

SECOND AMENDMENT TO CONDOMINIUM INSTRUMENTS FAIRFAX COMMONS: A CONDOMINIUM SUBMITTING ADDITIONAL LAND

This Amendment is made as of this <u>3eb</u> day of January 1989, by COMPSON DEVELOPMENT LIMITED PARTNERSHIP, a Virginia Limited Partnership (the "Declarant").

WITNESSETH:

WHEREAS, the Declarant executed certain Condominium Instruments and has recorded such documents among the land records of the County of Fairfax, Virginia in Deed Book 7113, at Page 332, establishing Fairfax Commons: A Condominium (the "Condominium");

WHEREAS, pursuant to Section 55-79.63 of the Virginia Condominium Act and Section 7.2 of the Condominium's Declaration (the "Declaration"), the Declarant may unilaterally expand the Condominium from time to time by submitting all or any portion of the Additional Land as described in Exhibit "A-1" to the Declaration until the seventh anniversary of the recordation of the Declaration;

WHEREAS, the Declarant has previously expanded the Condominium by the First Amendment to the Condominium Instruments submitting additional land recorded as instrument number 195677 among said land records.

WHEREAS, the Declarant is the owner in fee simple of certain real property described as Phase Four in said Exhibit "A-1" to the Declaration, constituting a portion of the Additional Land of the Condominium; and;

WHEREAS, the Declarant now desires to submit and subject to the provisions of the Condominium Act and the Condominium Instruments the additional parcel of land designated as Phase Four and as more particularly described below; and

WHEREAS, the Declarant has complied with the provisions of Section 7.2 of the Declaration and Section 55-79.63 of the Condominium Act and wishes to amend the Declaration to expand the Condominium by adding Phase Four and the improvements erected thereon as hereinafter provided.

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NOW, THEREFORE, pursuant to and in compliance wit Section 7.2 of the Declaration and Section 55-79.63 of the Condominium Act, the Declarant hereby amends the Condominium Instruments as follows:

- l. Phase Four, being the land described in Exhibit "A" hereto, and a portion of the Additional Land described in Exhibit "A-1" to the Declaration, is hereby submitted to the provisions of the Condominium Act and the Condominium easements, together with all improvements thereto and all become part of the Condominium.
- 2. Phases Three and Five through Nine, inclusive, as described in Exhibit "A-1" hereto, will remain Additional Land pursuant to Section 7.2 of the Declaration.
- 3. Pursuant to Section 55-79.56(b) of the Condominium Act, the Undivided Interests in the Common Elements of the Condominium are hereby reallocated and each Unit is assigned an equal Undivided Interest of one-forty-eighth (1/48th). Pursuant to Section 55-79.73(c) of the Condominium Act, liability for the Common Expenses of and the votes in the Unit Owners' Association are reallocated on the same basis of equal shares of one-forty-eighth (1/48th) for each Unit and one vote for each unit.
- 4. Plats and Plans with appropriate certifications pursuant to Sections 55-79.58 and 55-79.63 of the Condominium Act are attached hereto as Sheets 1, 2 and 3 of Exhibit C and Sheet 6 of Exhibit D and are hereby condominium.

Except as modified by this Amendment, all of the terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed and shall remain in full force and effect and shall apply to the Condominium as expanded.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed by its President as of the date first above written.

By:

James Comparato, General Partner

Roy E. Green, General Partner

COMMONWEALTH OF VIRGINIA)
) to-wit:
COUNTY OF FAIRFAX)

The foregoing instrument was acknowledged before me this <u>300</u> day of January 1989, by James Comparato, General Partner of Compson Development Limited Partnership, a Limited Partnership, on behalf of the Partnership.

Notary Public

My Commission Expires:

My Commission Expires May 12, 1989

COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

Notary Public Picket

The foregoing instrument was acknowledged before Partner of Compson Development Limited Partnership, on behalf of the Partnership.

My Commission Expires: My Commission Expires May 12, 1909

COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

John B. Picket

The foregoing instrument was acknowledged before me Partner of Compson Development Limited Partnership. On behalf of the Partnership. Partner or Compson Development Limited Partnership, on behalf of the Partnership.

My Commission Expires:

My Commission Expires May 12- 1980

EXHIBIT "A"

TO THE SECOND AMENDMENT TO THE DECLARATION

SUBMITTED LAND



Patton Harris Rust & Associates, pc 2003 Fair Ridge Drive 36x 901 fax, Virginia 22030 763 273-8700

April 13, 1988

Offices: Fairfax, VA Bridgewater, VA Leesburg, VA Bockville, MD Virguna Beach, VA

DESCRIPTION OF
PHASE ONE
FAIRFAX COMMONS
A CONDOMINIUM
CITY OF FAIRFAX

Beginning at the northernmost corner of the tract herein described, said point being on the southerly variable width right-of-way line of Old Lee Highway, Route #237 and on the line of Worsham;

Thence departing said southerly variable width right-of-way line of Old Lee Highway, Route #237 and running with said Worsham S 40° 05' 33" E 121.03 feet to a point, said point being a corner to Phase Four, Fairfax Commons A Condominium;

Thence departing said Worsham and running with said Phase Four the following courses and distances:

S 49° 54' 27" W 22.00 feet;

S 47° 56' 44" W 32.52 feet;

S 49° 54' 27" W 12.00 feet;

S 21° 40' 12" E 5.41 feet;

S 23° 55' 27" W 119.36 feet

to a point, said point being a corner to Phase Three;

Engineers Surveyors, Planners & Landscape Architects

Thence departing said Phase Four and running with said Phase Three and with the same line extended with Phase Two, S 59° 25' 54" W 225.03 feet to a point:

Thence continuing with said Phase Two N 58° 44' 49" W 63.53 feet to a point;

Thence continuing with said Phase Two and with the same line extended with Phase Seven, S 59° 25' 54" W 30.71 feet to a point, said point being a corner to Phase Nine;

Thence departing said Phase Seven and running with said Phase Nine, N 30° 34' 06" W 155.28 feet to a point, said point being on the aforementioned southerly variable width right-of-way line of Old Lee Highway, Route #237;

Thence departing said Phase Nine and running with said southerly variable width right-of-way line of Old Lee Highway, Route #237 the following courses and distances:

N 58° 30' 46" E 35.30 feet;

99.43 feet along the arc of a curve to the right, said curve having a radius of 2,845.00 feet, a central angle of 02° 00' 08" and a chord which bears N 59° 30' 50" E 99.42 feet:

N 60° 30' 53" E 294.46 feet

to the point of beginning and containing 1.87603 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

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Patton Harris Rust & Associates, pe ** Fair Ridge Drive *** acc 904 eworfax, Virginia 22030 703 273-8700

April 13, 1988

Offices: Fairfax, VA Bridgewater, VA Leesburg, VA Rockville, MD Virginia Beach, VA

DESCRIPTION OF
PHASE TWO
FAIRFAX COMMONS
A CONDOMINIUM
CITY OF FAIRFAX

Beginning at the northernmost corner of the tract herein described, said point being a corner to Phase Three, Fairfax Commons A Condominium and lying on the line of Phase One, Fairfax Commons A Condominium;

Thence departing said Phase One and running with said Phase Three the following courses and distances:

S 30° 34' 06" E 67.00 feet;

S 59° 25' 54" W 7.50 feet;

S 30° 34' 06" E 12.00 feet;

9.07 feet along the arc of a curve to the right, said curve having a radius of 4.50 feet, a central angle of 115° 27' 12" and a chord which bears S 27° 09' 30" W 7.61 feet;

S 30° 34' 06" E 39.94 feet

to a point, said point being on the line of Phase Five;

Thence departing said Phase Three and running with said Phase Five and with the same line extended with Phase Six S 59° 25' 54" W 172.56 feet to a point;

Thence continuing with said Phase Six and with the same line extended with Phase Seven N 30° 34' 06" W 179.00 feet to a point, said point being on the line of the aforementioned Phase One;

Thence departing said Phase Seven and running with said Phase One the following courses and distances:

N 59° 25' 54" E 27.00 feet; S 58° 44' 49" E 63.53 feet; N 59° 25' 54" E 129.50 feet

to the point of beginning and containing 0.56503 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

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Patton Harris Rust & Associates, pc 3990 Fair Ridge Drive 7 * Box 901 50x, Virginia 22030 50m 27341700

April 13, 1988

Offices: Fairfax, VA Bridgewater, VA Leesburg, VA Rockville, MD Virginia Beach, VA

DESCRIPTION OF PHASE FOUR FAIRFAX COMMONS A CONDOMINIUM CITY OF FAIRFAX

Beginning at a northeasterly corner of the tract herein described, said point being a corner to Worsham and on the line of E. M. F. Elliott & A. F. Lewis;

Thence departing said Worsham and running with said E. M. F. Elliott & A. F. Lewis S 09° 50' 34" E 19.27 feet to a point, said point being a corner to A. F. Lewis;

Thence departing said E. M. F. Elliott & A. F. Lewis and running with said A. F. Lewis S 23° 55' 27" W 152.87 feet to a point, said point being a corner to Phase Three, Fairfax Commons A Condominium;

Thence departing said A. F. Lewis and running with said Phase Three N 66° 29' 21" W 75.57 feet and N 36° 19' 33" W 79.40 feet to a point, said point being a corner to Phase One;

Thence departing said Phase Three and running with said Phase One the following courses and distances:

N 23° 55' 27" E 119.36 feet;

N 21° 40' 12" W 5.41 feet;

N 49° 54' 27" E 12.00 feet;

N 47° 56' 44" E 32.52 feet;

N 49° 54' 27" E 22.00 feet

to a point, said point being on the line of the aforementioned Worsham;

Thence departing said Phase One and running with said Worsham S 40° 05' 33" E 121.84 feet to the point of beginning and containing 0.61147 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

EXHIBIT "A-1"

TO THE SECOND AMENDMENT TO THE DECLARATION

ADDITIONAL LAND

Patton Harris Rust & Associates, pc 3998 Fair Ridge Drive 25x 901 ax, Virginia 22030 273-8700

April 13, 1988

Offices: Fairfax, VA Bridgewater, VA Leesburg, VA Rockville, MD Virginia Beach, VA

DESCRIPTION OF PHASE THREE FAIRFAX COMMONS A CONDOMINIUM CITY OF FAIRFAX

Beginning at the northernmost corner of the tract herein described, said point being a common corner to Phase One and Phase Four, Fairfax Commons A Condominium;

Thence departing said Phase One and running with said Phase Four S 36° 19' 33'' E 79.40 feet and S 66° 29' 21'' E 75.57 feet to a point, said point being on the line of A. F. Lewis;

Thence departing said Phase Four and running with said A. F. Lewis S 23° 55' 27" W 65.66 feet to a point, said point being a corner to Phase Five;

Thence departing said A. F. Lewis and running with said Phase Five N 66° 38' 48" W 68.46 feet and S 59° 25' 54" W 68.00 feet to a point, said point being a corner to Phase Two;

Thence departing said Phase Five and running with said Phase Two the following courses:

N 30° 34' 06" W 39.94 feet;

9.07 feet along the arc of a curve to the left, said curve having a radius of 4.50 feet, a central angle of 115° 27' 12" and a chord which bears N 27° 09' 30" E 7.61 feet:

N 30° 34' 06" W 12.00 feet;

N 59° 25' 54" E 7.50 feet;

N 30° 34' 06" W 67.00 feet

to a point, said point being on the line of the aforementioned Phase One;

Thence departing said Phase Two and running with said Phase One N 59° 25' 54" E 95.53 feet to the point of beginning and containing 0.38435 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

Patton Harris Rust & Associates, pc 🐃 Fair Ridge Drive -1 MH \propto Virginia 22030 273 8700

April 13, 1988

DESCRIPTION OF PHASE FIVE FAIRFAX COMMONS A CONDOMINIUM CITY OF FAIRFAX Offices: Fairfax, VA Bridgewater, VA Leesburg, VA Rockville, MD Virginia Beach, VV

Beginning at the southernmost corner of the tract herein described, said point being a common corner to A. F. Lewis, and E. M. F. Elliott & A. F. Lewis:

Thence departing said A. F. Lewis and running with said E. M. F. Elliott & A. F. Lewis N 74° 50' 34" W 157.74 feet to a point, said point being on the line of Phase Six, Fairfax Commons A Condominium;

Thence departing said E. M. F. Elliott & A. F. Lewis and running with said Phase Six the following courses and distances:

N 15° 09' 26" E 28.00 feet:

N 59° 25' 54" E 39.69 feet;

N 30° 34' 06" W 70.01 feet

to a point, said point being on the line of Phase Two;

Thence departing said Phase Six and running with said Phase Two and with the same line extended with Phase Three N 59° 25' 54" E 216.32 feet to a point;

Thence continuing with said Phase Three S 66° 38' 48" E 68.46 feet to a point, said point being on the line of the aforementioned A. F. Lewis;

Thence departing said Phase Three and running with said A. F. Lewis S 23° 55' 27" W 253.39 feet to the point of beginning and containing 0.85349 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

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I millioner. Surveyor. Planner- & Landscape ArchitectPatton Harris Rust & Associates, pc 3990 Fair Ridge Drive 2 x 901 x Virginia 22030 705 273:0700

April 13, 1988

Offices: Fairfax, VA Bridgewater, VA Leesburg, VA Rockville, MD Virginia Beach, VA

DESCRIPTION OF PHASE SIX
FAIRFAX COMMONS A CONDOMINIUM
CITY OF FAIRFAX

Beginning at the northwesterly corner of the tract herein described, said point being a corner to Phase Seven, Fairfax Commons A Condominium and on the line E. M. F. Elliott & A. F. Lewis:

Thence departing said E. M. F. Elliott & A. F. Lewis and running with said Phase Seven the following courses and distances:

N 58° 00' 55" E 20.69 feet;

N 55° 58' 52" E 52.21 feet;

N 59° 25' 54" E 129.00 feet

to a point, said point being on the line of Phase Two;

Thence departing said Phase Seven and running with said Phase Two S 30° 34' 06" E 56.00 feet and N 59° 25' 54" E 24.24 feet to a point, said point being a corner to Phase Five;

Thence departing said Phase Two and running with said Phase Five S 30° 34' 06" E 70.01 feet and S 59° 25' 54" W 39.69 feet to a point;

Thence continuing with said Phase Five and with the same line extended with the aforementioned E. M. F. Elliott & A. F. Lewis S 15° 09' 26" W 48.00 feet to a point;

Thence continuing with said E. M. F. Elliott & A. F. Lewis N 74° 50' 33" W 217.69 feet to the point of beginning and containing 0.47746 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

Parton Harris Rust & Associates, pc 1993; Fair Ridge Drive (x 90) (ax. Virginia 22030 703 273 4700

April 13, 1988

Offices; Fairfax, VA Bridgewater, VA Leesburg, VA Bockville, MD Virgina Beach, VA

DESCRIPTION OF PHASE SEVEN FAIRFAX COMMONS A CONDOMINIUM CITY OF FAIRFAX

Beginning at the southwesterly corner of the tract herein described, said point being a corner to Phase Eight, Fairfax Commons A Condominium and on the line E. M. F. Elliott & A. F. Lewis;

Thence departing said E. M. F. Elliott & A. F. Lewis and running with said Phase Eight N 15° 09' 27" E 108.67 feet and N 58° 15' 02" E 51.28 feet to a point, said point being on the line of Phase Nine;

Thence departing said Phase Eight and running with said Phase Nine S 31° 44′ 58″ E 20.72 feet to a point;

Thence continuing with said Phase Nine and with the same line extended with Phase One N 59° 25' 54" E 140.98 feet to a point, said point being a corner to Phase Two:

Thence departing said Phase One and running with said Phase Two S 30° 34' 06" E 123.00 feet to a point, said point being a corner to Phase Six;

Thence departing said Phase Two and running with said Phase Six the following courses and distances:

S 59° 25' 54" W 129.00 feet;

S 55° 58' 52" W 52.21 feet;

S 58° 00' 55" W 20.69 feet

to a point, said point being on the line of the aforementioned E. M. F. Elliott & A. F. Lewis;

Thence departing said Phase Six and running with said E. M. F. Elliott & A. F. Lewis N 74° 50' 33" W 98.40 feet to the point of beginning and containing 0.70869 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances of the property.

Pation Harris Rust & Associates, pc 3998 Fair Ridge Drive [20, 801] [23, Virginia 22030 705/273-8700

April 13, 1988

Fairfax, VA Bridgewater, VA Leeslang, VA Rockville, MD Virgima Beach, VA

DESCRIPTION OF PHASE EIGHT FAIRFAX COMMONS A CONDOMINIUM CITY OF FAIRFAX

Beginning at the northereasterly corner of the tract herein described, said point being on the southerly variable width right-of-way line of Old Lee Highway, Route #237 and a corner to Phase Nine, Fairfax Commons A Condominium;

Thence departing said southerly variable width right-of-way line of Old Lee Highway, Route #237 and running with said Phase Nine the following courses and distances:

S 31° 11' 24" E 36.96 feet;

S 28° 23' 33" E 33.23 feet;

S 30° 34' 06" E 10.84 feet;

S 64° 51' 43" E 8.77 feet;

S 31° 44' 58" E 44.04 feet

to a point, said point being a corner to Phase Seven;

Thence departing said Phase Nine and running with said Phase Seven S 58° 15' 02" W 51.28 feet and S 15° 09' 27" W 108.67 feet to a point, said point being on the line of E. M. F. Elliott & A. F. Lewis;

Thence departing said Phase Seven and running with said E. M. F. Elliott & A. F. Lewis N 74° 50' 33" W 241.77 feet to a point, said point being on the aforementioned southerly variable width right-of-way line of Old Lee Highway, Route #237;

Thence departing said E. M. F. Elliott & A. F. Lewis and running with said southerly variable width right-of-way line of Old Lee Highway, Route #237 the following courses and distances:

126.68 feet along the arc of a curve to the right, said curve having a radius of 403.37 feet, a central angle of 17° 59' 38" and a chord which bears N 45° 54' 32" E 126.16 feet;

122.44 feet along the arc of a curve to the right, said curve having a radius of 1945.00 feet, a central angle of 03° 36' 25" and a chord which bears N 56° 42' 32" E 122.42 feet;

N 58° 30' 46" E 47.92 feet

to the point of beginning and containing 0.86747 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

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Patton Harris Rust & Associates, pe ⁹ Fair Rolge Drive ax 901 -wax. Virginia 22030 703/27348700

· April 13, 1988

Offices. Fairfax, VA Bridgewater, VA Lorshing, VV Bockville, MD Airginia Beach, VA

DESCRIPTION OF PHASE NINE FAIRFAX COMMONS A CONDOMINIUM CITY OF FAIRFAX

Beginning at the northernmost corner of the tract herein described, said point being a corner to Phase One, Fairfax Commons A Condominium and on southerly variable width right-of-way line of Old Lee Highway, Route #237;

Thence departing said southerly variable width right-of-way line of Old Lee Highway, Route #237 and running with said Phase One S 30° 34' 06" E 155.28 feet to a point, said point being on the line of Phase Seven;

Thence departing said Phase One and running with said Phase Seven S 59° 25' 54" W 137.27 feet to a point;

Thence continuing with said Phase Seven and with the same line extended with Phase Eight N 31° 44' 58" W 64.76 feet:

Thence continuing with said Phase Eight the following courses and distances:

N 64° 51' 43" W 8.77 feet;

N 30° 341 06" W 10.84 feet:

N 28° 231 33" W 33.23 feet;

N 31° 11' 24" W 36.96 feet

to a point, said point being on the aforementioned southerly variable width right-of-way line of Old Lee Highway, Route #237;

Thence departing said Phase Eight and running with said southerly variable width right-of-way line of Old Lee Highway, Route #237 N 58° 30' 46" E 142.71 feet to the point of beginning and containing 0.49781 acres more or less.

Subject, however, to all easements, rights-of-way and restrictions of record.

This description has been prepared without the benefit of a title report and does not, therefore, necessarily indicate all encumbrances on the property.

EXHIBITS "C" AND "D"

TO THE SECOND AMENDMENT TO THE DECLARATION

EXHIBIT "C" - CONDOMINIUM PLAN

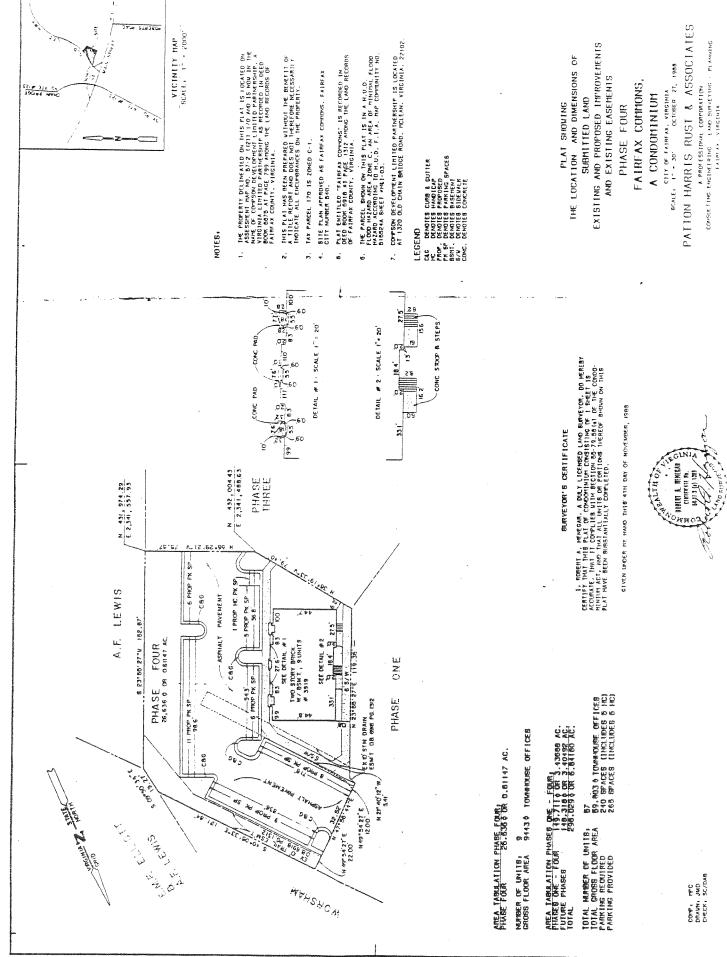
EXHIBIT "D" - CONDOMINIUM PLAT

JAN 17 1989

RECORDED FAIRFAX CO VA

TESTE: Vanue Court

with plat attached



Meery, Rio & Associates

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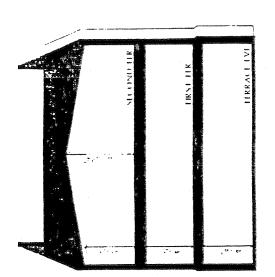
BUILDING #8

SHEET TITLE:

ARCHITECT CERCIFICATION

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<u>ج</u> ج: 12.12 DATE

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