

Tax Map Nos. 4812502201 & 4812502202

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 22 - Building 22

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 22, CONDOMINIUM PLAT AND PLAN OF

19/10

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated September 29, 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.

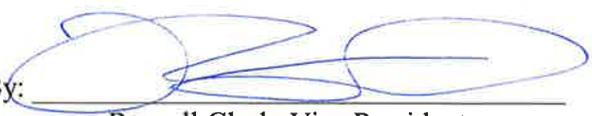
5. CONFIRMATION OF CONDOMINIUM INSTRUMENTS. Except as modified by this Amendment, all terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed, and shall remain in full force and effect and shall be applicable to the Condominium Units and Common Elements created hereby.

3410

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.

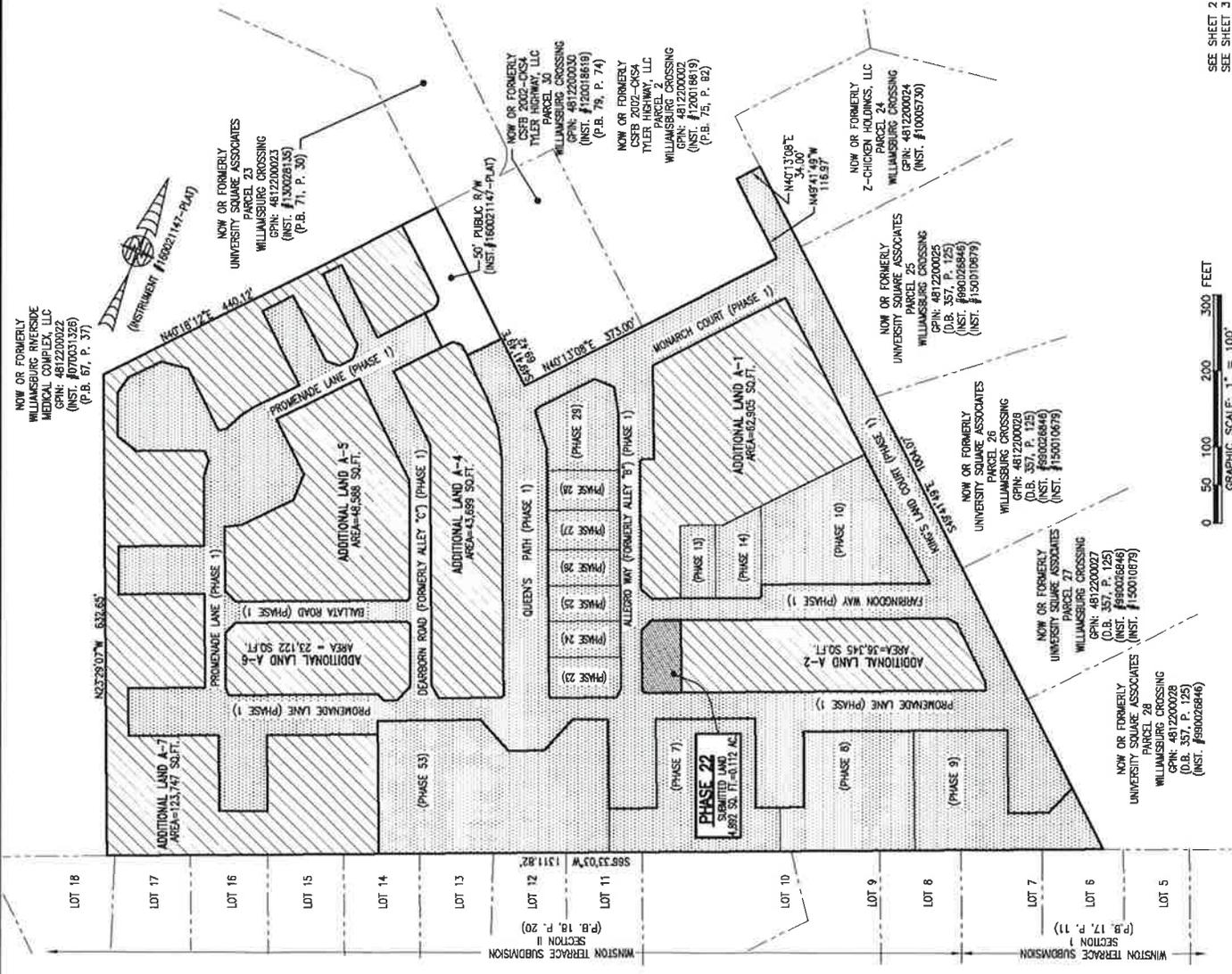
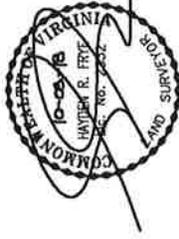
Valerie Barco Kupfer  
Notary Public

My commission expires: 8-31-21



4210

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.98 AND 1. FURTHER CERTIFY THAT ALL IMPROVEMENTS HEREBY DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.98, ARE SUBSTANTIALLY COMPLETE.



PHASE	BLDG	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INSTR. # 16021167-9	298,468	6.163
7	7	INSTR. # 16021166-3	28,822	0.662
8	8	INSTR. # 16021166-9	24,539	0.563
9	9	INSTR. # 16021166-4	25,978	0.596
10	10	INSTR. # 16021166-6	25,806	0.592
13	13	INSTR. # 16021166-7	4,512	0.104
14	14	INSTR. # 16021166-5	6,462	0.148
22	22	SUBSTANTIALLY COMPLETE	4,892	0.112
23	23	INSTR. # 16021167-8	5,014	0.115
24	24	INSTR. # 16021167-4	4,464	0.102
25	25	INSTR. # 16021167-7	4,466	0.103
26	26	INSTR. # 16021167-5	4,465	0.102
27	27	INSTR. # 16021167-1	4,944	0.114
28	28	INSTR. # 16021167-1	4,936	0.113
29	29	NOT YET RECORDED	10,589	0.243
53	N/A	INSTR. # 16021166-2	49,886	1.146
REMAINS OF ADDITIONAL LAND A-1			62,395	1.444
ADDITIONAL LAND A-2			36,345	0.834
ADDITIONAL LAND A-4			43,699	1.003
ADDITIONAL LAND A-5			46,568	1.115
ADDITIONAL LAND A-6			23,122	0.531
ADDITIONAL LAND A-7			123,747	2.841
TOTAL NEW PARCEL 29			816,629	18.747

**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 WILLIAMSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 16021147.

**NOTES:**  
 1. PHASE 22 BUILDING 22 IS SUBSTANTIALLY COMPLETE.  
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:  
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-23-15  
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16,  
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-6-16

**SHEET INDEX:**  
 SHEET 1 OF 2: OVERALL SITE LAYOUT AND AREAS  
 SHEET 2 OF 2: 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

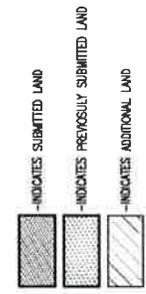
THIS SHEET: OVERALL SITE LAYOUT AND AREAS

**PHASE 22**  
**CONDOMINIUM PLAN AND PLAN**  
**OF**  
**THE PROMENADE**  
**AT**  
**JOHN TYLER**  
**A CONDOMINIUM**  
**JAMES CITY COUNTY, VIRGINIA**

Hayden R. Fry and Associates, Inc.  
 Land Surveyors  
 505 KELLAM ROAD, SUITE 800  
 VIRGINIA BEACH, VA 23462  
 PH: 757-637-0600 FAX: 757-637-0629



DATE: SEPTEMBER 29, 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



GRAPHIC SCALE: 1" = 100'

5010

### LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S207°01'33"W	44.97'	L26	S66°33'03"W	113.01'	L51	S49°17'28"E	153.36'	L76	S27°26'57"E	153.36'	L101	N62°28'33"W	4.24'
L2	S66°33'03"W	53.15'	L27	N27°26'57"W	108.47'	L28	N65°33'03"W	63.00'	L52	N40°18'11"E	70.86'	L77	S27°26'57"W	4.95'
L3	N27°26'57"W	108.47'	L28	N65°33'03"W	63.00'	L53	S49°17'28"E	153.01'	L53	S49°17'28"E	153.01'	L78	S66°33'03"W	276.04'
L4	S66°33'03"W	289.00'	L29	N27°26'57"W	91.87'	L54	N40°18'11"E	10.00'	L54	N40°18'11"E	10.00'	L79	N62°27'04"W	19.09'
L5	S27°26'57"E	101.00'	L30	N04°45'59"W	20.95'	L55	S49°17'28"E	10.00'	L55	S49°17'28"E	10.00'	L80	N27°27'12"W	84.32'
L6	S66°33'03"W	63.00'	L31	N43°09'19"W	14.72'	L56	N40°18'11"E	50.00'	L56	N40°18'11"E	50.00'	L81	N59°51'39"E	22.83'
L7	N27°26'57"E	116.00'	L32	S66°33'03"W	90.31'	L57	S49°17'28"E	84.74'	L57	S49°17'28"E	84.74'	L82	N49°42'28"E	75.00'
L8	S66°33'03"W	132.66'	L33	N74°33'03"W	30.87'	L58	S49°17'28"E	11.47'	L58	N07°46'13"W	36.04'	L83	N07°46'13"W	36.04'
L9	S27°26'57"E	118.00'	L34	N27°26'57"W	57.00'	L59	S66°33'03"W	450.73'	L59	S66°33'03"W	450.73'	L84	N49°17'52"W	81.15'
L10	S66°33'03"W	63.00'	L35	N13°08'50"E	24.93'	L60	N66°26'57"W	4.24'	L60	N66°26'57"W	4.24'	L85	N49°42'28"E	121.00'
L11	N27°26'57"E	118.00'	L36	N40°44'49"E	48.00'	L61	N27°26'57"W	78.50'	L61	N27°26'57"W	78.50'	L86	S49°45'02"E	26.95'
L12	S66°33'03"W	46.52'	L37	N87°38'35"E	36.41'	L62	N71°33'03"W	17.38'	L62	S66°33'03"W	82.86'	L87	S49°17'28"E	35.15'
L13	S18°43'43"W	55.33'	L38	S49°17'28"E	90.11'	L63	N62°33'03"E	390.42'	L63	S49°17'28"E	41.26'	L88	S49°17'28"E	41.26'
L14	S66°33'03"W	46.52'	L39	N59°03'08"E	10.81'	L64	S67°34'23"E	14.26'	L64	S67°34'23"E	14.26'	L89	S09°06'34"E	41.26'
L15	N65°37'37"W	55.33'	L40	N27°26'57"E	25.94'	L65	S27°26'57"E	81.00'	L65	S27°26'57"E	81.00'	L90	S27°26'57"E	310.88'
L16	S66°33'03"W	135.69'	L41	N45°47'20"E	20.26'	L66	S27°26'57"E	26.16'	L66	S27°26'57"E	26.16'	L91	S27°33'03"W	4.24'
L17	S27°26'57"E	18.00'	L42	N47°43'30"E	65.92'	L67	S66°33'03"W	17.38'	L67	S66°33'03"W	82.86'	L92	N49°17'28"E	197.12'
L18	S66°33'03"W	145.33'	L43	N49°17'28"W	104.73'	L68	N62°26'57"W	11.31'	L68	N62°26'57"W	18.83'	L93	N55°08'03"W	18.83'
L19	S27°26'57"E	101.00'	L44	N40°44'32"E	45.00'	L69	S66°33'03"W	195.90'	L69	S66°33'03"W	195.90'	L94	N27°26'57"W	317.18'
L20	S66°33'03"W	63.00'	L45	S49°17'28"E	95.23'	L70	N40°44'16"W	11.00'	L70	N40°44'16"W	11.00'	L95	N49°17'28"E	107.22'
L21	N27°26'57"W	100.00'	L46	N85°49'58"E	49.10'	L71	N27°26'57"W	71.00'	L71	N27°26'57"W	71.00'	L96	N40°18'11"E	81.23'
L22	S66°33'03"W	118.31'	L47	N47°38'28"E	20.64'	L72	N27°26'57"E	19.09'	L72	N27°26'57"E	36.03'	L97	S27°26'57"E	36.03'
L23	N27°26'57"E	63.00'	L48	N04°19'02"W	19.08'	L73	N62°33'03"E	225.70'	L73	N62°33'03"E	225.70'	L98	S09°06'34"E	12.95'
L24	N66°33'03"E	101.24'	L49	N49°17'28"W	103.50'	L74	S71°09'13"E	5.20'	L74	S71°09'13"E	5.20'	L99	S09°06'34"E	12.95'
L25	N27°26'57"W	123.00'	L50	N40°44'32"E	27.52'	L75	S49°17'28"E	150.14'	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'	97°00'00"	23.56'	15.00'	21.21'	S04°41'49"E
C2	15.00'	97°00'00"	23.56'	15.00'	21.21'	N85°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, 55-79.58 AND 1 FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.58A, ARE SUBSTANTIALLY COMPLETE.



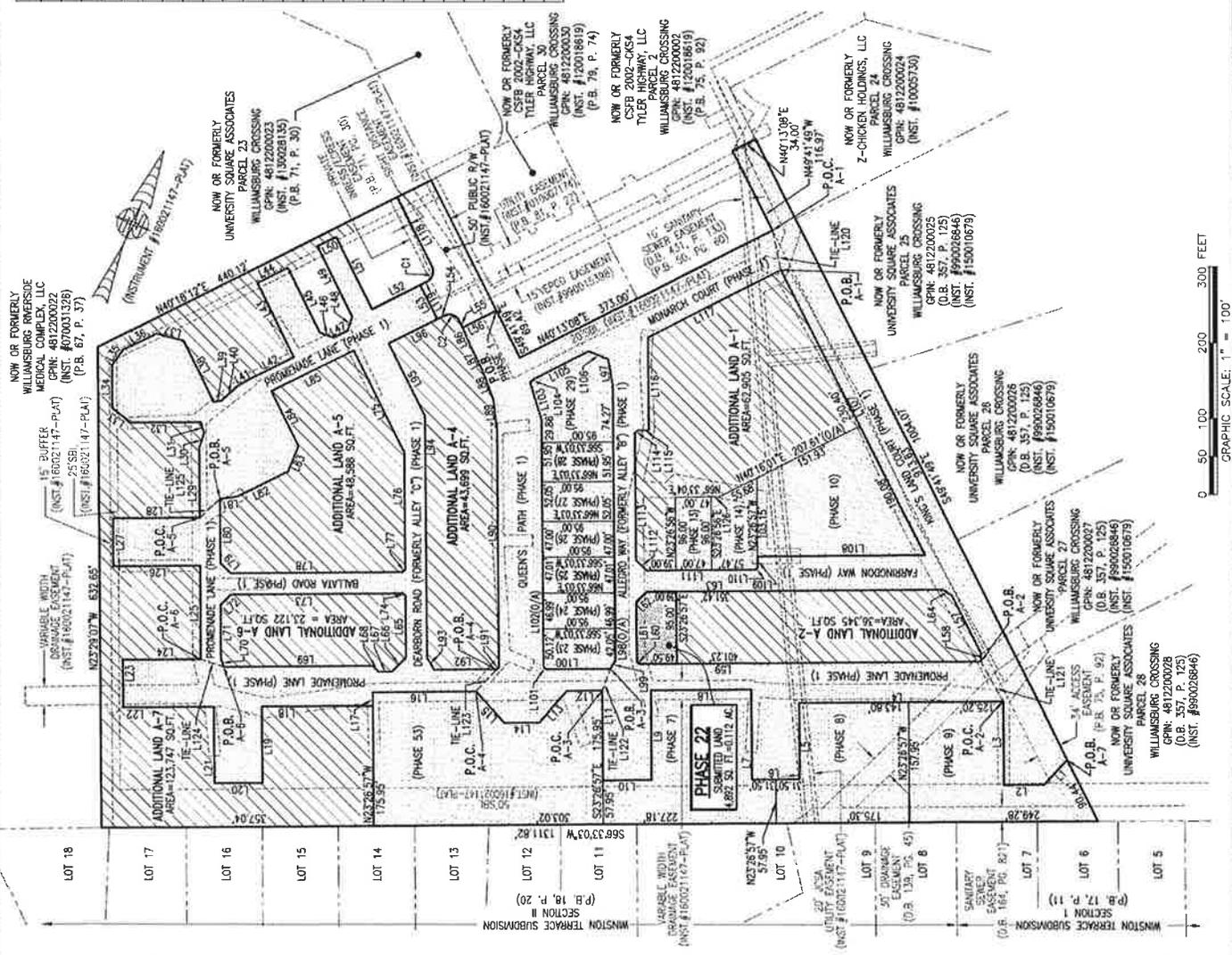
## PHASE 22 OF CONDOMINIUM FLAT AND PLAN AT THE PROMENADE A CONDOMINIUM JOHN TYLER A CONDOMINIUM JAMES CITY COUNTY, VIRGINIA

Hayden Eric and Associates, Inc.  
**Land Surveyors**  
 311 KELLAM ROAD SUITE 200  
 VIRGINIA BEACH, VA, 23462  
 PH: 757-411-2888 FAX: 757-411-2929

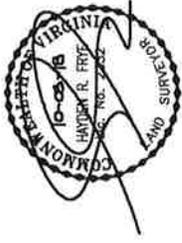


SEE SHEET 1 FOR OVERALL SITE LAYOUT AND AREAS  
 SEE SHEET 3 FOR BUILDING DETAIL

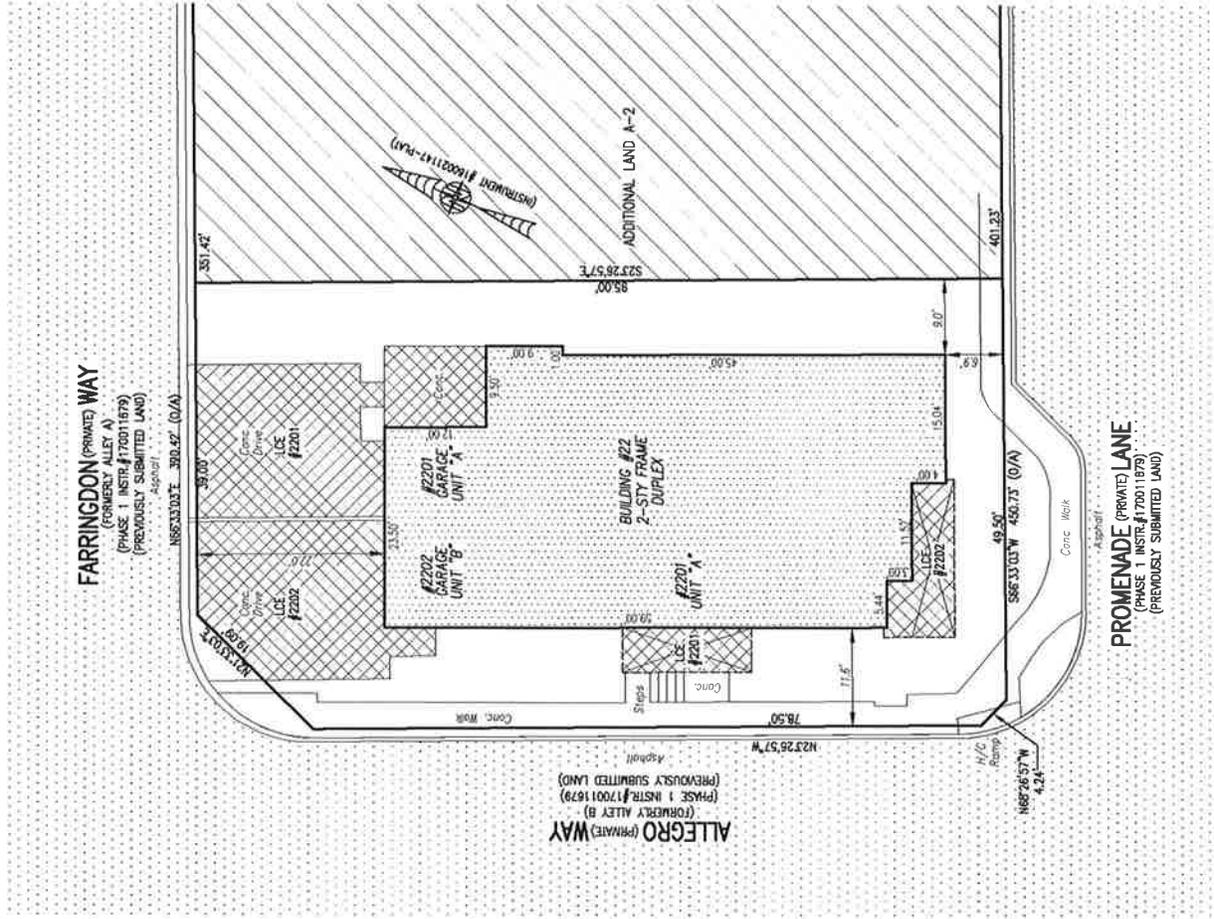
DATE: SEPTEMBER 29, 2018  
 SCALE: 1"=100'  
 SHEET 2 OF 5 THIS PHASE



I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA AS SOLELY ENFORCED HEREON, AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS HEREON DERIVED 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 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 22**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

3 of 160921



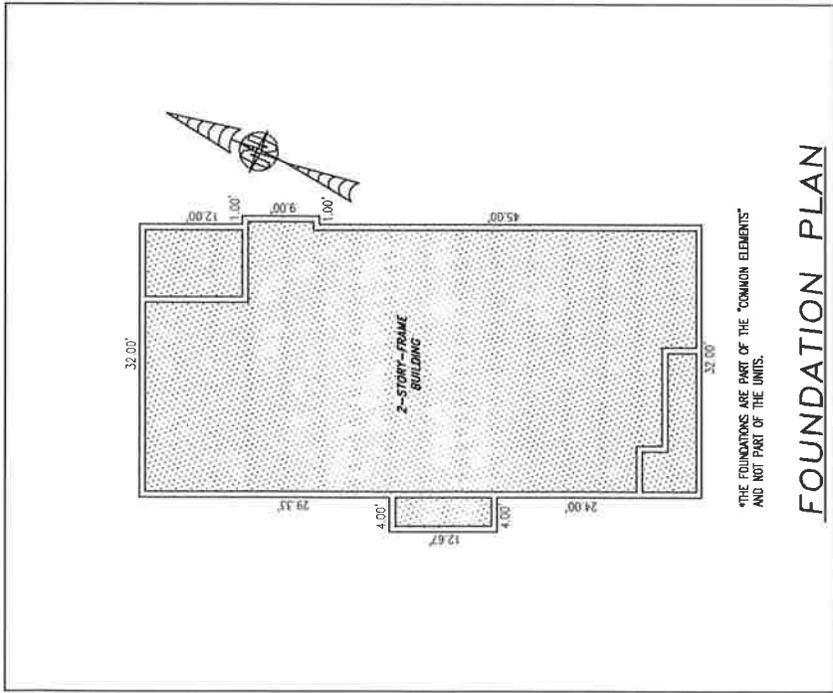
Haydon Frye and Associates, Inc.  
**Land Surveyors**  
 300 N. LANTANA BLVD., #200  
 VIRGINIA BEACH, VA 23462  
 PH: (757) 491-2255 (EXTS) 491-2279

DATE: SEPTEMBER 29, 2018  
 SCALE: 1"=10'  
 SHEET 3 OF 5 THIS PHASE



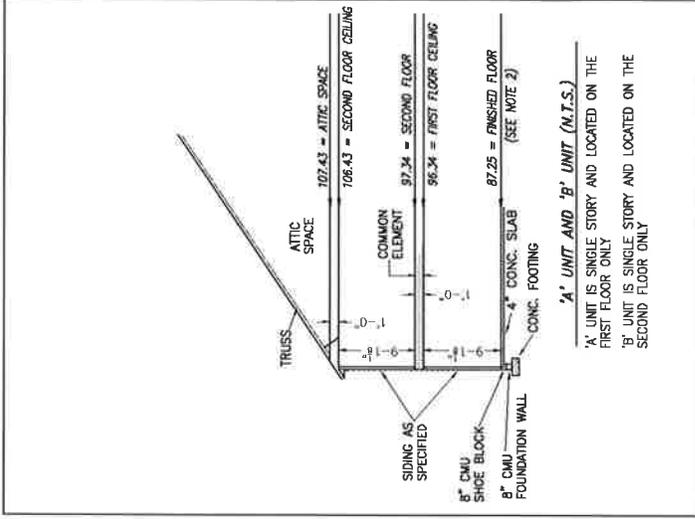
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# BUILDING 22 (DUPLEX)



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

## FOUNDATION PLAN



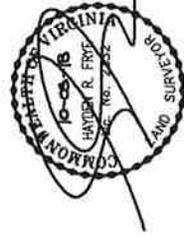
## TYPICAL BUILDING SECTION

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 #22 (DUPLEX) 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, 55-78.58 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 22  
 CONDOMINIUM PLAT AND PLAN  
 OF  
 THE PROMENADE  
 AT  
 JOHN TYLER  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Ref: 160921

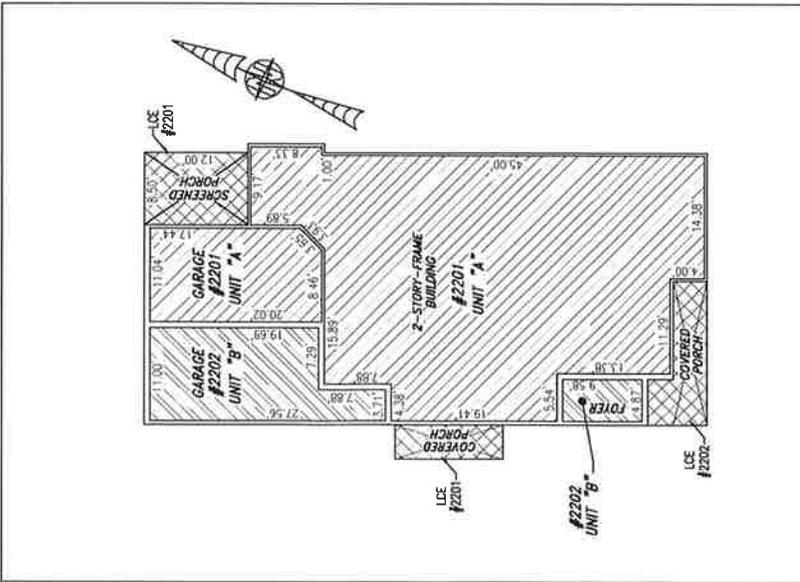


Hayden Frye and Associates, Inc.  
 Land Surveyors  
 33 KELLAN ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 PH: 757-601-2200 FAX: 757-601-2209

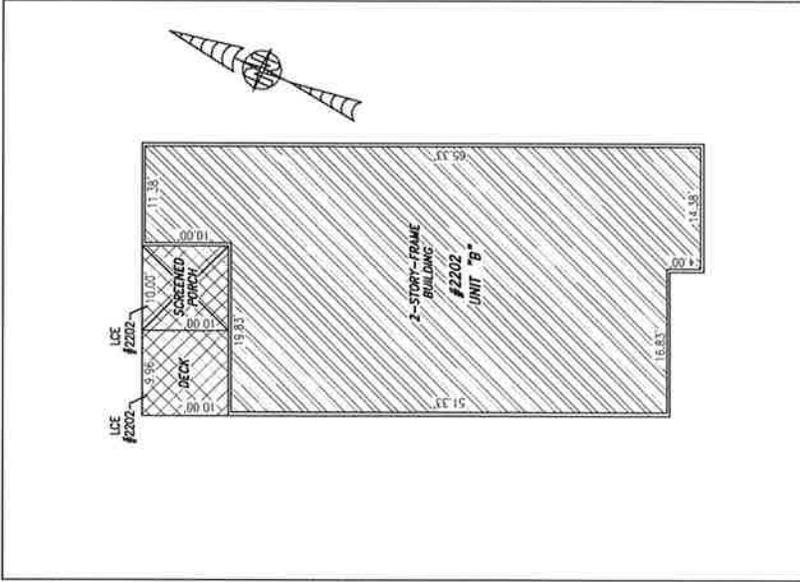
DATE: SEPTEMBER 29, 2018  
 SCALE: 1"=10'  
 SHEET 4 OF 5 THIS PHASE

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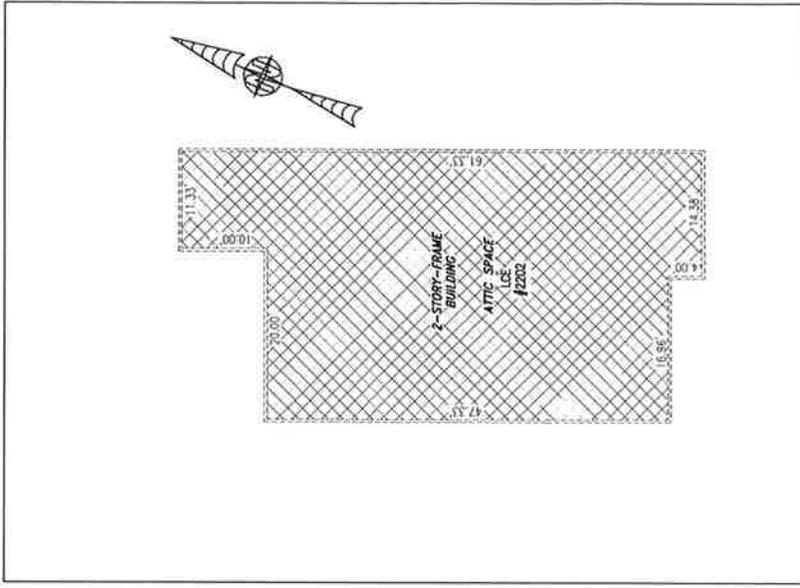
# BUILDING 22 (DUPLX)



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, 55-79.3B AND FURTHER CERTIFY THAT ALL UNITS THEREON DEPICTED HEREIN, PURSUANT TO THE CODE OF VIRGINIA 55-79.3BB, ARE SUBSTANTIALLY COMPLETE.

THIS SHEET: FLOOR PLANS

PHASE 22  
 CONDOMINIUM PLAT AND PLAN  
 OF  
 THE PROMENADE  
 AT  
 JOHN TYLER  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.  
 Land Surveyors  
 300 KILLAMORE DRIVE NW  
 VIRGINIA BEACH, VA 23602  
 PHONE: 757-234-7500 FAX: 757-440-7207



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 2201	#2201 PROMENADE LANE
B	-INDICATES AREA OF UNIT 2202	#2202 PROMENADE LANE
	-INDICATES COMMON ELEMENT	
	-INDICATES LIMITED COMMON ELEMENT	

99710

EXHIBIT A

Phase 22 - Building 22

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 TWO, AREA = 4,892 SQUARE FEET = 0.112 ACRES" on that certain plat entitled "PHASE 22, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated September 29, 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 # 180016208

INSTRUMENT 180016208  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
October 11, 2018 AT 08:49 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: EEO

10910