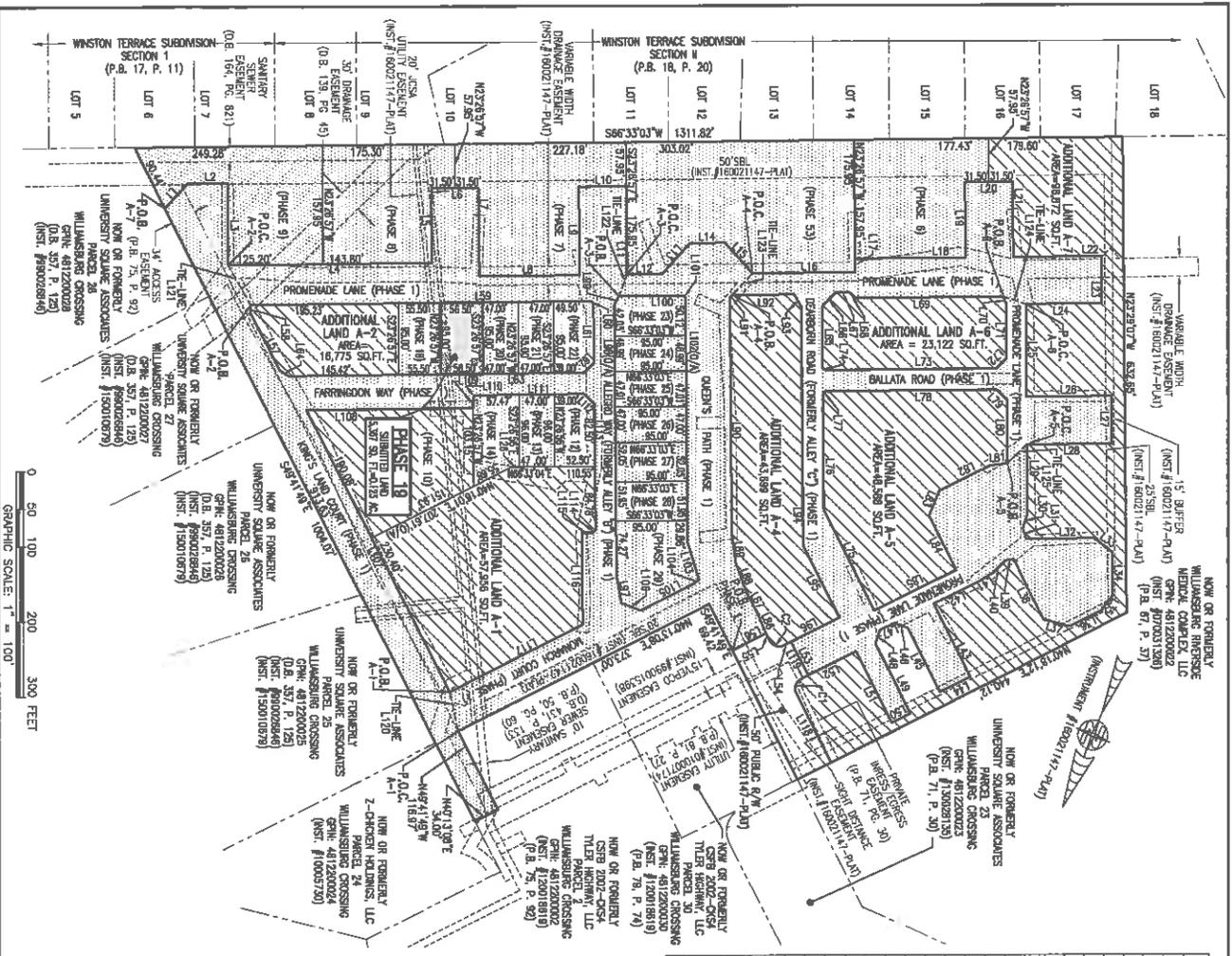
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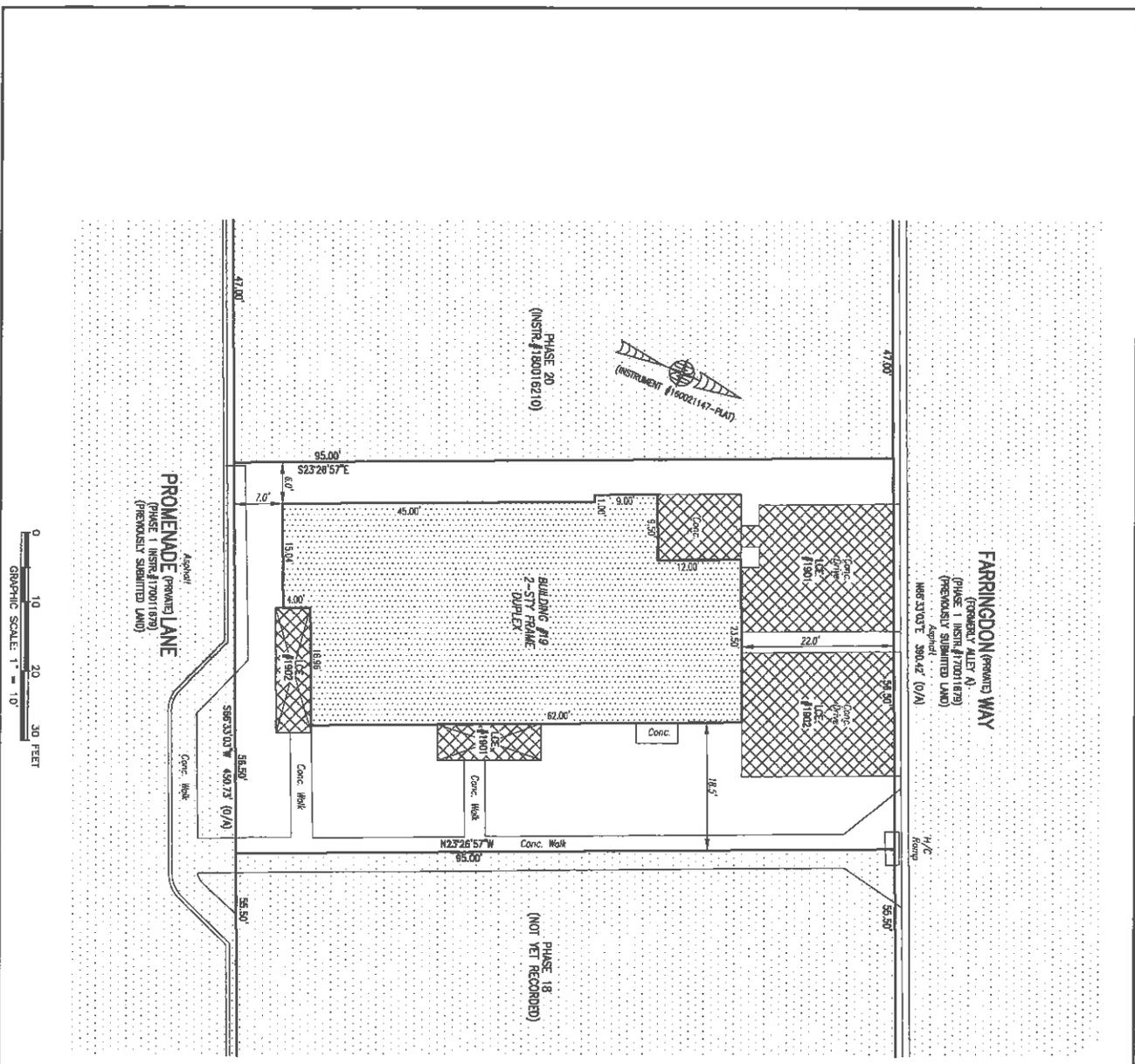
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S60°13'W	44.97'	L26	S86°33'03"W	113.61'	L51	S40°17'28"E	108.66'	L76	S23°29'57"E	163.58'	L101	N82°33'33"W	4.24'
L2	S89°23'03"W	23.13'	L27	N23°28'57"W	63.00'	L52	N40°18'11"E	70.88'	L77	S71°33'03"W	4.85'	L102	N23°57'57"W	34.58'
L3	N22°28'57"W	109.47'	L28	N62°33'03"E	113.50'	L53	S46°14'49"E	50.00'	L78	N67°30'30"W	22.04'	L103	N40°17'30"W	51.55'
L4	S83°33'03"W	288.60'	L29	N23°28'49"W	91.87'	L54	N40°18'11"E	10.00'	L79	N82°30'30"W	19.98'	L104	N23°57'57"E	8.23'
L5	S23°28'57"E	100.00'	L30	N05°58'59"W	20.85'	L55	N40°18'11"E	50.00'	L80	N23°17'17"E	84.32'	L105	N82°30'30"W	80.11'
L6	S83°33'03"W	63.00'	L31	N40°18'11"E	14.72'	L56	N40°18'11"E	50.00'	L81	N59°51'39"E	27.66'	L106	N82°30'30"W	27.66'
L7	N23°28'57"E	118.80'	L32	S80°30'33"W	30.51'	L57	S46°14'49"E	84.74'	L82	N40°42'28"E	75.80'	L107	S46°14'49"E	420.46'
L8	S86°33'03"W	134.80'	L33	N74°30'33"W	30.87'	L58	S24°14'49"E	84.74'	L83	N60°44'13"W	220.28'	L108	S86°33'03"W	220.28'
L9	S23°28'57"E	118.80'	L34	N23°28'07"W	57.00'	L59	S86°33'03"W	480.13'	L84	N60°44'13"W	11.13'	L109	S23°28'57"E	11.13'
L10	S86°33'03"W	63.00'	L35	N10°30'30"E	24.93'	L60	N82°30'30"W	4.24'	L85	N40°17'30"W	121.80'	L110	S21°33'03"W	4.24'
L11	N23°28'57"W	118.80'	L36	N40°14'49"E	40.00'	L61	N23°28'57"W	75.50'	L86	S46°14'49"E	20.85'	L111	S86°33'03"W	143.47'
L12	N23°28'57"W	46.52'	L37	N40°18'11"E	80.11'	L62	N21°33'03"E	19.08'	L87	S46°14'49"E	35.15'	L112	N82°30'30"W	19.08'
L13	S18°14'43"W	55.33'	L38	S40°18'11"E	80.11'	L63	N62°33'03"E	380.62'	L88	S30°30'30"E	41.26'	L113	N23°17'17"E	182.29'
L14	S86°33'03"W	46.52'	L39	N50°10'08"E	10.61'	L64	S91°24'23"E	14.28'	L89	S30°30'30"E	41.26'	L114	N23°17'17"E	182.29'
L15	S86°33'03"W	46.52'	L40	N23°28'57"E	28.94'	L65	S23°28'57"E	81.00'	L90	S23°28'49"E	310.88'	L115	N82°30'30"E	14.50'
L16	S86°33'03"W	135.66'	L41	N33°57'20"E	20.28'	L66	S21°33'03"W	26.16'	L91	S21°33'03"W	4.24'	L116	N23°28'57"E	122.29'
L17	S23°28'57"E	18.00'	L42	N40°43'03"E	65.92'	L67	S86°33'03"W	17.38'	L92	S86°33'03"W	82.88'	L117	N40°17'30"E	187.12'
L18	S86°33'03"W	145.83'	L43	N40°17'28"W	108.23'	L68	N82°30'30"W	11.31'	L93	N59°51'39"E	12.85'	L118	N40°17'30"E	187.12'
L19	S23°28'57"E	100.00'	L44	N40°17'28"W	45.00'	L69	S82°33'03"W	185.80'	L94	N23°28'57"W	312.18'	L119	S40°18'11"W	10.00'
L20	S86°33'03"W	63.00'	L45	S46°17'28"E	65.33'	L70	N40°44'18"W	11.00'	L95	N40°17'28"E	107.22'	L120	S80°46'E	53.18'
L21	N23°28'57"W	100.00'	L46	N82°30'30"E	18.10'	L71	N23°28'49"W	71.00'	L96	N40°18'11"E	81.23'	L121	N82°30'30"W	60.37'
L22	S86°33'03"W	118.81'	L47	N40°18'25"E	20.64'	L72	N21°33'03"E	19.08'	L97	S46°14'49"E	36.63'	L122	N82°30'30"W	60.37'
L23	N23°28'57"E	63.00'	L48	N40°18'02"W	19.08'	L73	N82°33'03"E	228.70'	L98	S23°28'57"E	381.32'	L123	N20°14'54"E	40.28'
L24	N82°33'03"E	101.24'	L49	N40°17'28"W	103.50'	L74	S71°09'13"E	5.20'	L99	S46°14'49"E	12.85'	L124	N82°30'30"E	31.88'
L25	N23°28'49"W	123.60'	L50	N40°17'28"E	27.52'	L75	S46°17'28"E	150.14'	L100	S82°30'30"W	85.57'	L125	N82°30'30"E	11.05'

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 79.58 AND 1 PARTNER CERTIFY THAT ALL IMPROVEMENTS THEREOF, PARALLEL TO THE CODE OF VIRGINIA, §§ 79.59A, ARE SUBSTANTIALLY COMPLETE.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF LAND SURVEY
HAYDEN R. FRYE
 LAND SURVEYOR

PHASE 19
CONDOMINIUM PLAN AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

DATE: DECEMBER 6, 2018
 SCALE: 1"=100'
 SHEET 2 OF 5 THIS PHASE



THIS SHEET: BUILDING DETAIL

PHASE 19
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 303 KILLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 PH: (757) 491-2228 FAX: (757) 491-2229

DATE: DECEMBER 6, 2018
 SCALE: 1" = 10'
 SHEET 3 OF 5 THIS PHASE

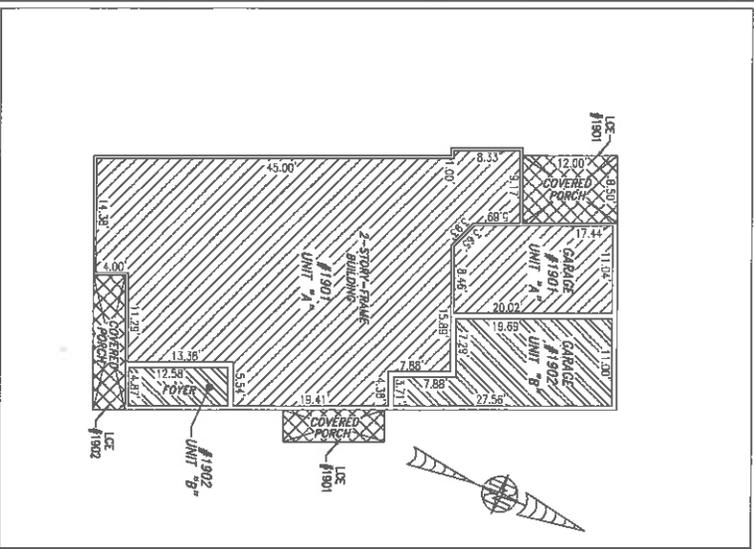
- INDICATES PREVIOUSLY SUBMITTED LAND
 - INDICATES BUILDING AREA (SEE PLANS FOR UNIT DIMENSIONS)
 - INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT # UNIT ASSIGNED
 - INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
 - INDICATES ADDITIONAL LAND
- LCE #1000
 (EXAMPLE UNIT #)

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

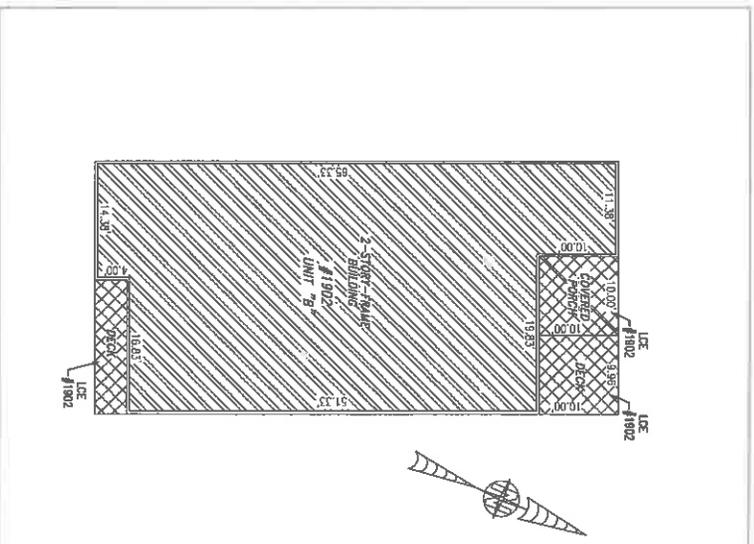
PLAT OF PHASE 19
 HAYDEN FRYE & FRYE
 LAND SURVEYOR
 VIRGINIA
 LIC. NO. 10228

7210

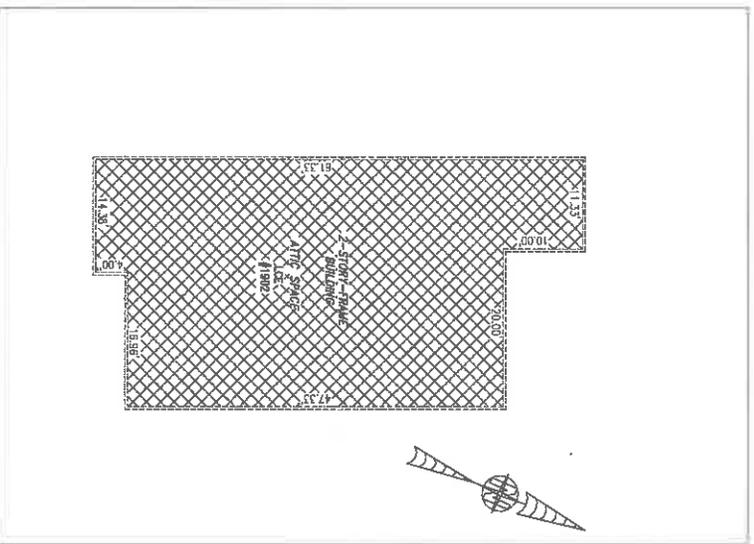
BUILDING 19 (DUPELX)



FIRST FLOOR



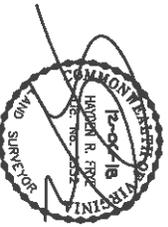
SECOND FLOOR



THIRD FLOOR

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 1901	#1901 PROMENADE LANE
B	INDICATES AREA OF UNIT 1902	#1902 PROMENADE LANE
	INDICATES COMMON ELEMENT	
	INDICATES UNITED COMMON ELEMENT	

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



THIS SHEET, FLOOR PLANS

PHASE 19
 OF
 CONDOMINIUM PLAY AND PLAN
 THE PROMENADE
 AT
 JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

#P 190251

Foyden Frye and Associates, Inc.

Land Surveyors

38 KINGDOM ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 BR (757) 481-2288 EXT 373 897-2289

DATE: DECEMBER 6, 2018

SCALE: 1"=10'

SHEET 5 OF 5 THIS PHASE

9 of 10

EXHIBIT A

Phase 19 - Building 19

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 NINETEEN, AREA = 5,367 SQUARE FEET = 0.123 ACRES" on that certain plat entitled "PHASE 19, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated December 6, 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 # 180019705

INSTRUMENT 180019705
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
DECEMBER 11, 2018 AT 01:10 PM
MONA A. FOLEY, CLERK
RECORDED BY: JXS

10410