

Tax Map Nos. 4812200029 & 4812505200

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 53- Amenity Facilities

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 10th day of September, 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 entitled, “PHASE 53, CONDOMINIUM PLAT OF THE PROMENADE AT

1A7

JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated September 7, 2018, made by Hayden Frye and Associates, Inc., Land Surveyors, (the “Plat”) consisting of 3 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 improvements which are hereby submitted to the Condominium are more particularly shown on the Plat.

2. CERTIFICATION. 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 improvements depicted thereon, submitted to condominium ownership have been substantially completed.

3. 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 Common Elements created hereby.

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IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 11 day of September, 2018.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

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

By: 
Russell Clark, Vice President

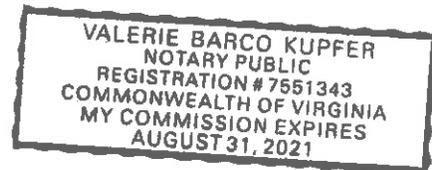
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of Virginia Beach, to wit:

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 bearing date on the 11 day of September, 2018 has acknowledged the same before me in my City/County and State aforesaid.

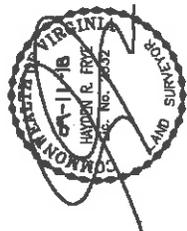
Given under my hand this 11 day of September, 2018.

Valerie Barco Kupfer
Notary Public

My commission expires: 8-31-21



I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 55-78.38 AND 1 FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA §§ 55-78.38A, ARE SUBSTANTIALLY COMPLETE.



LOCATION MAP SCALE: 1" = 1000'

LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING NEW PARCEL 29 CONTAINING 18.747 ACRES AS SHOWN ON "PART OF LOT LINES ESTABLISHMENT BEING PARCELS 20 AND 29 OF WILLIAMSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 16021147.

NOTES:

- PHASE 53 SUBMITTED LAND AS SHOWN HEREON CONTAINS ADJACENT FACILITIES INCLUDING CLUBHOUSE, POOL, HOUSE, POOL, DOG PARK, ETC. NO DRILLINGS ARE INCLUDED IN THIS PHASE.
- 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, INST. #16021147
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

| PHASE | BLDG# | STATUS/RECORDATION | SQUARE FEET | ACRES | |
|--------------------------------|-------|------------------------|-------------|---------|--------|
| 1 | N/A | INSTR. #170011679 | 284,488 | 6.183 | |
| 8 | 8 | INSTR. #180010369 | 24,539 | 0.563 | |
| 9 | 9 | INSTR. #180003894 | 25,978 | 0.596 | |
| 10 | 10 | INSTR. #170003465 | 25,806 | 0.592 | |
| 13 | 13 | INSTR. #180010007 | 4,512 | 0.104 | |
| 14 | 14 | INSTR. #180009579 | 6,462 | 0.148 | |
| 23 | 23 | INSTR. #180001758 | 5,014 | 0.115 | |
| 24 | 24 | INSTR. #180005400 | 4,484 | 0.102 | |
| 25 | 25 | INSTR. #180001770 | 4,488 | 0.103 | |
| 26 | 26 | INSTR. #170001156 | 4,485 | 0.102 | |
| 27 | 27 | INSTR. #170001157 | 4,944 | 0.114 | |
| 28 | 28 | INSTR. #180001791 | 4,936 | 0.113 | |
| 29 | 29 | NOT YET RECORDED | 10,589 | 0.243 | |
| 53 | N/A | SUBSTANTIALLY COMPLETE | 48,886 | 1.145 | |
| REMAINS OF ADDITIONAL LAND A-1 | | | | 62,905 | 1.444 |
| ADDITIONAL LAND A-2 | | | | 41,257 | 0.947 |
| ADDITIONAL LAND A-4 | | | | 43,688 | 1.003 |
| ADDITIONAL LAND A-5 | | | | 48,588 | 1.113 |
| ADDITIONAL LAND A-6 | | | | 23,122 | 0.531 |
| ADDITIONAL LAND A-7 | | | | 152,589 | 3.503 |
| TOTAL: NEW PARCEL 29 | | | | 818,629 | 18.747 |

SHEET INDEX:

- SHEET 1 OF 3: OVERALL SITE LAYOUT AND AREAS
- SHEET 2 OF 3: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
- SHEET 3 OF 3: BUILDING DETAIL

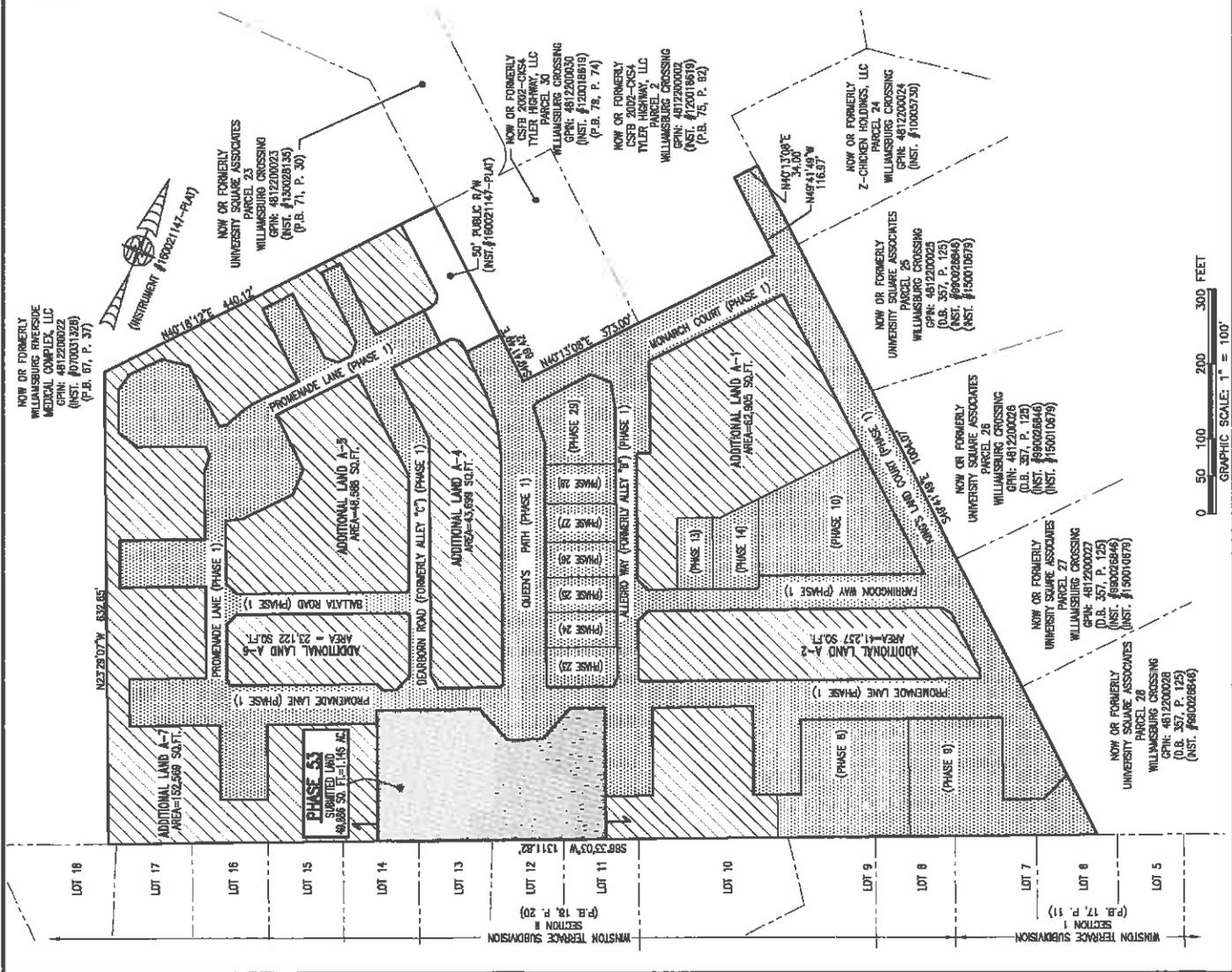
THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 53
CONDOMINIUM PLAT
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyor's
131 BELLAIR BLVD. SUITE 200
VIRGINIA BEACH, VA 23462
PH: (757) 491-1234 FAX: (757) 491-229



DATE: SEPTEMBER 7, 2018
SCALE: 1" = 100'
SHEET 1 OF 3 THIS PHASE



GRAPHIC SCALE: 1" = 100'

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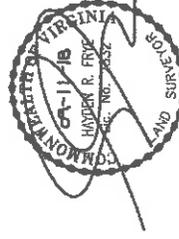
LINE TABLE

| NO. | BEARING | DISTANCE | NO. | BEARING | DISTANCE | NO. | BEARING | DISTANCE |
|-----|-------------|----------|-----|-------------|----------|------|-------------|----------|
| L1 | S20°10'13"W | 44.97 | L51 | S46°17'28"E | 108.66 | L76 | S23°26'57"E | 153.56 |
| L2 | S86°33'03"W | 53.15 | L52 | N40°18'11"E | 70.88 | L77 | S21°33'03"W | 4.95 |
| L3 | N42°28'57"E | 108.47 | L53 | S49°41'49"E | 50.00 | L78 | S66°33'03"W | 236.04 |
| L4 | S86°33'03"W | 268.00 | L54 | N40°18'11"E | 10.00 | L79 | N68°27'04"W | 18.08 |
| L5 | S22°28'57"E | 100.47 | L55 | S49°41'49"E | 10.00 | L80 | N23°27'12"W | 84.37 |
| L6 | S86°33'03"W | 53.00 | L56 | N40°18'11"E | 50.00 | L81 | N59°51'39"E | 22.83 |
| L7 | N23°28'57"E | 118.00 | L57 | S49°41'49"E | 84.74 | L82 | N47°42'28"E | 75.00 |
| L8 | S86°33'03"W | 132.87 | L58 | S24°33'07"E | 11.47 | L83 | N07°46'13"W | 36.04 |
| L9 | S27°28'57"E | 118.00 | L59 | S86°33'03"W | 450.73 | L84 | N49°17'32"W | 81.13 |
| L10 | S86°33'03"W | 63.00 | L60 | N68°26'57"W | 4.24 | L85 | N47°42'32"E | 121.00 |
| L11 | N23°28'57"E | 118.00 | L61 | N23°28'57"W | 78.50 | L86 | S45°45'02"E | 28.85 |
| L12 | N23°28'57"E | 118.00 | L62 | N21°33'03"E | 18.09 | L87 | S48°41'49"E | 35.15 |
| L13 | S16°43'43"W | 55.33 | L63 | N68°26'57"W | 300.42 | L88 | S43°08'04"E | 41.26 |
| L14 | S86°33'03"W | 46.52 | L64 | S81°34'23"E | 14.28 | L89 | S30°00'34"E | 41.28 |
| L15 | N23°28'57"E | 118.00 | L65 | S27°28'57"E | 81.00 | L90 | S23°26'57"W | 310.86 |
| L16 | S86°33'03"W | 55.00 | L66 | S21°33'03"W | 26.16 | L91 | S21°33'07"W | 4.24 |
| L17 | S22°28'57"E | 100.47 | L67 | S66°33'03"W | 17.38 | L92 | S66°33'03"W | 82.68 |
| L18 | S86°33'03"W | 46.85 | L68 | N68°26'57"W | 11.31 | L93 | N53°08'03"W | 18.83 |
| L19 | S27°28'57"E | 100.00 | L69 | S66°33'03"W | 165.90 | L94 | N23°26'57"W | 317.16 |
| L20 | S86°33'03"W | 63.00 | L70 | N47°41'16"W | 11.00 | L95 | N49°17'28"E | 107.28 |
| L21 | N23°28'57"E | 100.00 | L71 | N23°26'49"W | 71.00 | L96 | N49°18'11"E | 81.23 |
| L22 | N23°28'57"E | 118.31 | L72 | N21°33'07"E | 19.09 | L97 | S33°14'07"E | 38.03 |
| L23 | N23°28'57"E | 118.00 | L73 | N68°33'03"E | 225.70 | L98 | S23°28'57"E | 361.32 |
| L24 | N68°33'03"E | 101.24 | L74 | S71°09'13"E | 5.20 | L99 | S06°21'20"W | 12.85 |
| L25 | N23°28'57"E | 123.00 | 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' | 90°00'00" | 23.56' | 15.00' | 21.21' | S04°41'49"E |
| C2 | 15.00' | 90°00'00" | 23.56' | 15.00' | 21.21' | N89°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, 50-79.5-8 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-78.5-8A, ARE SUBSTANTIALLY COMPLETE.

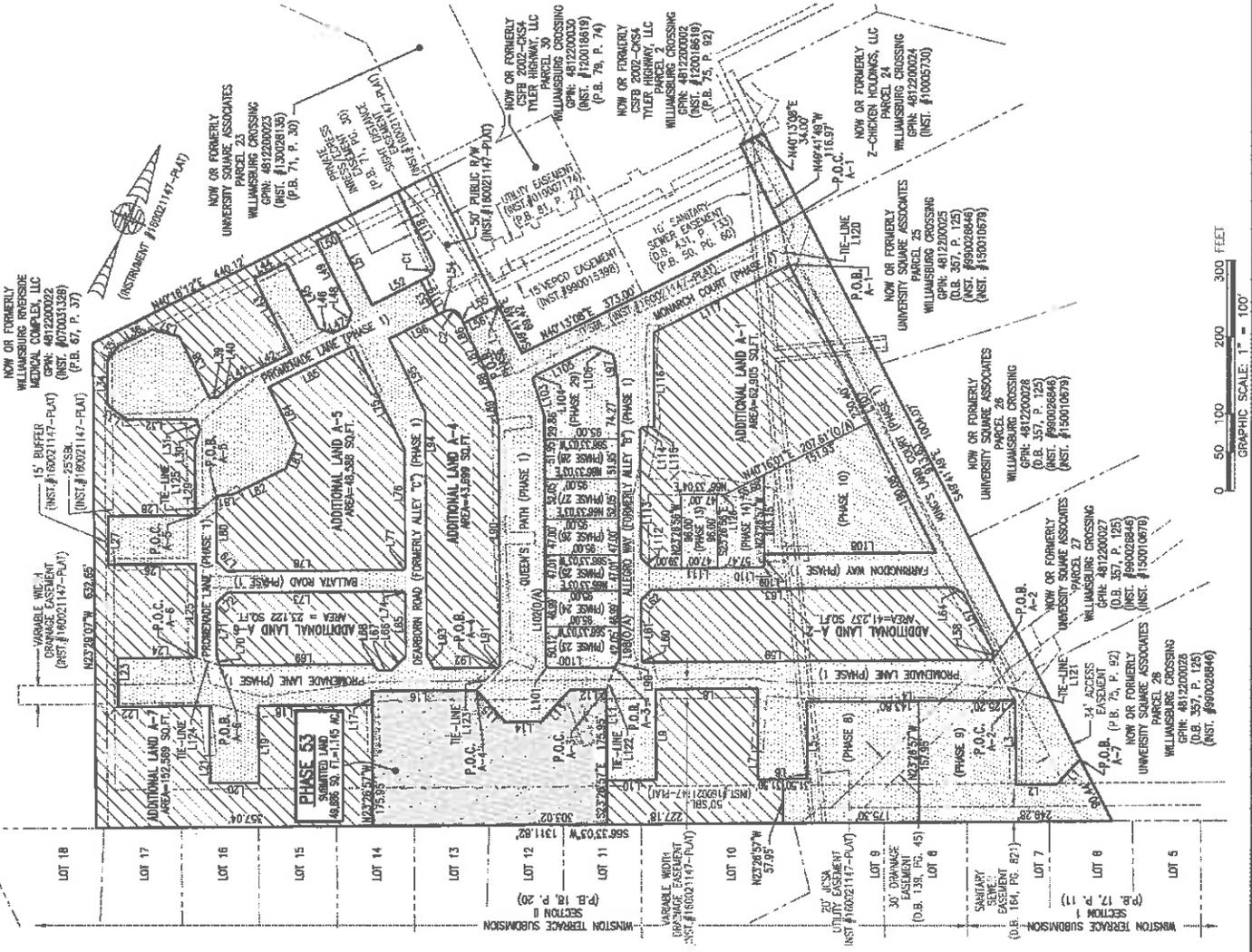


PHASE 53 CONDOMINIUM PLAT OF THE PROMENADE AT JOHN TYLER A CONDOMINIUM JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
Land Surveyors

DATE: SEPTEMBER 7, 2018
SCALE: 1"=100'
SHEET 2 OF 3 THIS PHASE

- INDICATES SUBMITTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND
- P.O.B. = POINT OF BEGINNING



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EXHIBIT A

Phase 53 - Amenity Facilities

All that certain lot, piece or parcel of land, lying, situate and being in the James City County, Virginia, which is shown and depicted as "PHASE FIFTY THREE, AREA = 49,886 SQUARE FEET = 1.145 ACRES" on that certain plat entitled "PHASE 53, CONDOMINIUM PLAT OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated September 7, 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.

3 Large/~~Small~~ Plat(s) Recorded
herewith as # 180014662

INSTRUMENT 180014662
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
September 17, 2018 AT 11:12 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

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