

Tax Map Nos. 4812502001 & 4812502002

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 20 - Building 20

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 2<sup>nd</sup> day of October, 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 20, CONDOMINIUM PLAT AND PLAN OF

10710

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated October 1, 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

20/10

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.

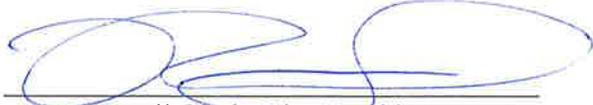
4. CERTIFICATION OF PLANS. On the face of the Plat is the certification of a registered architect, surveyor or engineer as to the accuracy of the Plat and compliance with the provisions of § 55-79.58 of the Code of Virginia of 1950, and the certification that all units or portions depicted thereon, submitted 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 2 day of October, 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 Virginia Beach ~~James City~~, to wit:

I, Valerie Barco Kupfer, 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 2 day of October, 2018.

Valerie Barco Kupfer  
Notary Public

My commission expires: 8-31-21



4410

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 SPECIFIED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.5B, ARE SUBSTANTIALLY COMPLETE.



**LEGAL DESCRIPTION**  
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 28" 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. 160021147.

**NOTES:**

1. PHASE 20 BUILDING 20 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.#160021147
  - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

PHASE	BLOCK	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INSTR.#170011879	288,468	6.163
7	7	INSTR.#16014883	28,822	0.662
8	8	INSTR.#160010369	24,538	0.563
9	9	INSTR.#160003694	25,978	0.596
10	10	INSTR.#170023465	25,896	0.592
13	13	INSTR.#160010007	4,512	0.104
14	14	INSTR.#160006579	6,462	0.148
20	20	SUBSTANTIALLY COMPLETE	4,465	0.103
21	21	NOT YET RECORDED	4,465	0.103
22	22	NOT YET RECORDED	4,892	0.112
23	23	INSTR.#160007768	5,014	0.115
24	24	INSTR.#160005480	4,484	0.102
25	25	INSTR.#160001779	4,465	0.102
26	26	INSTR.#170021156	4,465	0.102
27	27	INSTR.#170021157	4,944	0.114
28	28	INSTR.#160000781	4,938	0.113
29	29	NOT YET RECORDED	10,569	0.243
53	N/A	INSTR.#160014682	49,886	1.145
REMAINS OF ADDITIONAL LAND A-1			62,905	1.444
ADDITIONAL LAND A-2			27,415	0.629
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			123,747	2.841
TOTAL NEW PARCEL 28			816,629	18.747

**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

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

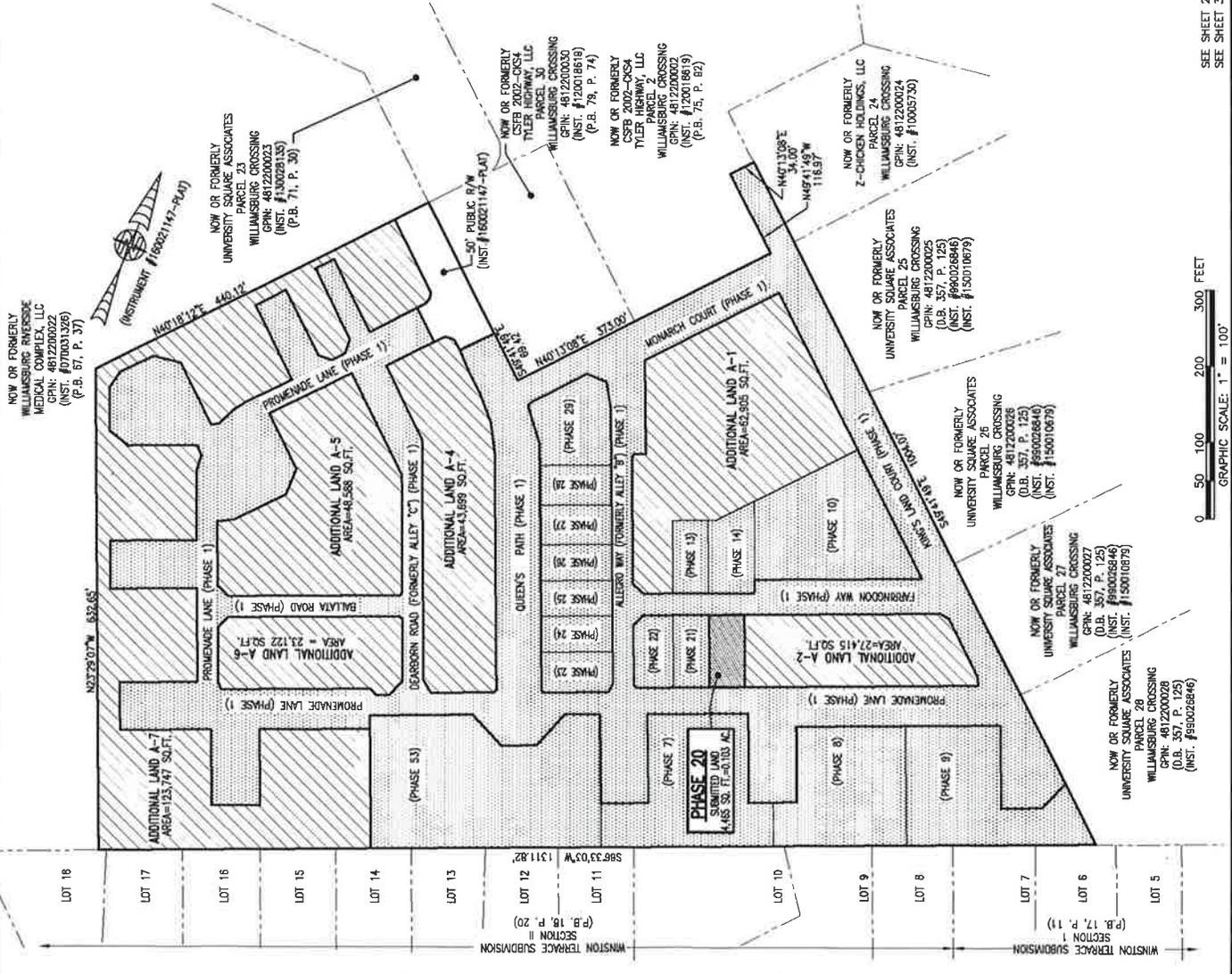
**PHASE 20**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Hydrex Land Associates, Inc.  
**Land Surveyors**  
 33 MILLAN ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 PH: (757) 491-2228 FAX: (757) 491-2229

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



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



57410

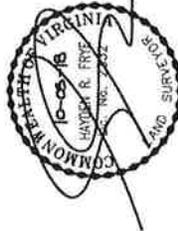
**LINE TABLE**

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°11'37"W	44.97'	L26	S66°33'03"W	113.01'	L51	S49°17'28"E	106.06'	L76	S23°26'57"E	153.56'
L2	S66°33'03"W	53.15'	L27	N23°26'57"E	61.00'	L52	N46°18'11"E	70.88'	L77	S21°33'03"W	4.95'
L3	N23°26'57"E	109.47'	L28	N66°33'03"E	113.01'	L53	S19°41'49"E	50.00'	L78	S66°33'03"W	226.04'
L4	S66°33'03"W	269.00'	L29	N23°26'49"W	91.87'	L54	N40°18'11"E	10.00'	L79	N68°27'04"W	19.09'
L5	N23°26'57"E	109.47'	L30	N04°56'59"W	20.95'	L55	S19°41'49"E	10.00'	L80	N23°27'12"E	84.32'
L6	S66°33'03"W	63.00'	L31	N4°09'18"W	14.72'	L56	N40°18'11"E	50.00'	L81	N59°51'39"E	22.83'
L7	N23°26'57"E	118.00'	L32	S66°30'55"W	90.51'	L57	S49°41'49"E	84.74'	L82	N40°42'28"E	75.00'
L8	S66°33'03"W	132.68'	L33	N74°30'33"W	30.87'	L58	S24°33'07"E	11.47'	L83	N07°46'13"W	36.04'
L9	S23°26'57"E	118.00'	L34	N23°29'07"W	57.00'	L59	S66°33'03"W	450.73'	L84	N49°17'52"W	81.13'
L10	S66°33'03"W	63.00'	L35	N13°06'50"E	24.93'	L60	N82°26'57"W	78.50'	L85	N40°42'32"E	121.00'
L11	N23°26'57"W	118.00'	L36	N40°41'49"E	48.00'	L61	N23°26'57"W	78.50'	L86	S45°45'02"E	26.95'
L12	S66°33'03"W	46.52'	L37	N81°38'35"E	36.41'	L62	N21°33'03"E	19.09'	L87	S49°41'49"E	35.15'
L13	S66°33'03"W	55.33'	L38	S49°18'11"E	60.11'	L63	N66°33'03"E	360.42'	L88	S43°08'04"E	41.26'
L14	S66°33'03"W	46.52'	L39	N80°03'08"E	10.61'	L64	S61°34'23"E	14.26'	L89	S30°00'54"E	41.26'
L15	N65°37'37"W	56.35'	L40	N23°26'55"E	25.94'	L65	S23°26'57"E	81.00'	L90	S23°26'49"E	310.86'
L16	S66°33'03"W	135.69'	L41	N34°51'20"E	20.26'	L66	S21°33'03"W	26.16'	L91	S21°33'07"W	4.24'
L17	S23°26'57"E	16.00'	L42	N40°43'30"E	63.92'	L67	S66°33'03"W	82.86'	L92	S66°33'03"W	82.86'
L18	S66°33'03"W	145.93'	L43	N49°17'28"W	108.73'	L68	N68°26'57"W	11.31'	L93	N53°08'03"W	18.83'
L19	S66°33'03"W	100.00'	L44	N40°42'32"E	45.00'	L69	S66°33'03"W	195.90'	L94	N23°26'57"W	372.16'
L20	S66°33'03"W	63.00'	L45	S49°17'28"E	95.23'	L70	N40°44'18"W	11.00'	L95	N49°17'28"E	107.22'
L21	N23°26'57"W	100.00'	L46	N85°40'58"E	19.10'	L71	N23°26'49"W	71.00'	L96	N40°18'11"E	81.23'
L22	S66°33'03"W	118.31'	L47	N40°39'25"E	20.64'	L72	N21°33'07"E	19.09'	L97	S33°14'07"E	36.03'
L23	N23°26'57"E	63.00'	L48	N04°19'02"W	19.08'	L73	N66°33'03"E	225.70'	L98	S23°26'57"E	361.32'
L24	N65°33'03"E	101.24'	L49	N49°17'28"E	103.50'	L74	S71°09'13"E	5.20'	L99	S06°21'20"W	12.95'
L25	N23°26'49"W	123.00'	L50	N40°42'32"E	27.52'	L75	S49°17'28"E	150.14'	L100	S66°33'03"W	85.57'

**CURVE TABLE**

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CH BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	21.21'	S04°41'49"E
C2	15.00'	90°00'00"	23.56'	15.00'	21.21'	N89°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, § 55-79.55 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.55A, ARE SUBSTANTIALLY COMPLETE.



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

**PHASE 20**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

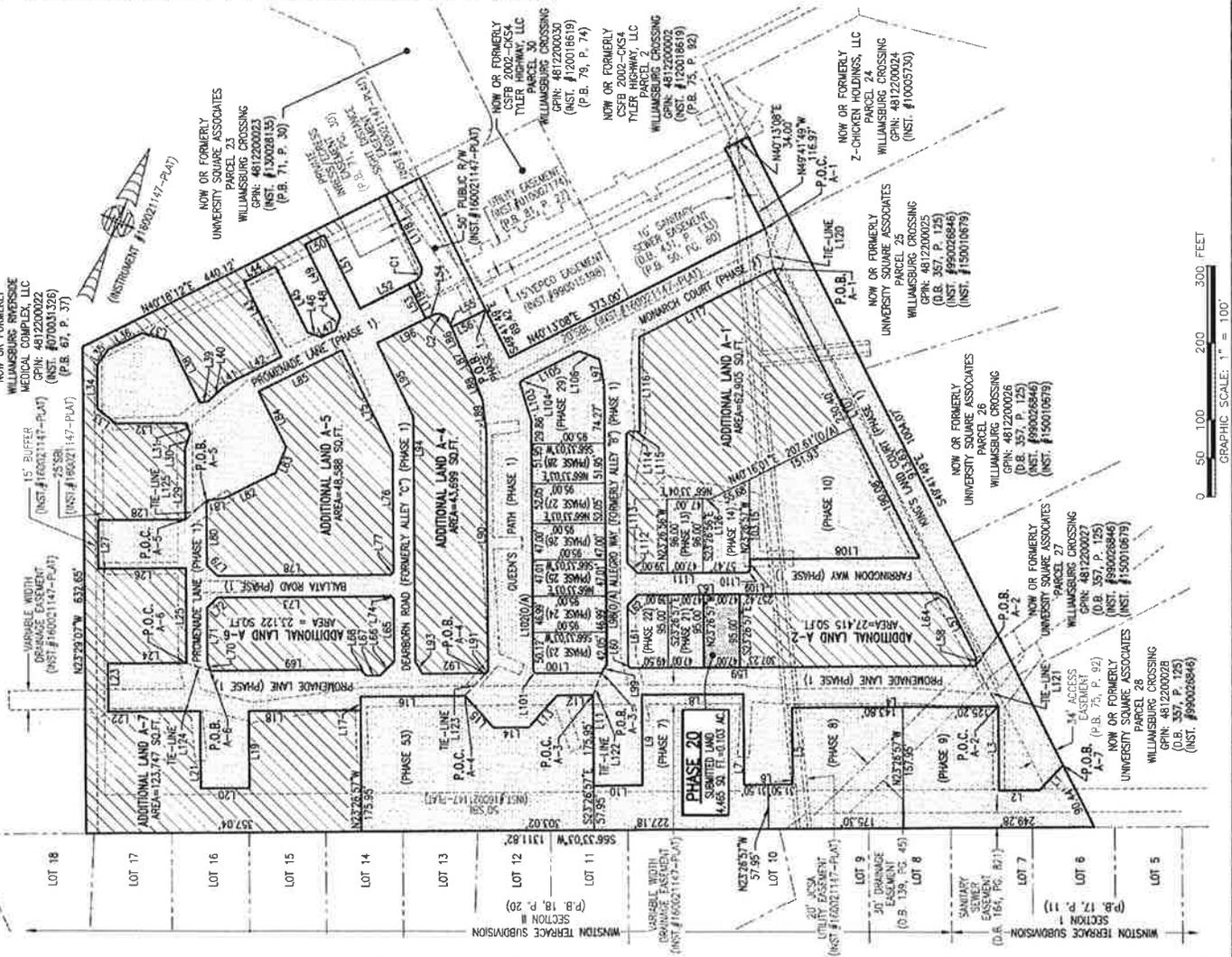
Hydrex Pro and Associates, Inc.  
 Land Surveyors  
 338 KELLAM ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 PH: (757) 491-2226 FAX: (757) 491-2229

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



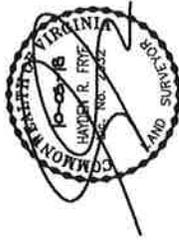
P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING

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



60410

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-78.50B AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-78.58A, ARE SUBSTANTIALLY COMPLETE.



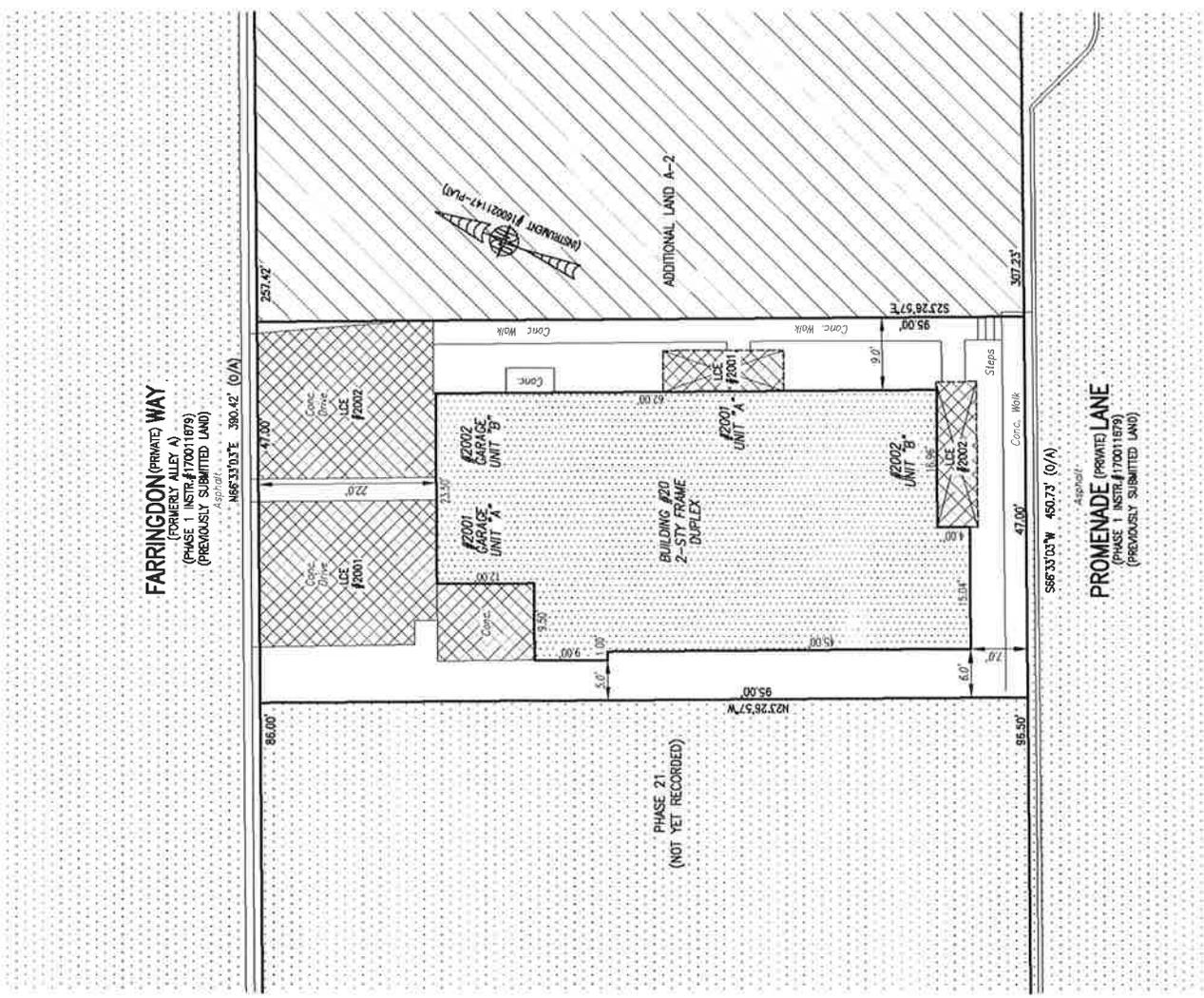
- INDICATES PREVIOUSLY SUBMITTED LAND
  - INDICATES BUILDING AREA (SEE PLANS FOR UNIT DIMENSIONS)
  - INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT
  - INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
  - INDICATES ADDITIONAL LAND
- LCE #1000  
(EXAMPLE UNIT #)

THIS SHEET: BUILDING DETAIL

**PHASE 20**  
CONDOMINIUM PLAT AND PLAN  
OF  
**THE PROMENADE**  
AT  
**JOHN TYLER**  
A CONDOMINIUM  
JAMES CITY COUNTY, VIRGINIA

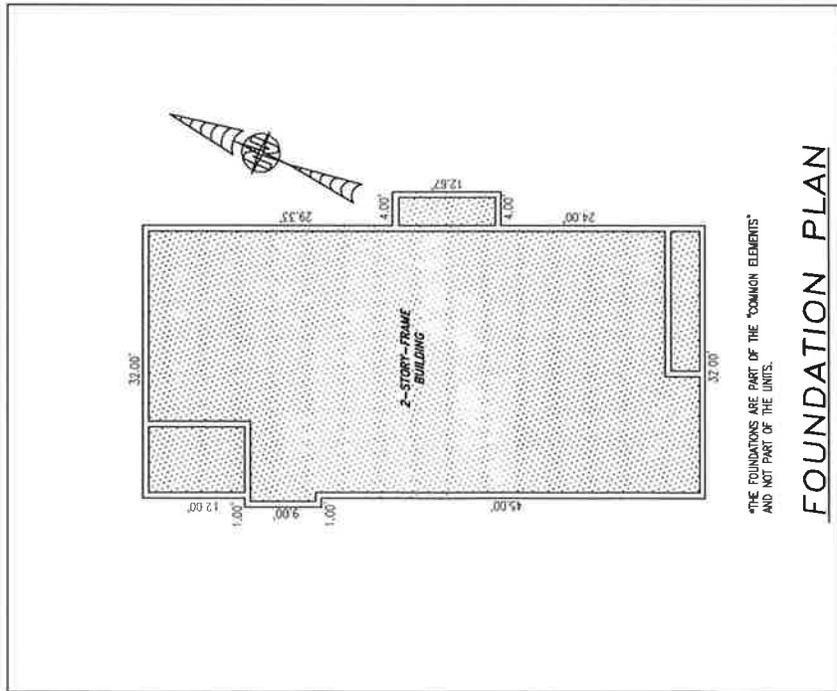
Hayden Faye and Associates, Inc  
Land Surveyors  
50 NELLUM ROAD SUITE 200  
VIRGINIA BEACH, VA 23462  
PH (757) 432-2500 FAX (757) 431-2521

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



7410

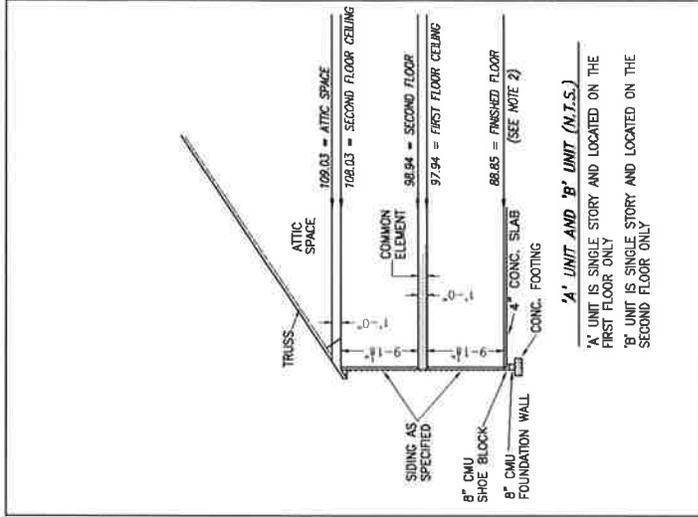
# BUILDING 20 (DUPLEX)



\*THE FOUNDATIONS ARE PART OF THE "COMMON ELEMENTS" AND NOT PART OF THE UNITS.

## FOUNDATION PLAN

INDICATES COMMON ELEMENT



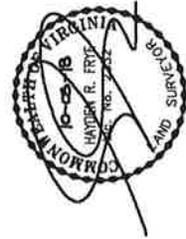
## TYPICAL BUILDING SECTION

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 #20 (DUPLX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 09-25-18.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.59 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



## PHASE 20 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT

**JOHN TYLER**  
A CONDOMINIUM  
JAMES CITY COUNTY, VIRGINIA

16/160821  
Hayden Frye and Associates, Inc.  
**Land Surveyors**  
39 KELLAM ROAD, SUITE 200  
VIRGINIA BEACH, VA, 23462  
PH: (757) 491-2287 FAX: (757) 491-2289

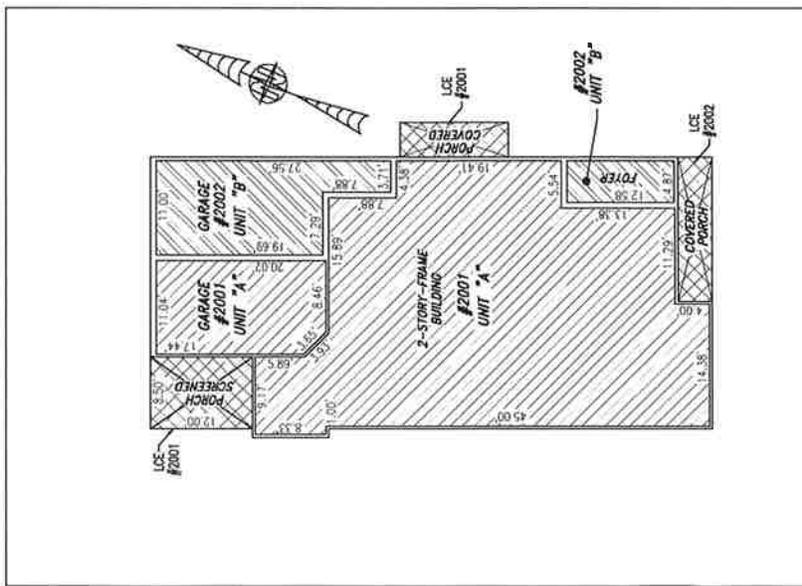
DATE: OCTOBER 1, 2018  
SCALE: 1"=10'  
SHEET 4 OF 5 THIS PHASE

THIS SHEET: FOUNDATION PLAN AND SECTION

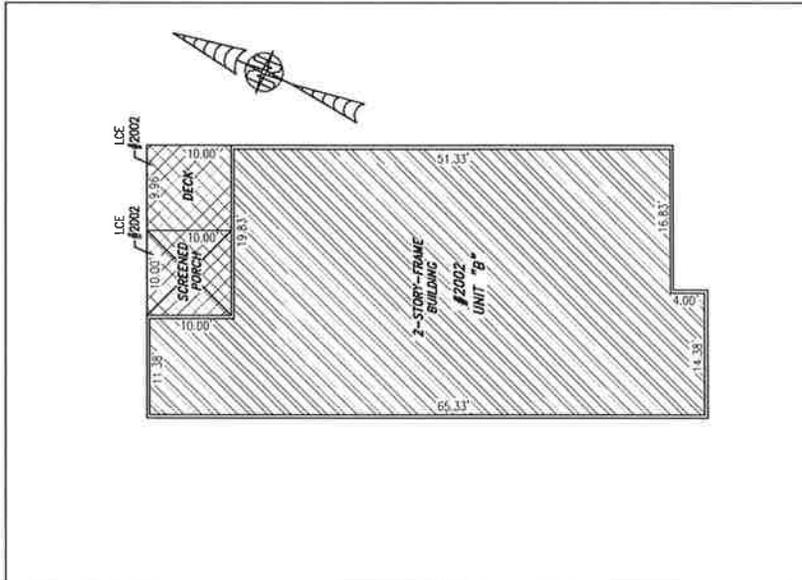


8/26/18

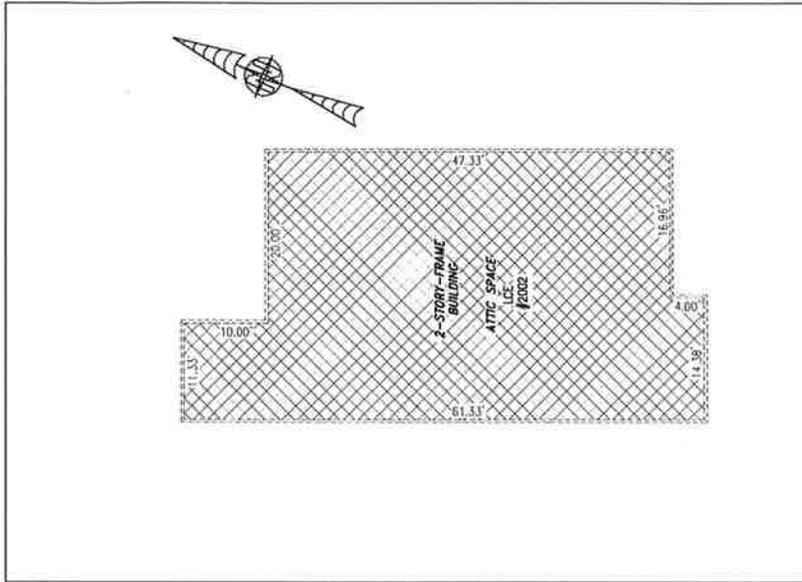
**BUILDING 20 (DUPLIX)**



**FIRST FLOOR**

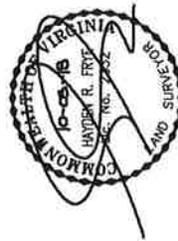


**SECOND FLOOR**



**THIRD FLOOR**

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.58 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HERON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



**PHASE 20**  
**CONDOMINIUM PLAT AND PLAN**  
**OF**  
**THE PROMENADE**  
**AT**  
**JOHN TYLER**  
**A CONDOMINIUM**  
**JAMES CITY COUNTY, VIRGINIA**



Hayden Frye and Associates, Inc.  
 Land Surveyors  
 33 NELLAM ROAD, SUITE 200  
 VIRGINIA BEACH, VA, 23462  
 PHONE: 410-257-1405/1410257

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



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 2001	#2001 PROMENADE LANE
B	-INDICATES AREA OF UNIT 2002	#2002 PROMENADE LANE
	-INDICATES COMMON ELEMENT	
	-INDICATES UNITED COMMON ELEMENT	

2410

EXHIBIT A

Phase 20 - Building 20

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 TWENTY, AREA = 4,465 SQUARE FEET = 0.103 ACRES" on that certain plat entitled "PHASE 20, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated October 1, 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 # 180016210

INSTRUMENT 180016210  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
October 11, 2018 AT 08:57 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: JLZ

10910