

Tax Map Nos. 4812502301 & 4812502302

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 23 - Building 23

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 11<sup>th</sup> day of January, 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 23, CONDOMINIUM PLAT AND PLAN OF

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THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated January 9, 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

2710

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 11<sup>th</sup> day of January 2018.

FRANCISCUS AT PROMENADE LLC  
A Virginia limited liability company

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

By: Gary L. Werner  
Gary L. Werner, 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 Gary L. Werner, 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 bearing date on the 11<sup>th</sup> day of January, 2018 has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 18<sup>th</sup> day of January, 2018.

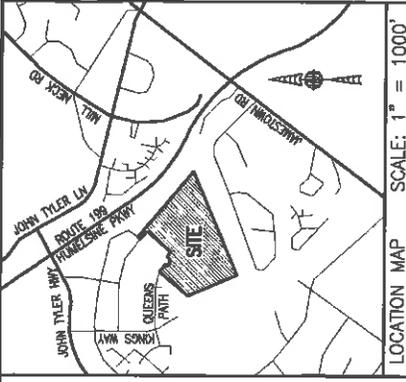
Kimberly G. Lowery  
Notary Public

My commission expires: 12/31/21



4 of 10

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 54-203.3, AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA: 55-78.56A, ARE NOT YET COMPLETED.



LOCATION MAP SCALE: 1" = 1000'

LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 28" 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. 160021147.

NOTES:

1. PHASE 23 BUILDING 23 IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE "ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-23-15."
3. PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16, INST. #160021147
4. PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16
5. PHASE 27 ADCREAGE CORRECTED IN AREA TABLE. THIS SHEET.

PHASE	BUILDING	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	INST. #170021679	289,468	6.613	
10	10	INST. #170023468	25,806	0.592	
23	23	SUBSTANTIALLY COMPLETE	5,014	0.115	
26	26	INST. #170021958	4,465	0.102	
27	27	INST. #170021157	4,944	0.114	
28	28	NOT YET RECORDED	10,659	0.243	
REMAINS OF ADDITIONAL LAND A-1				73,679	1.697
REMAINS OF ADDITIONAL LAND A-2				41,237	0.947
REMAINS OF ADDITIONAL LAND A-3				13,686	0.318
ADDITIONAL LAND A-4				43,699	1.003
ADDITIONAL LAND A-5				46,595	1.051
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				252,972	5.807
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 23  
CONDOMINIUM PLAT AND PLAN  
OF  
THE PROMENADE  
AT

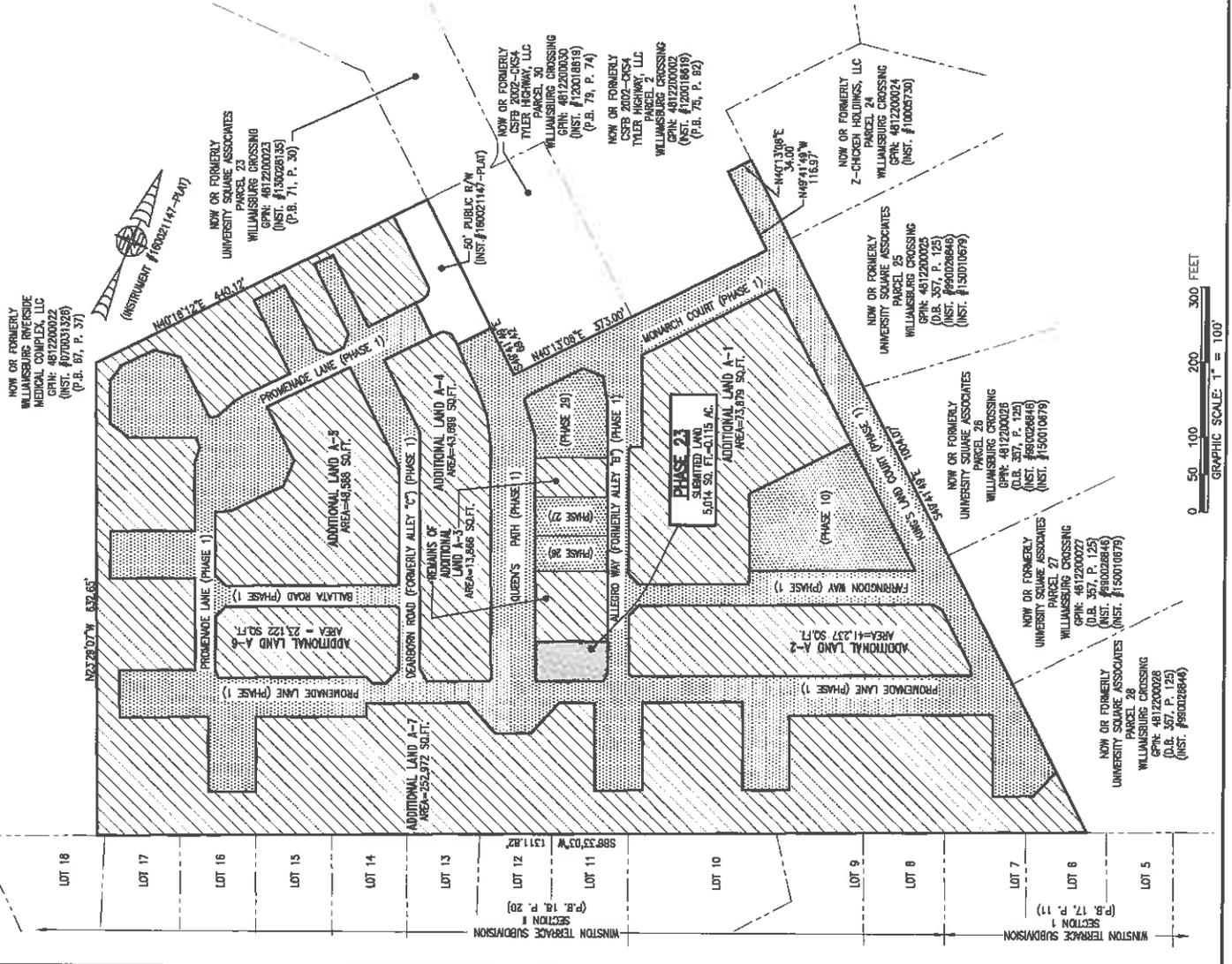
JOHN TYLER  
A CONDOMINIUM  
JAMES CITY COUNTY, VIRGINIA

6/16/2017



Hayden Lyle and Associates, Inc.  
Land Surveyors  
10000 Woodlark Lane  
Richmond, VA 23234  
PH: (757) 461-7229 / FAX: (757) 461-7229

DATE: JANUARY 9, 2018  
SCALE: 1"=100'  
SHEET 1 OF 5 THIS PHASE



5410

**LINE TABLE**

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°01'13"W	44.37	L26	S66°33'03"W	113.01	L51	S49°17'28"E	153.58
L2	S66°33'03"W	53.15	L27	N23°26'57"W	63.00	L52	N47°18'11"E	70.88
L3	N23°26'57"W	109.17	L28	N66°31'03"E	113.01	L53	S49°17'28"E	226.04
L4	S66°33'03"W	269.00	L29	N23°26'57"W	91.87	L54	N47°18'11"E	19.08
L5	S23°26'57"E	100.00	L30	N47°18'11"E	20.95	L55	S49°17'28"E	10.00
L6	S66°33'03"W	63.00	L31	N47°18'11"E	16.72	L56	N47°18'11"E	30.00
L7	N23°26'57"E	118.00	L32	S66°33'03"W	80.51	L57	S49°17'28"E	84.74
L8	S66°33'03"W	132.88	L33	N47°18'11"E	30.87	L58	S24°33'07"E	11.47
L9	S23°26'57"E	118.00	L34	N23°26'57"W	57.00	L59	S66°33'03"W	450.73
L10	S66°33'03"W	63.00	L35	N47°18'11"E	24.93	L60	N66°28'57"W	4.24
L11	N23°26'57"E	118.00	L36	N47°18'11"E	48.00	L61	N23°26'57"W	78.50
L12	S66°33'03"W	46.52	L37	N66°33'03"E	36.41	L62	N23°26'57"E	19.69
L13	S19°43'43"W	55.33	L38	S49°17'28"E	80.11	L63	N66°33'03"E	306.42
L14	S66°33'03"W	46.52	L39	N47°18'11"E	10.11	L64	S66°33'03"W	17.33
L15	N23°26'57"E	118.00	L40	N23°26'57"E	25.94	L65	S23°26'57"E	81.00
L16	S66°33'03"W	135.99	L41	N47°18'11"E	20.26	L66	S21°33'03"W	28.16
L17	S23°26'57"E	18.00	L42	N47°18'11"E	65.92	L67	S66°33'03"W	11.31
L18	S66°33'03"W	145.93	L43	N49°17'28"E	108.73	L68	N66°28'57"W	18.83
L19	S23°26'57"E	100.00	L44	N49°17'28"E	45.00	L69	S66°33'03"W	185.60
L20	S66°33'03"W	63.00	L45	S49°17'28"E	95.23	L70	N47°18'11"E	11.00
L21	N23°26'57"E	180.00	L46	N66°40'58"E	19.10	L71	N23°26'57"W	71.00
L22	S66°33'03"W	118.31	L47	N47°18'11"E	20.64	L72	N21°33'07"E	19.62
L23	N23°26'57"E	63.00	L48	N47°18'11"E	19.08	L73	N66°33'03"E	225.70
L24	N66°28'57"W	101.24	L49	N47°18'11"E	105.50	L74	S71°09'13"E	5.20
L25	N23°26'57"E	123.00	L50	N47°18'11"E	27.32	L75	S49°17'28"E	150.14

**CURVE TABLE**

NO.	RADIUS	DELTA	LENGTH	PERCENT	CHORD	CH. BEARING
C1	15.00"	90°00'00"	23.56'	15.00%	21.21'	S04°41'48"E
C2	15.00"	90°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 I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-78.58A, ARE NOT YET COMPLETED.



**PHASE 23**  
CONDOMINIUM PLAT AND PLAN  
OF  
**THE PROMENADE**  
AT

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

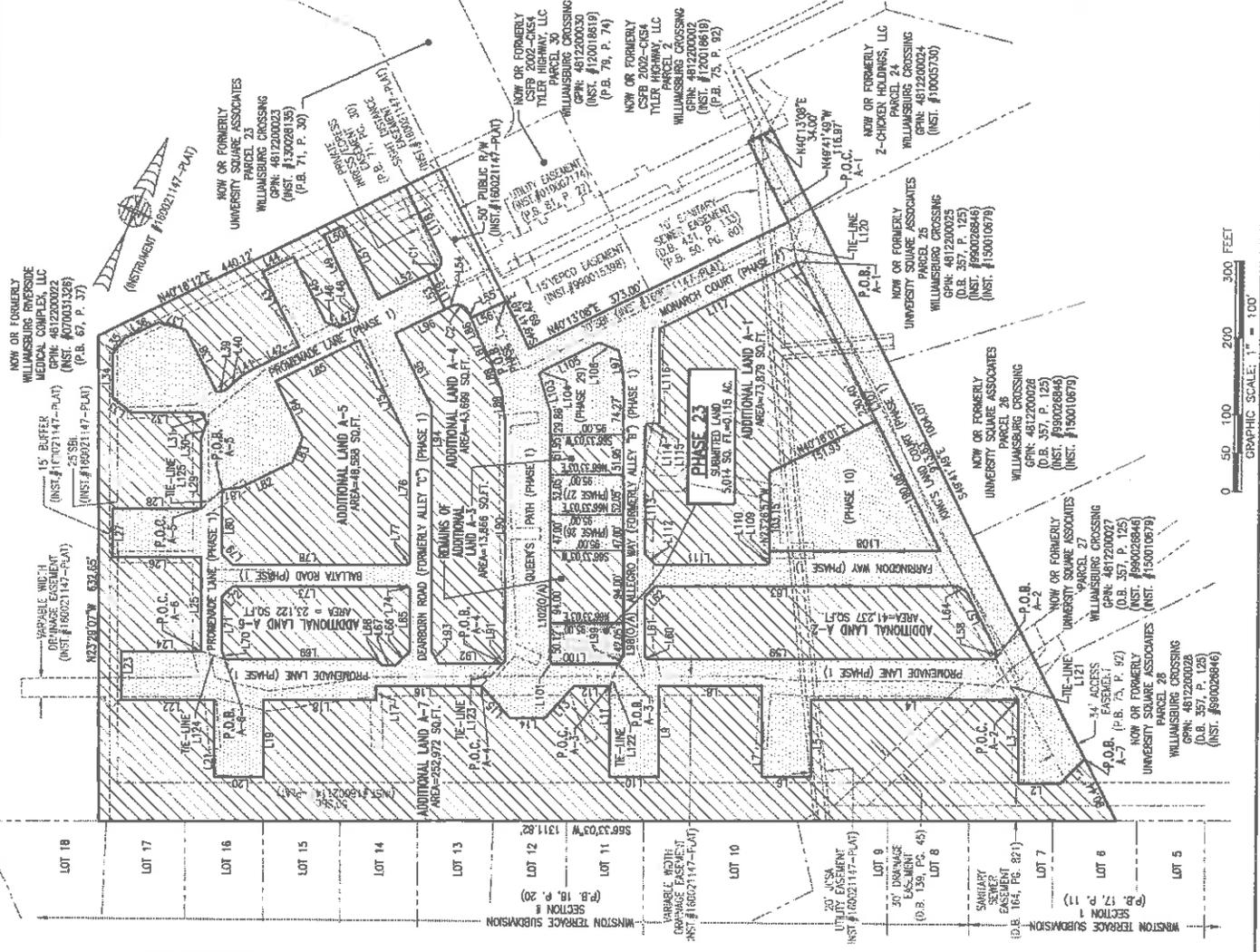
Hydrex Inc. and Associates, Inc.  
Land Surveyors  
13 KELLAM ROAD, SUITE 208  
VIRGINIA BEACH, VA, 23462  
TEL: 757-491-2867 FAX: 757-491-2259



DATE: JANUARY 9, 2018  
SCALE: 1"=100'  
SHEET 2 OF 5 THIS PHASE

- INDICATES SUBMITTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND

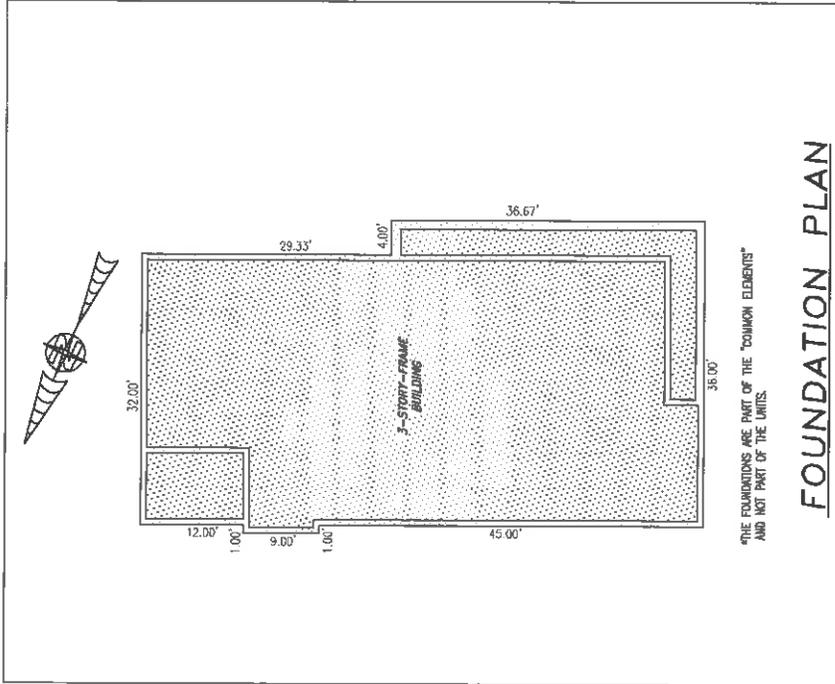
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING



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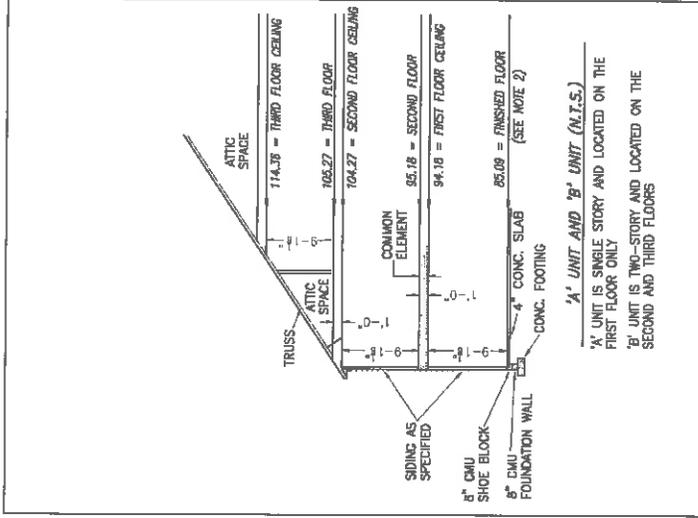


# BUILDING 23 (DUPLEX)



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 #23 (DUPLX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES DATED: 12/18/2017.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.39 AND I FURTHER CERTIFY THAT ALL UNITS HEREIN DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA : 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 23  
 CONDOMINIUM PLAT AND PLAN  
 OF  
 THE PROMENADE  
 AT  
 JOHN TYLER  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Jeff 180821

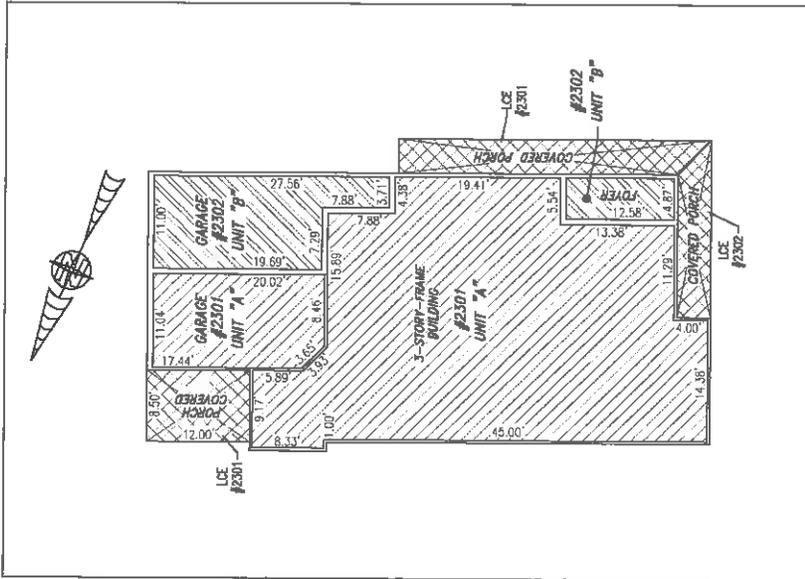


Hayden Frye and Associates, Inc.  
 Land Surveyors  
 333 KEMMEL BLVD. SUITE 200  
 FARMERSVILLE, VA 22434  
 PH: 703.464.228 FAX: 703.464.229

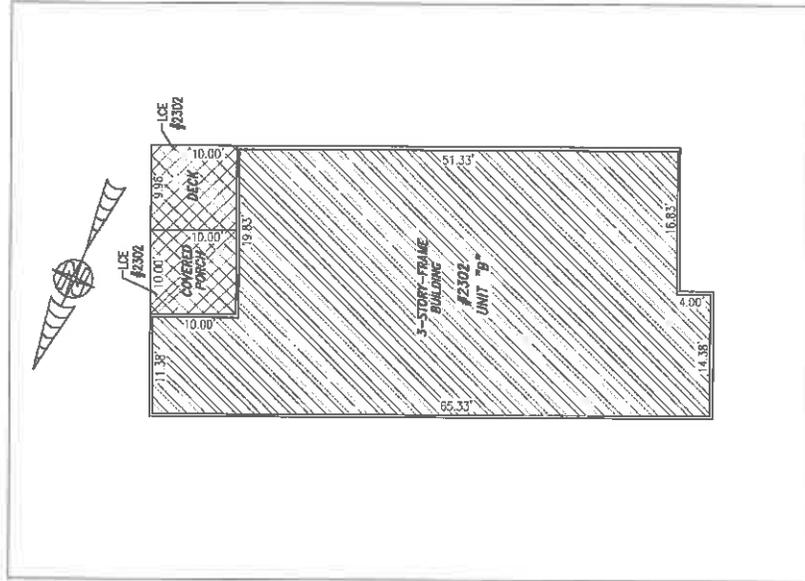
DATE: JANUARY 9, 2018  
 SCALE: 1"=10'  
 SHEET 4 OF 5 THIS PHASE

8910

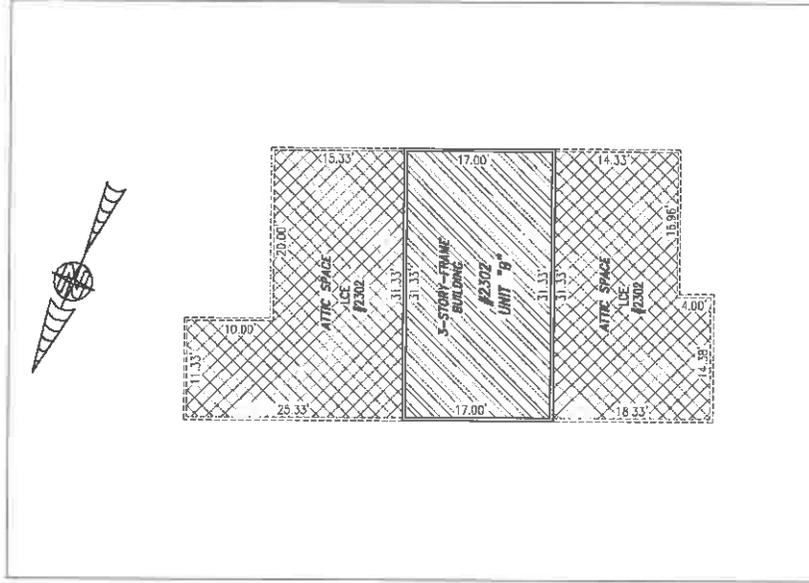
# BUILDING 23 (DUPLEX)



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 55-79.59 AND I FURTHER CERTIFY THAT THE UNITS DESCRIBED HEREIN, PURSUANT TO THE CODE OF VIRGINIA 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 2301	#2301 QUEEN'S PATH
B	INDICATES AREA OF UNIT 2302	#2302 QUEEN'S PATH
	INDICATES COMMON ELEMENT	
	INDICATES LIMITED COMMON ELEMENT	

PHASE 23  
 CONDOMINIUM PLAT AND PLAN  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Haydon Frye and Associates, Inc.  
 Land Surveyors  
 30 KELLAM ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 PH: 757-661-2474 / FAX: 757-661-7129

DATE: JANUARY 9, 2018  
 SCALE: 1"=10'  
 SHEET 5 OF 5 THIS PHASE



2410

EXHIBIT A

Phase 23 - Building 23

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 THREE, AREA = 5,014 SQUARE FEET = 0.115 ACRES" on that certain plat entitled "PHASE 23, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated January 9, 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 # 180001768

INSTRUMENT 180001768  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
January 23, 2018 AT 09:11 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: JXS

10 of 10



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE : 01/23/2018      TIME : 09:13:42  
RECEIPT # : 18000002917      TRANSACTION # : 18012300012  
CASHIER : JXS      REGISTER # : B216  
INSTRUMENT : 180001768      BOOK :  
GRANTOR : FRANCISCUS AT PROMENADE LLC  
GRANTEE : FRANCISCUS AT PROMENADE LLC  
RECEIVED OF : TARLEY ROBINSON PLC  
ADDRESS :

CASE # : 830CLR180001768  
FILING TYPE : DEC-PL      PAYMENT : FULL PAYMENT  
RECORDED : 01/23/2018      AT : 09:11  
EX : N      LOC : CO  
EX : N      PCT : 100%

CHECK : \$129.00      CHECK NUMBER : 3510  
DESCRIPTION 1 : AMEND INST 170011679 PH23 FROM JOHN TYLER  
NAMES : 0

PAGES : 010      OP : 5

CONSIDERATION : \$0.00      AVAL : \$0.00

MAP :      PIN :

ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$2.00
145	VSLF	\$9.00
423	E-RECORDING DEED PAPER FILING	\$2.00

ACCOUNT CODE	DESCRIPTION	PAID
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$30.00
301	DEEDS	\$82.00
442	TRANSFERS TO 113/315	\$4.00

TENDERED : \$ 129.00  
AMOUNT PAID : \$ 129.00