

Tax Map Nos. 4812502401 & 4812502402

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 24 - Building 24

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 24, 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

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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.

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

Kimberly G. Lowery  
Notary Public

My commission expires: 12/31/21



**PLAT ATTACHED**

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**LINE TABLE**

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°01'13"W	44.87	L26	S66°33'03"W	113.01	L51	S46°17'28"E	108.66	L76	S27°26'57"E	153.58
L2	S66°33'03"W	53.15	L27	N25°26'57"W	63.00	L52	N47°18'11"E	70.88	L77	S21°33'03"W	4.96
L3	N25°26'57"W	108.47	L28	N68°33'03"E	113.01	L53	S46°18'11"E	50.00	L78	S66°33'03"W	276.04
L4	S66°33'03"W	268.00	L29	N25°26'57"W	91.87	L54	N47°18'11"E	16.00	L79	N68°33'03"E	79.08
L5	S25°26'57"E	100.00	L30	N04°59'58"W	20.95	L55	S46°18'11"E	10.00	L80	N27°27'12"W	84.32
L6	S66°33'03"W	63.00	L31	N43°09'18"W	14.72	L56	N47°18'11"E	50.00	L81	N69°51'39"E	22.83
L7	N27°26'57"E	118.00	L32	S66°33'03"W	90.51	L57	S46°18'11"E	64.74	L82	N47°42'28"E	75.00
L8	S66°33'03"W	118.00	L33	N25°26'57"W	57.00	L58	S46°18'11"E	11.47	L83	N04°46'13"W	36.04
L9	S27°26'57"E	118.00	L34	N25°26'57"W	57.00	L59	S66°33'03"W	450.33	L84	N47°18'11"E	81.33
L10	S66°33'03"W	63.00	L35	N13°08'50"E	24.93	L60	N68°26'57"W	78.50	L85	N47°42'28"E	28.48
L11	N25°26'57"W	118.00	L36	N44°41'48"E	48.00	L61	N25°26'57"W	380.42	L86	S43°45'02"E	28.48
L12	S66°33'03"W	118.00	L37	N04°59'58"W	36.41	L62	N27°26'57"W	19.00	L87	S46°18'11"E	35.15
L13	S18°43'43"W	56.33	L38	S46°18'11"E	90.11	L63	N68°33'03"E	380.42	L88	S43°45'02"E	41.26
L14	S66°33'03"W	46.52	L39	N04°59'58"W	10.61	L64	N13°08'50"E	14.28	L89	S30°00'54"E	41.26
L15	N68°33'03"E	56.33	L40	N25°26'57"E	25.94	L65	S27°26'57"E	81.00	L90	S23°26'54"E	310.86
L16	S66°33'03"W	135.69	L41	N57°26'57"E	20.26	L66	S27°26'57"E	26.18	L91	S21°33'07"W	4.24
L17	S27°26'57"E	180.00	L42	N47°42'28"E	20.26	L67	S66°33'03"W	17.38	L92	S66°33'03"W	82.68
L18	S66°33'03"W	145.93	L43	N47°17'28"E	95.23	L68	N68°26'57"W	11.31	L93	N53°08'03"W	18.83
L19	S27°26'57"E	100.00	L44	N46°42'28"E	45.00	L69	N68°26'57"W	185.80	L94	N27°26'57"W	317.16
L20	S66°33'03"W	63.00	L45	S46°18'11"E	25.94	L70	N47°42'28"E	11.00	L95	N46°17'28"E	107.22
L21	N25°26'57"W	100.00	L46	N57°26'57"E	19.00	L71	N27°26'57"W	71.00	L96	N47°18'11"E	81.23
L22	N68°33'03"W	118.31	L47	N47°42'28"E	20.64	L72	N27°26'57"W	19.00	L97	S33°14'07"E	36.03
L23	N27°26'57"E	63.00	L48	N46°18'11"E	19.08	L73	N68°33'03"E	225.30	L98	S23°26'57"E	361.32
L24	N68°33'03"E	101.24	L49	N47°18'11"E	103.50	L74	S71°09'13"E	5.20	L99	S06°21'20"W	12.95
L25	N27°26'57"E	123.00	L50	N46°42'28"E	21.52	L75	S46°17'28"E	150.14	L100	S66°33'03"W	85.97

**CURVE TABLE**

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CH. BEARING
C1	15.00	90°00'00"	23.56	15.00	21.21	S04°11'48"E
C2	15.00	90°00'00"	23.56	15.00	21.21	N88°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, §§ 55-78.58 AND 1 FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, §§ 55-78.58A, ARE NOT YET COMPLETED.

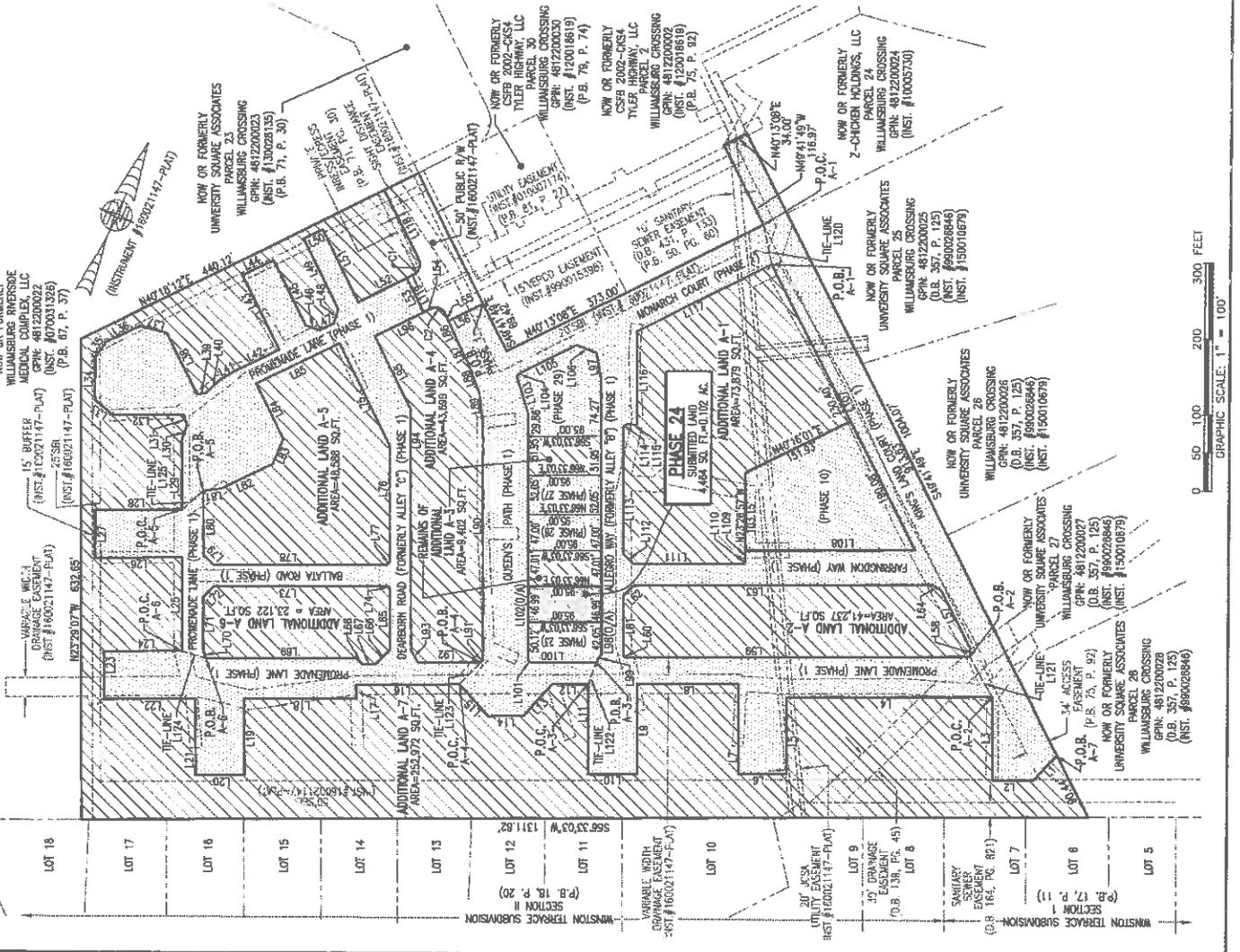


**PHASE 24**  
CONDOMINIUM PLAT AND PLAN  
OF  
**THE PROMENADE**  
AT  
**JOHN TYLER**  
A CONDOMINIUM  
JAMES CITY COUNTY, VIRGINIA

Hayden Rye and Associates, Inc.  
Land Surveyors  
331 KELLAM ROAD, SUITE 200  
VIRGINIA BEACH, VA 23664  
TEL: (757) 470-2888 FAX: (757) 471-2285

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



*Copy*

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 35-78.5B AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 35-78.5B(A), ARE NOT YET COMPLETED.



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

THIS SHEET: BUILDING DETAIL

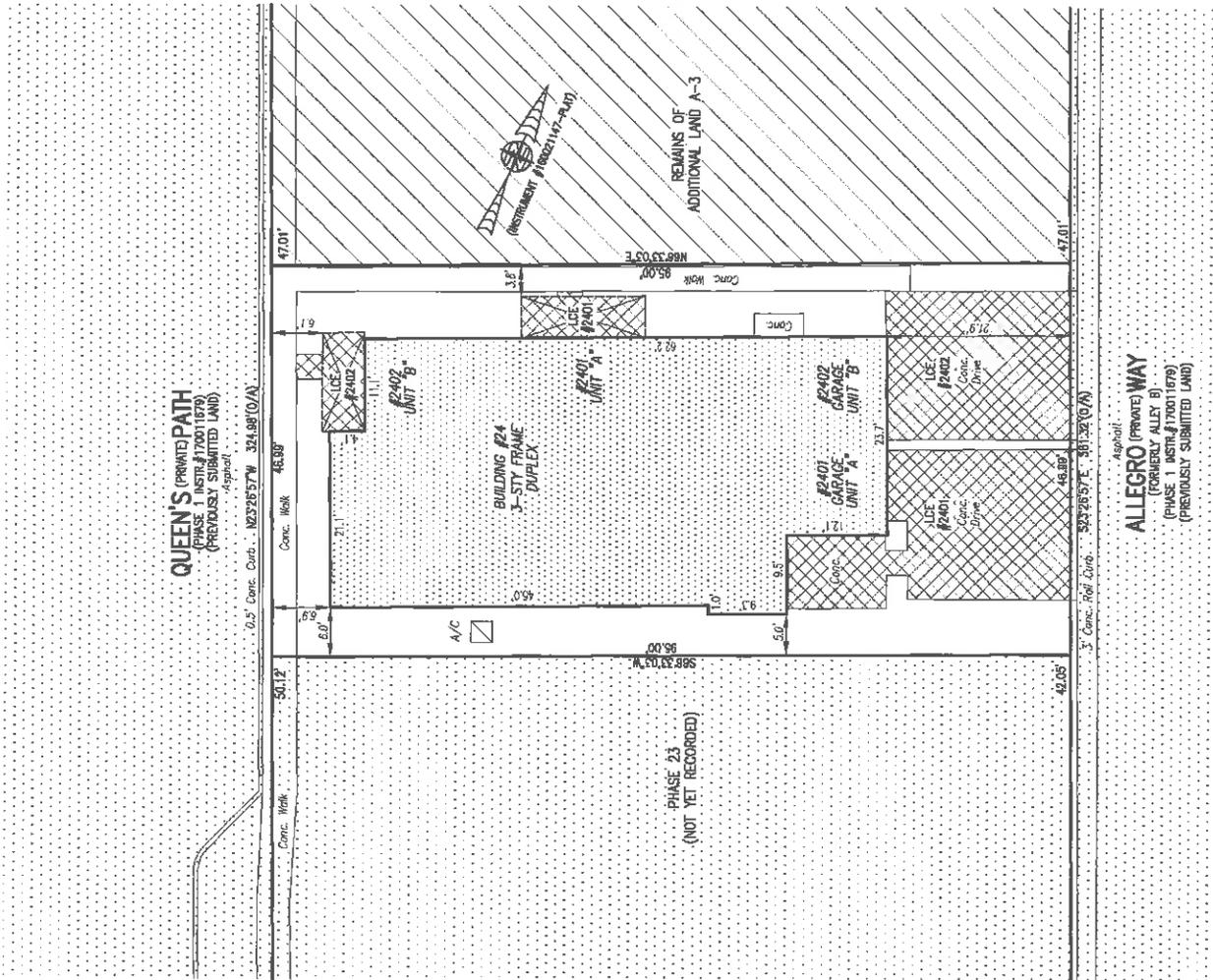
**PHASE 24**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT

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

Hayden Faye and Associates, Inc.  
 Land Surveyors  
 11450 JAMES LANE, SUITE 200  
 JAMES CITY COUNTY, VIRGINIA 23161  
 PH: 804-360-2258 FAX: 804-360-2723



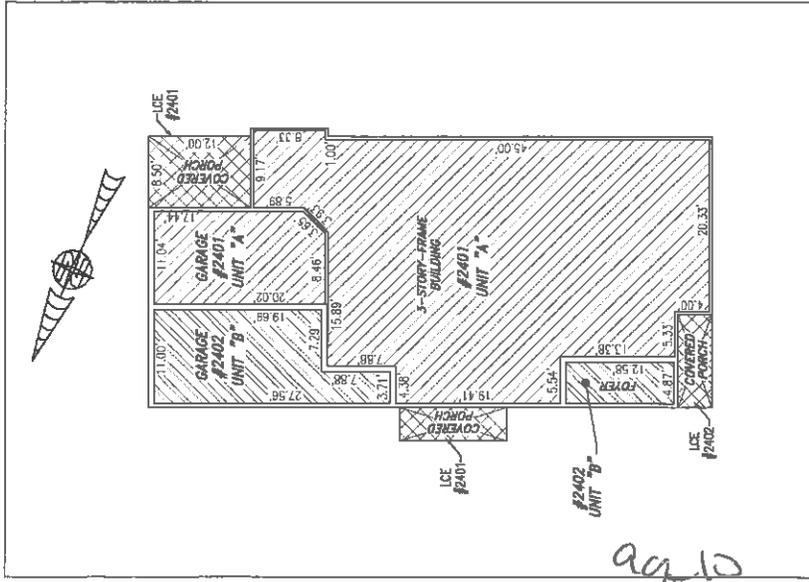
DATE: JANUARY 9, 2018  
 SCALE: 1"=10'  
 SHEET 3 OF 5 THIS PHASE



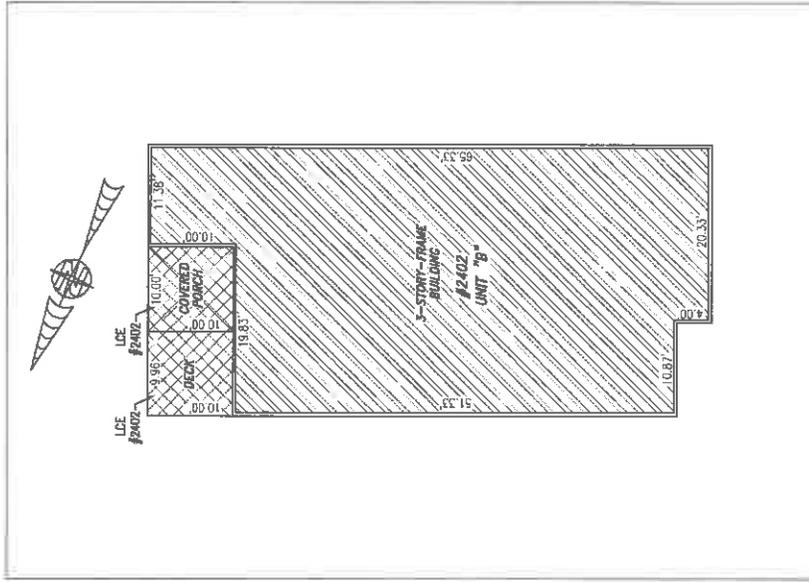
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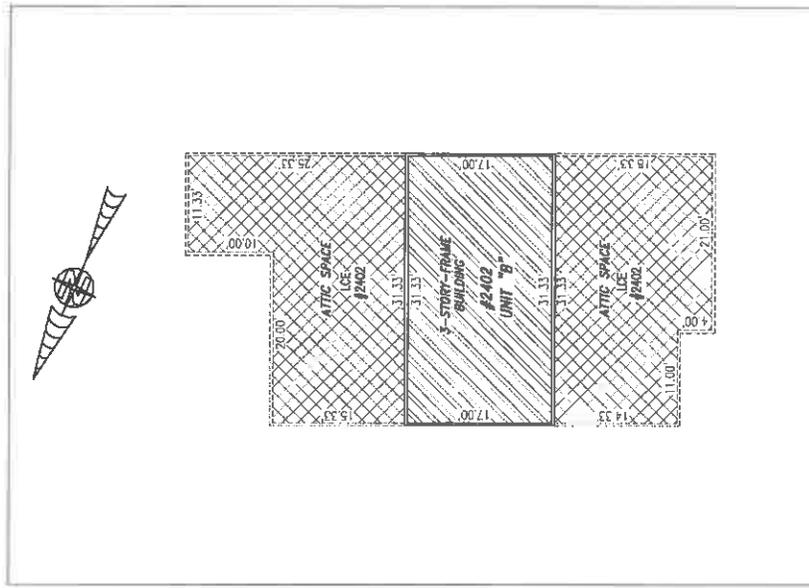
# BUILDING 24 (DUPLIX)



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, 55-79.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREIN, PURSUANT TO THE CODE OF VIRGINIA 55-79.5B, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 2401	#2401 QUEEN'S PATH
B	INDICATES AREA OF UNIT 2402	#2402 QUEEN'S PATH
	INDICATES COMMON ELEMENT	
	INDICATES LIMITED COMMON ELEMENT	

THIS SHEET: FLOOR PLANS

PHASE 24  
 CONDOMINIUM PLAT AND PLAN  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Hayden Price and Associates, Inc.  
 Land Surveyors  
 333 KELLAM ROAD, SUITE 300  
 BURNHAMTON, VA 22026  
 PH: (703) 490-2610; (703) 490-2529  
 DATE: JANUARY 9, 2018  
 SCALE: 1"=10'  
 SHEET 5 OF 5 THIS PHASE



EXHIBIT A

Phase 24 - Building 24

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 FOUR, AREA = 4,464 SQUARE FEET = 0.102 ACRES" on that certain plat entitled "PHASE 24, 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.

INSTRUMENT 180005480  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
March 20, 2018 AT 10:12 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: JLZ

5 Large/~~Small~~ Plat(s) Recorded  
herewith as # 180005480

1 of 10