

Tax Map Nos. 4812502501 & 4812502502

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 25 - Building 25

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 11th 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 25, 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

2910

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 11th 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 11th day of January, 2018 has acknowledged the same before me in my City/County and State aforesaid.

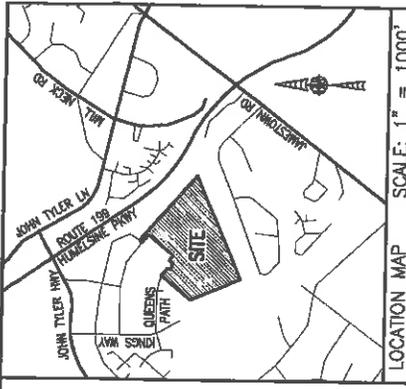
Given under my hand this 11th day of January, 2018.

Kimberly G. Lowery
Notary Public

My commission expires: 12/31/21



I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-196.5 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.59A, ARE NOT YET COMPLETED.



LOCATION MAP SCALE: 1" = 1000'

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 28 OF WILLIAMSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160021147.

NOTES:
 1. PHASE 25 BUILDING 25 IS SUBSTANTIALLY COMPLETE.
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 10-23-15
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16,
 INSTRUMENT NO. 160021147
 - PLAN DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

PHASE	BUILDING	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INSTR. #170011679	284,468	6.163
10	10	INSTR. #170023466	25,806	0.582
23	23	NOT YET RECORDED	5,074	0.115
24	24	NOT YET RECORDED	4,494	0.102
25	25	SUBSTANTIALLY COMPLETE	4,466	0.103
26	26	INSTR. #170021156	4,465	0.102
27	27	NOT YET RECORDED	4,944	0.114
28	28	NOT YET RECORDED	10,569	0.243
29	29	REMAINS OF ADDITIONAL LAND A-1	73,679	1.687
		ADDITIONAL LAND A-2	41,237	0.947
		REMAINS OF ADDITIONAL LAND A-3	4,838	0.113
		ADDITIONAL LAND A-4	43,999	1.003
		ADDITIONAL LAND A-5	46,596	1.115
		ADDITIONAL LAND A-6	23,122	0.531
		ADDITIONAL LAND A-7	252,972	5.807
		TOTAL NEW PARCEL 29	816,629	18.747

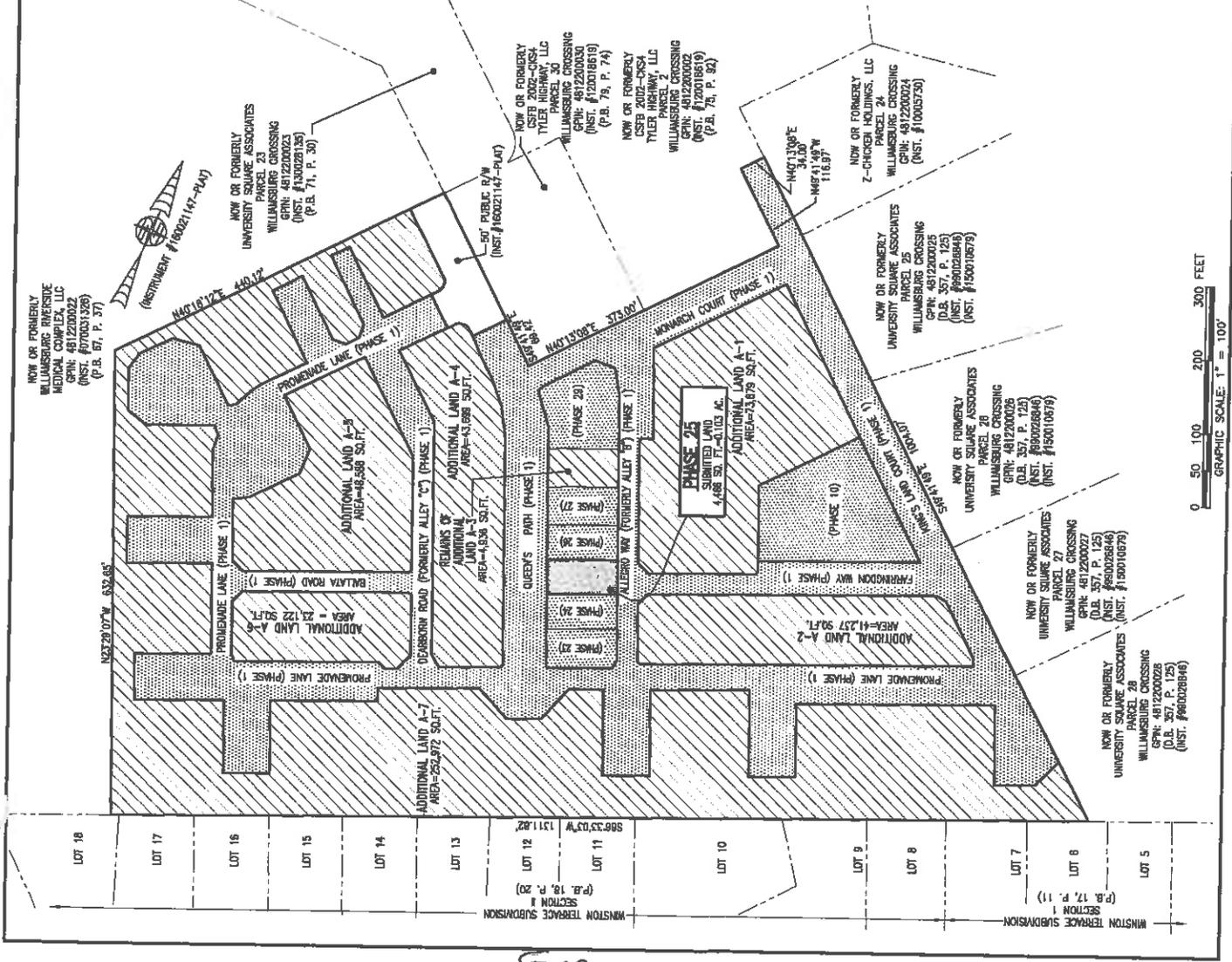
SHEET INDEX:
 SHEET 1 OF 5: OVERALL SITE LAYOUT AND AREAS
 SHEET 2 OF 5: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SHEET 3 OF 5: BUILDING DETAIL
 SHEET 4 OF 5: FOUNDATION PLAN AND SECTION
 SHEET 5 OF 5: FLOOR PLANS

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 25
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

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

Hayden Lyne and Associates, Inc.
 Land Surveyors
 35 KELLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 PH: 757-491-9700 FAX: 757-491-2829



GRAPHIC SCALE: 1" = 100'

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 IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.5B, 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 #
 - INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
 - INDICATES ADDITIONAL LAND
- LCE #1000
(EXAMPLE UNIT #)

THIS SHEET: BUILDING DETAIL

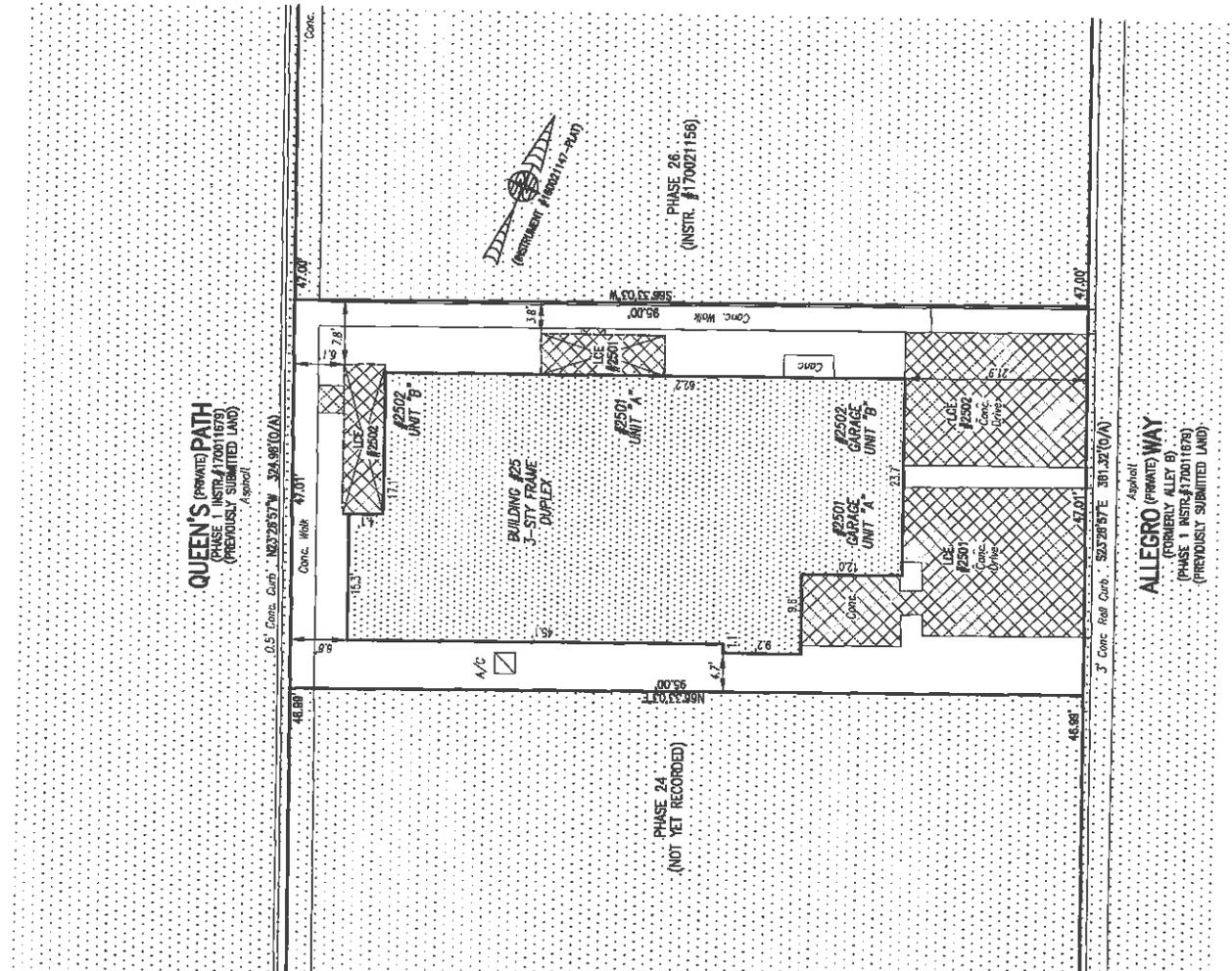
PHASE 25
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

441 150921



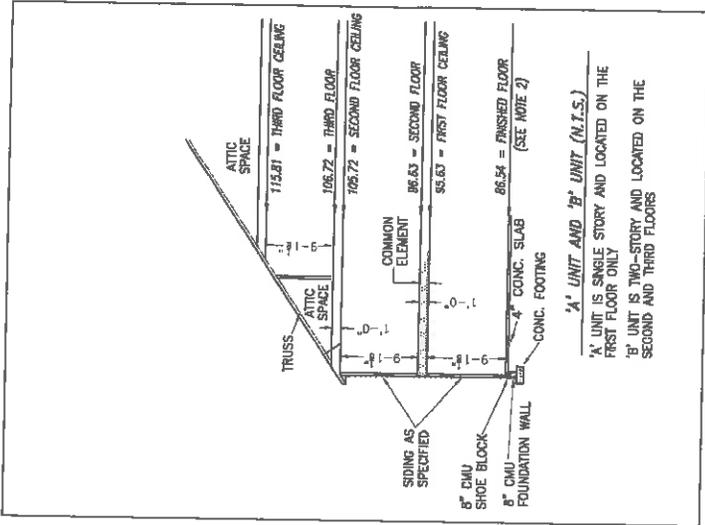
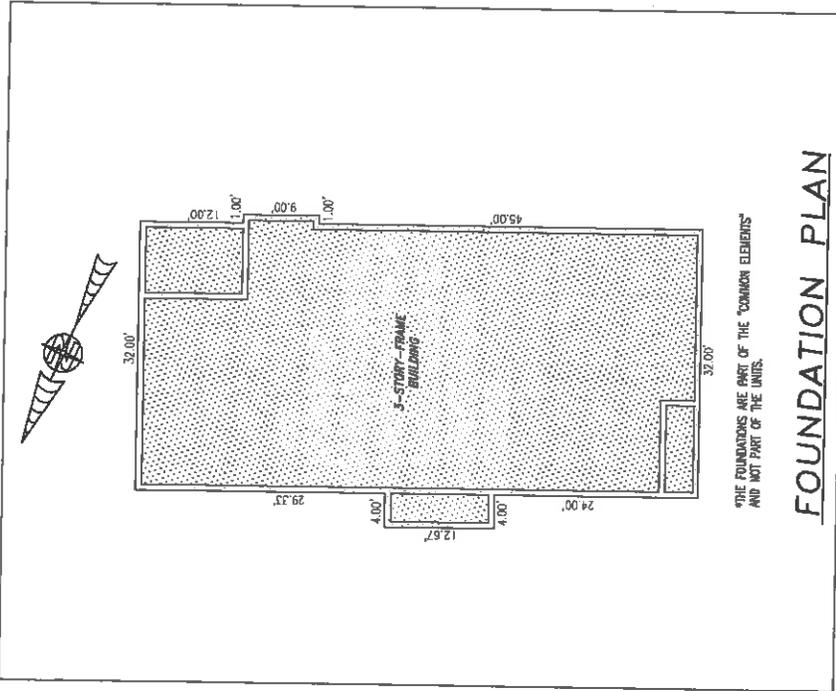
Hayden Frye and Associates, Inc.
Land Surveyors
 70 NOLLAN AVENUE, SUITE 201
 FREDERICKSBURG, VA 22407
 PH: (541) 381-2800 FAX: (541) 381-2291

DATE: JANUARY 8, 2018
 SCALE: 1" = 10'
 SHEET 3 OF 5 THIS PHASE



Handwritten signature or initials.

BUILDING 25 (DUPEX)



TYPICAL BUILDING SECTION

NOT TO SCALE (N.I.S.)

NOTES:

1. VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1928 (NOVAD28).
2. FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #25 (DUPEX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES DATED: 12/16/2017.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1900 AS AMENDED, 55-79.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.5B, ARE SUBSTANTIALLY COMPLETE.



INDICATES COMMON ELEMENT

THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 25 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE

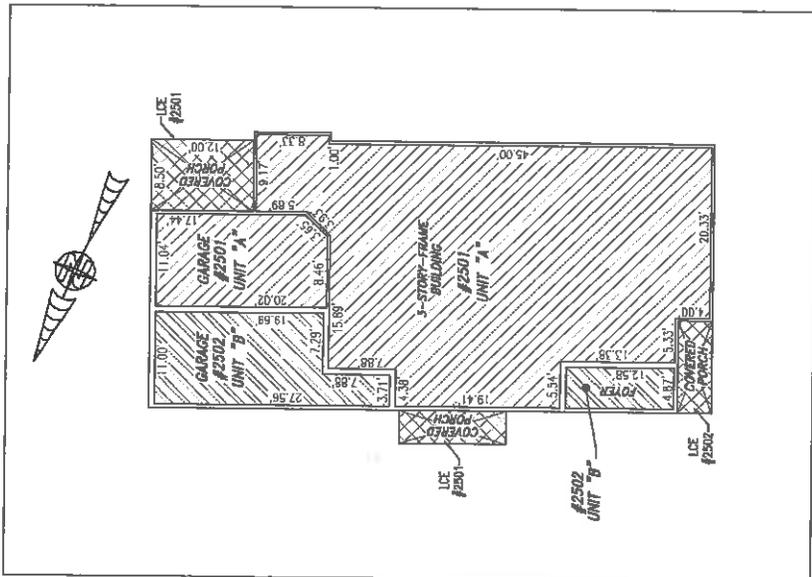
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
333 KELLAM ROAD, SUITE 200
VIRGINIA BEACH, VA, 23462
PH: 757-491-3228 FAX: 757-491-7229

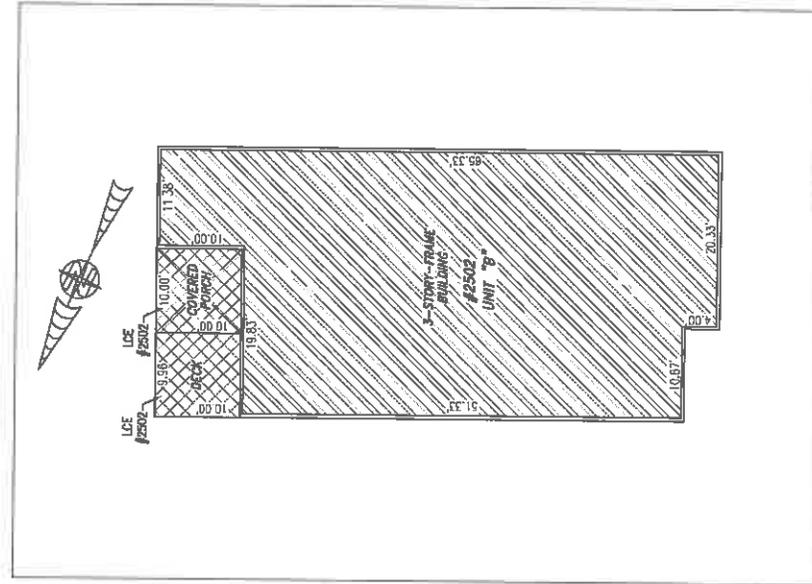


DATE: JANUARY 9, 2018
SCALE: 1" = 10'
SHEET 4 OF 5 THIS PHASE

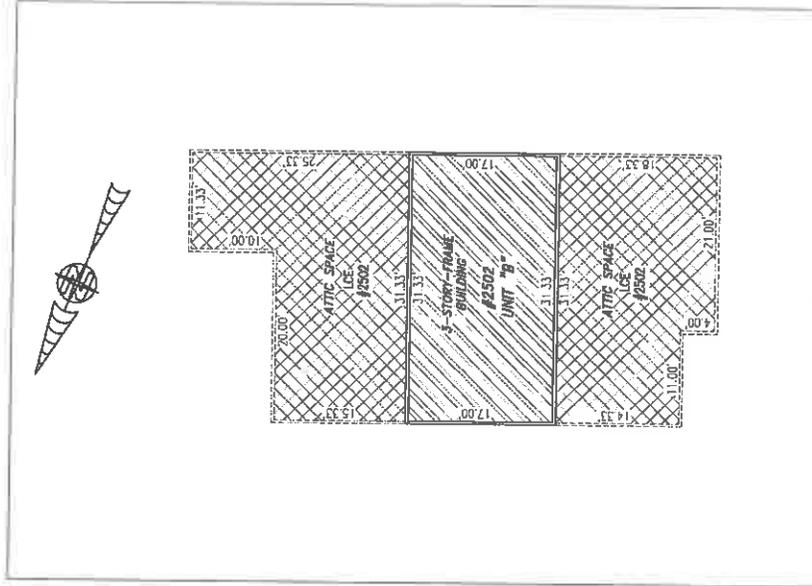
BUILDING 25 (DUPLIX)



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, § 35-79.5B AND I FURTHER CERTIFY THAT ALL UNITS SHOWN DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 35-79.5B(B), ARE SUBSTANTIALLY COMPLETE.

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 2501	#2501 QUEEN'S PATH
B	INDICATES AREA OF UNIT 2502	#2502 QUEEN'S PATH
	INDICATES COMMON ELEMENT	
	INDICATES UNITED COMMON ELEMENT	



THIS SHEET: FLOOR PLANS

**PHASE 25
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE**

**AT
JOHN TYLER**

A CONDOMINIUM
IN JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors
33 BELLAIR ROAD, SUITE 200
VIRGINIA BEACH, VA, 23462
PH: (757) 491-2811 FAX: (757) 491-2259



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

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EXHIBIT A

Phase 25 - Building 25

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 FIVE, AREA = 4,466 SQUARE FEET = 0.103 ACRES" on that certain plat entitled "PHASE 25, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated January 8, 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 # 180001779

INSTRUMENT 180001779
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
January 23, 2018 AT 09:28 AM
MONA A. FOLEY, CLERK
RECORDED BY: JXS

10410



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 01/23/2018
RECEIPT # : 18000002929
CASHIER : JXS
INSTRUMENT : 180001779
GRANTOR : FRANCISCUS AT PROMENADE LLC
GRANTEE : FRANCISCUS AT PROMENADE LLC
RECEIVED OF : TARLEY ROBINSON PLC
ADDRESS :

TIME : 09:30:00
TRANSACTION # : 18012300015
REGISTER # : B216
BOOK :
PAGE :
FILING TYPE : DEC-PL
RECORDED : 01/23/2018
EX : N
EX : N

CASE # : 830CLR180001779
PAYMENT : FULL PAYMENT
AT : 09:28
LOC : CO
PCT : 100%

CHECK : \$129.00
CHECK NUMBER : 3508
DESCRIPTION 1 : AMEND INST 170011679 PH25 PROM JOHN TYLER
NAMES : 0
CONSIDERATION : \$0.00
ANVAL : \$0.00

PAGES : 010
OP : 5
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