

Tax Map Nos. 4812502801 & 4812502802

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 28 - Building 28

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 28, CONDOMINIUM PLAT AND PLAN OF

1/8/18

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

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.

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.

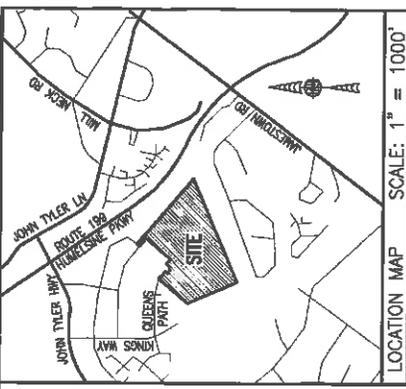
Kimberly G. Lowery
Notary Public

My commission expires: 12/31/21



4910

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.



PHASE	BLDG#	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INST.# 17001879	284,468	6.163
10	10	INST.# 17002466	25,006	0.582
23	23	NOT YET RECORDED	5,014	0.115
24	24	NOT YET RECORDED	4,494	0.102
25	25	NOT YET RECORDED	4,465	0.102
26	26	INST.# 17002156	4,465	0.102
27	27	INST.# 17002157	4,944	0.114
28	28	SUBSTANTIALLY COMPLETE	4,936	0.113
29	29	NOT YET RECORDED	10,589	0.243
REMAINS OF ADDITIONAL LAND A-1				
ADDITIONAL LAND A-2				
ADDITIONAL LAND A-4				
ADDITIONAL LAND A-5				
ADDITIONAL LAND A-6				
ADDITIONAL LAND A-7				
TOTAL NEW PARCEL 28				
816,809 18.747				

LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 28" CONTAINING 78,747 ACRES AS SHOWN ON "PLAT OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 28 OF PHASE 28 OF THE CONDOMINIUM DEVELOPMENT ENGINEERS, DATED 10-24-16, INSTRUMENT NO. 16021147.

NOTES:

1. PHASE 28 BUILDING 28 IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 10-24-16, INSTRUMENT NO. 16021147.
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16, INSTRUMENT NO. 16021147.
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16.

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 28
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT**

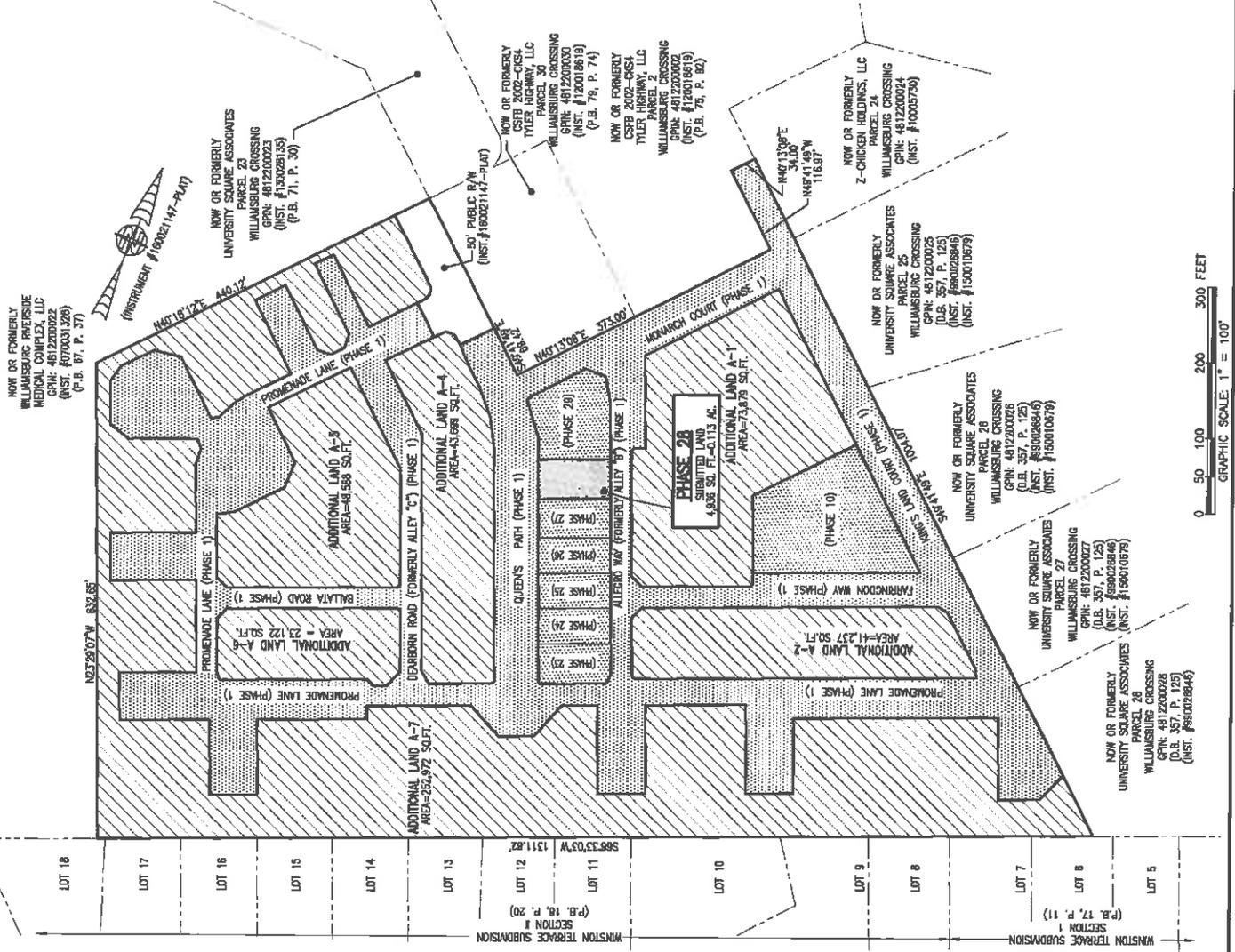
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors

333 KELLAM BUILDING 208
VIRGINIA: ARCHIT. 51, 2442
PH: (804) 228-1200 FAX: (804) 228-1200



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



5010

LINE TABLE											
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°01'13"W	44.37	L51	S48°17'28"E	106.06	L76	S23°28'57"E	153.56	L101	N89°23'55"W	42.4'
L2	S66°33'03"W	53.15	L52	N40°18'11"E	70.86	L77	S21°33'03"W	4.95	L102	N62°28'57"W	34.98'
L3	N23°28'57"W	109.47	L53	S49°41'49"E	206.04	L78	S66°33'03"W	206.04	L103	N40°17'28"E	51.65'
L4	S66°33'03"W	280.00	L54	N40°18'11"E	10.00	L79	N89°27'04"W	79.08	L104	N25°45'18"E	8.23'
L5	S23°28'57"E	180.00	L55	S49°41'49"E	10.00	L80	N62°37'12"W	84.32	L105	N40°13'02"E	80.10'
L6	S66°33'03"W	63.00	L56	N40°18'11"E	30.00	L81	N69°15'51"E	22.83	L106	N68°28'55"E	27.86'
L7	N23°28'57"W	118.00	L57	S49°41'49"E	84.74	L82	N40°42'28"E	75.00	L107	S49°43'58"E	420.48'
L8	S66°33'03"W	132.88	L58	S24°33'07"E	11.47	L83	N00°46'13"W	36.04	L108	S66°33'03"W	220.38
L9	S23°28'57"E	118.00	L59	S66°33'03"W	450.73	L84	N49°17'32"E	81.13	L109	S23°28'57"E	14.00'
L10	S66°33'03"W	63.00	L60	N68°28'57"W	4.24	L85	N40°42'28"E	121.00	L110	S21°33'04"W	4.95'
L11	N23°28'57"W	118.00	L61	N23°28'57"W	78.50	L86	S49°43'02"E	26.98	L111	S66°33'04"W	143.47
L12	S66°33'03"W	46.37	L62	N42°28'57"W	19.09	L87	S49°41'49"E	35.15	L112	N68°28'57"W	19.09'
L13	S18°43'43"W	55.33	L63	N49°17'28"E	30.42	L88	S49°08'04"E	41.26	L113	N23°28'57"W	167.28'
L14	S66°33'03"W	46.37	L64	N40°42'28"E	45.33	L89	S37°00'34"E	41.26	L114	N21°33'02"E	4.95'
L15	S66°33'03"W	63.00	L65	N23°28'57"E	25.94	L90	S23°28'57"E	310.86	L115	N69°15'51"E	4.50'
L16	S66°33'03"W	136.69	L66	N40°42'28"E	85.33	L91	S21°33'03"W	28.16	L116	N23°28'57"W	122.79'
L17	S23°28'57"E	18.00	L67	N40°42'28"E	45.00	L92	S66°33'03"W	17.38	L117	N40°17'28"E	197.12'
L18	S66°33'03"W	148.93	L68	N49°17'28"E	100.23	L93	N53°08'03"W	18.83	L118	S49°41'49"E	101.83'
L19	S23°28'57"E	100.00	L69	N40°42'28"E	45.00	L94	N68°28'57"W	82.88	L119	S40°18'11"W	10.00'
L20	S66°33'03"W	63.00	L70	N40°42'28"E	11.00	L95	N49°17'28"E	107.22	L120	S30°02'48"E	53.16'
L21	N23°28'57"W	100.00	L71	N23°28'57"W	71.00	L96	N40°18'11"E	81.23	L121	N62°28'57"W	30.77'
L22	S66°33'03"W	118.31	L72	N41°33'07"E	19.08	L97	S31°40'7"E	36.03	L122	N69°15'51"E	40.29'
L23	N23°28'57"W	63.00	L73	N66°33'03"E	225.70	L98	S23°28'57"E	361.35	L123	N69°15'51"E	31.88'
L24	S66°33'03"W	101.24	L74	N49°17'28"E	103.50	L99	S66°33'03"W	12.95	L124	N69°15'51"E	31.88'
L25	N23°28'57"W	123.00	L75	N40°42'28"E	22.35	L100	S66°33'03"W	85.57	L125	N23°28'57"E	36.67'

CURVE TABLE				
NO.	BURNS	DELTA	LENGTH	TANGENT
C1	15.00'	90°00'00"	23.56'	15.00'
C2	15.00'	90°00'00"	23.56'	15.00'

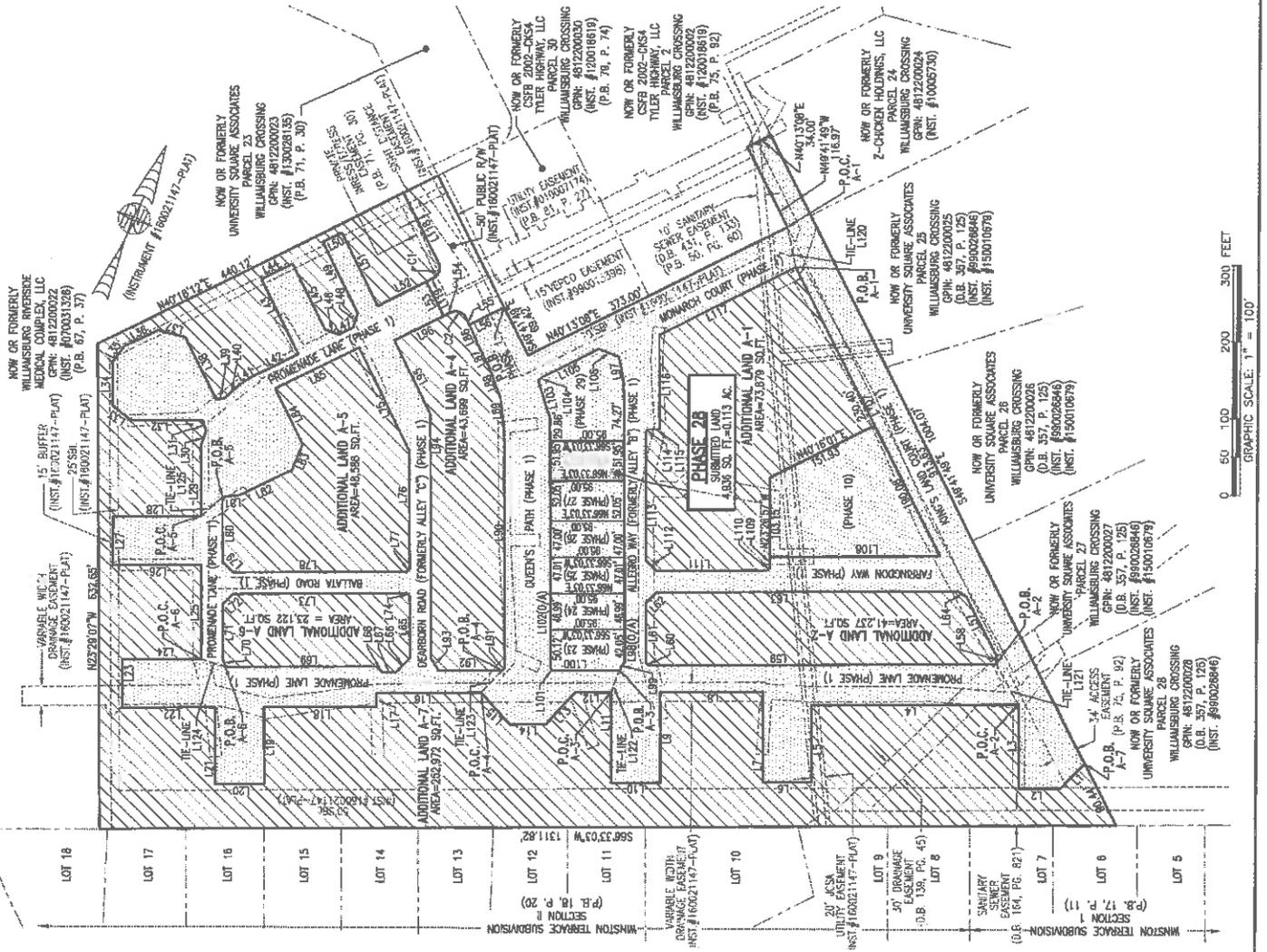
I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, § 55-79.58 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, § 55-79.58A, ARE NOT YET COMPLETED.



PHASE 28
 CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

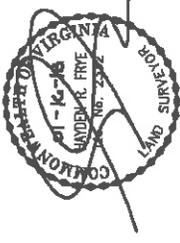
Hayden Frye and Associates, Inc.
 Land Surveyors
 314 KELLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23462
 PHONE: 478-228-7777 FAX: 478-228-7778
 DATE: JANUARY 9, 2018
 SCALE: 1"=100'
 SHEET 2 OF 5 THIS PHASE

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



6410

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CONDOMINIUM ACT AS AMENDED, §§ 55-79.1-58 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, §§ 55-79.1-58A, 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 # UNIT ASSIGNED
 - INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
 - INDICATES ADDITIONAL LAND
- LCE #1000
(EXAMPLE UNIT #)

THIS SHEET: BUILDING DETAIL

PHASE 28
CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT

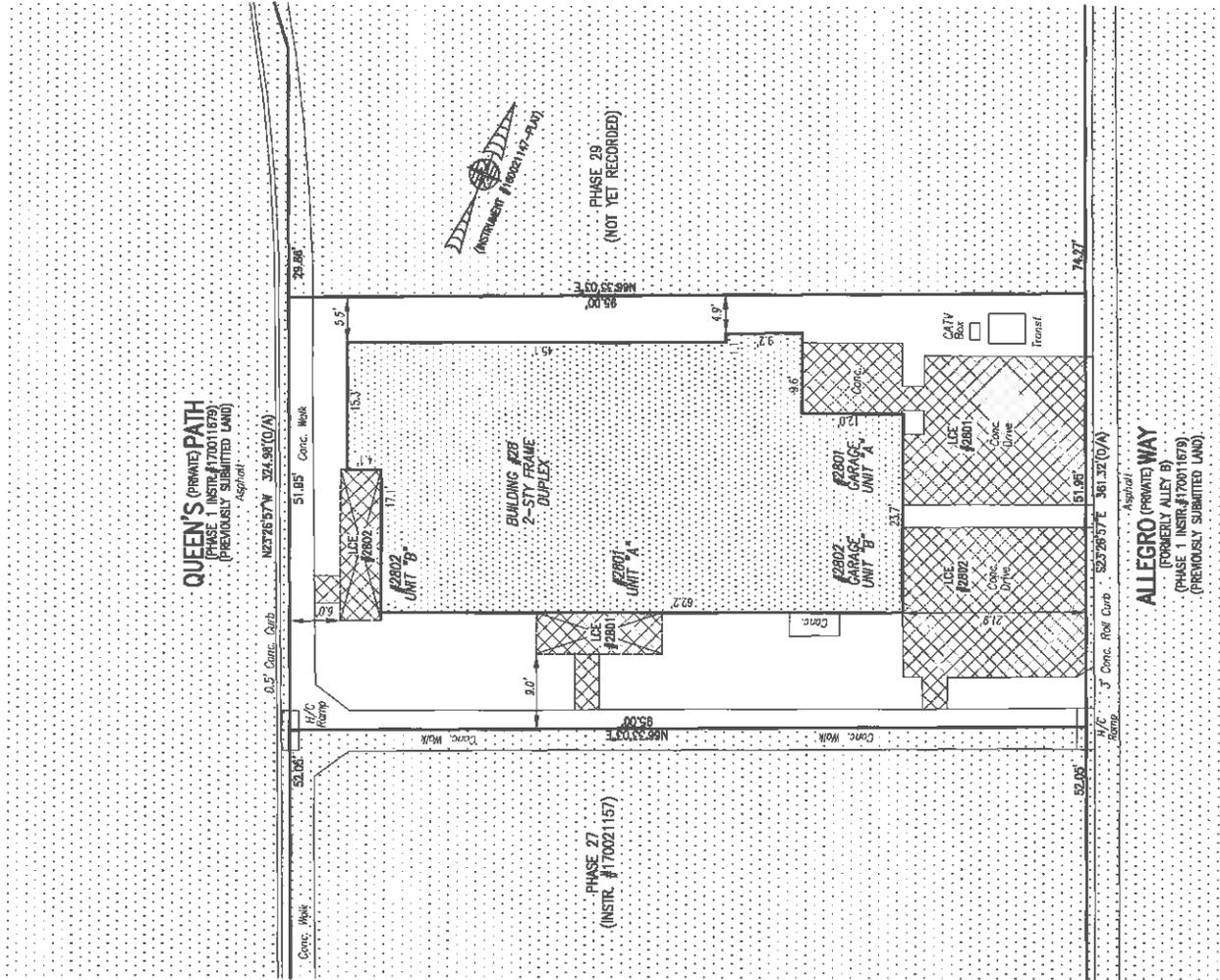
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Ref: 169921



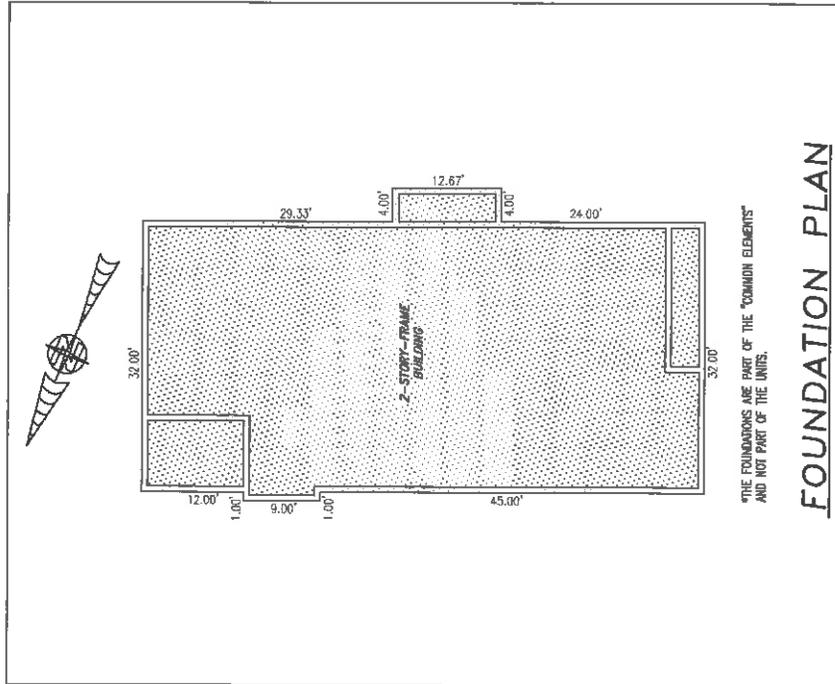
Hayden Frye and Associates, Inc.
Land Surveyors
330 KILLAM AVENUE, SUITE 200
JAMES CITY COUNTY, VIRGINIA 23167
PH: (804) 223-8700 FAX: (804) 223-2231

DATE: JANUARY 6, 2016
SCALE: 1"=10'
SHEET 3 OF 5 THIS PHASE

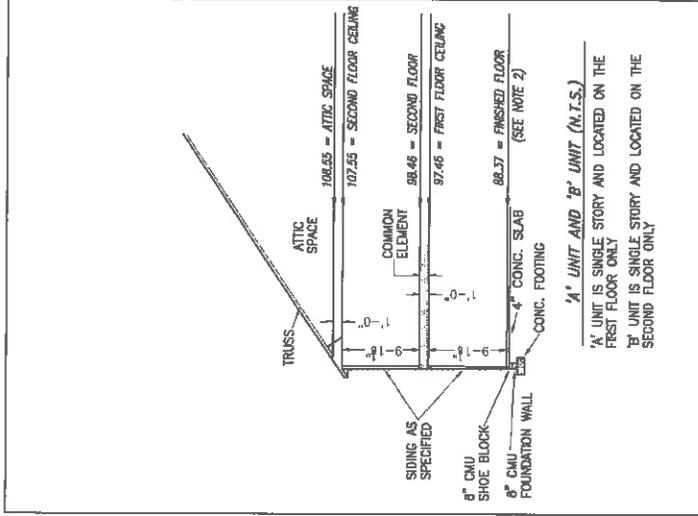


Handwritten signature or initials.

BUILDING 28 (DUPLIX)



FOUNDATION PLAN



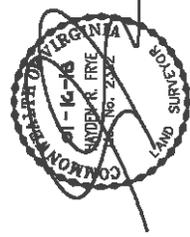
TYPICAL BUILDING SECTION

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 #28 (DUPLIX) 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, 89-79.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREOF, PURSUANT TO THE CODE OF VIRGINIA, 60-79.50B, ARE SUBSTANTIALLY COMPLETE.



INDICATES COMMON ELEMENT

THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 28
 CONDOMINIUM PLAT AND PLAN
 OF
 THE PROMENADE
 AT
 JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Job # 16892

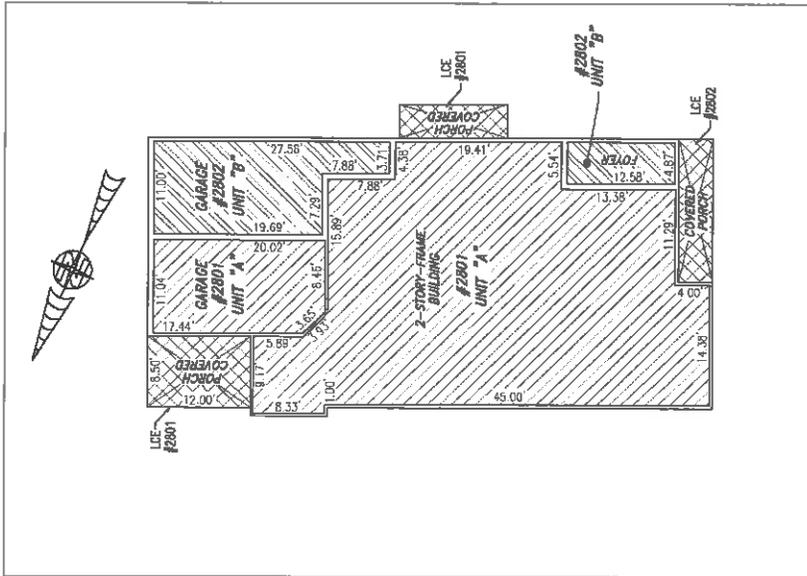


Hayden Frye and Associates, Inc.
 Land Surveyors
 133 BELLAIR ROAD, SUITE 200
 CHARLOTTE, NC 28204
 PH: 704.471.2870 FAX: 704.471.2871

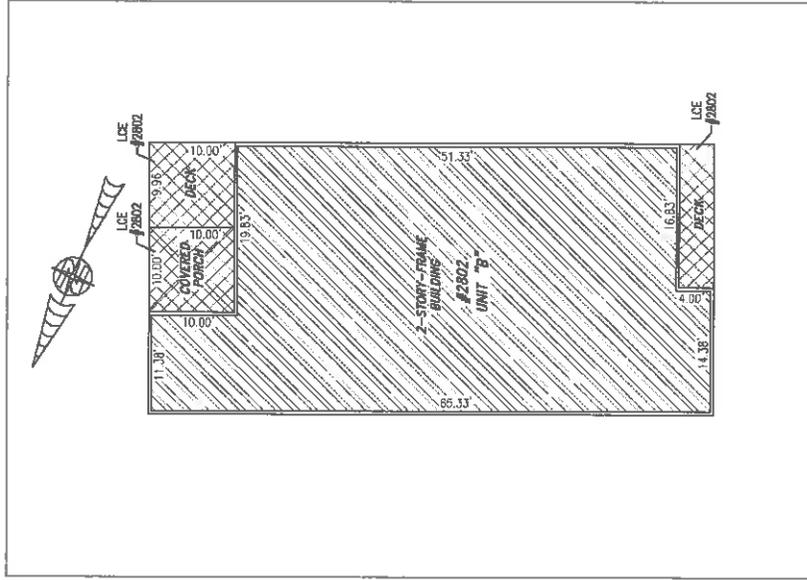
DATE: JANUARY 9, 2018
 SCALE: 1"=10'
 SHEET 4 OF 5 THIS PHASE

0188

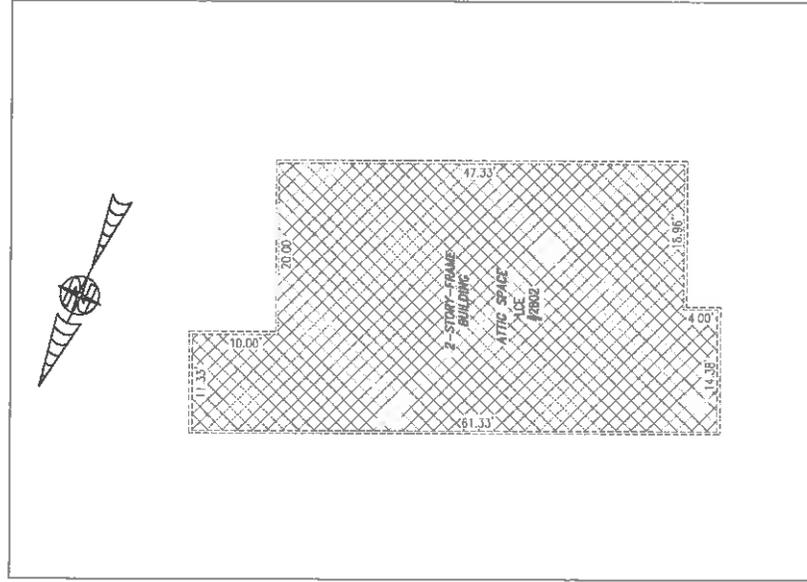
BUILDING 28 (DUPLIX)



FIRST FLOOR



SECOND FLOOR



ATTIC SPACE

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 2801	#2801 QUEEN'S PATH
B	INDICATES AREA OF UNIT 2802	#2802 QUEEN'S PATH
	INDICATES COMMON ELEMENT	
	INDICATES LIMITED COMMON ELEMENT	

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 HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FLOOR PLANS

PHASE 28
 CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Bryce and Associates, Inc.
 Land Surveyors
 333 MELLAN ROAD, SUITE 208
 VIRGINIA BEACH, VA, 23462
 PH: (757) 491-7229 FAX: (757) 491-1329



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

9810

EXHIBIT A

Phase 28 - Building 28

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 EIGHT, AREA = 4,936 SQUARE FEET = 0.113 ACRES" on that certain plat entitled "PHASE 28, 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 # 180001781

INSTRUMENT 180001781
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
January 23, 2018 AT 09:37 AM
MONA A. FOLEY, CLERK
RECORDED BY: JXS

Page 10 of 10



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 01/23/2018 TIME : 09:38:46
RECEIPT # : 18000002933 TRANSACTION # : 18012300019
CASHIER : JXS REGISTER # : B216
INSTRUMENT : 180001781 BOOK :
GRANTOR : FRANCISCUS AT PROMENADE LLC
GRANTEE : FRANCISCUS AT PROMENADE LLC
RECEIVED OF : TARLEY ROBINSON PLC

CASE # : 830CLR180001781

FILING TYPE : DEC-PL PAYMENT : FULL PAYMENT
RECORDED : 01/23/2018 AT : 09:37
EX : N LOC : CO
EX : N PCT : 100%

PAGE :

ADDRESS :

CHECK : \$129.00 CHECK NUMBER : 3507
DESCRIPTION 1 : AMEND 170011679 PH 28 PROM JOHN TYLER
NAMES : 0

PAGES : 010 OP : 5

CONSIDERATION : \$0.00 AVAL : \$0.00

MAP : PIN :

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$2.00	106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$30.00
145	VSLF	\$9.00	301	DEEDS	\$82.00
423	E-RECORDING DEED PAPER FILING	\$2.00	442	TRANSFERS TO 113/315	\$4.00

TENDERED : \$ 129.00

AMOUNT PAID : \$ 129.00