



# FORECLOSURE AUCTION

CASE # 2008 32821 CICI DIVISION:31

JANUARY 16, 2009

Clerk's Conference Room D251, Volusia County Courthouse  
101 N. Alabama Avenue, Deland, Florida



**49,000± SF Furniture Showroom  
Formerly Priced at \$3,950,000**

**Will Sell to the Highest Bidder for Cash at the Sale**

*See Notice of Sale for Details*

- LOCATION:** 499 South Nova Road, Ormond Beach, Florida. 5 blocks south of Granada Blvd. on busy Nova Avenue artery, with easy access to I-95.
- DESCRIPTION:** 49,000 square foot furniture showroom. Formerly FLAIR FURNITURE, INC. Well lit, solarium architectural feature, 208 parking spaces.
- LOT SIZE:** 5.06± acres; well maintained.
- ZONING:** B-8. Permitted uses include retail, services, liquor store and restaurant.
- TAX ID:** Volusia County 4221-00-03-0090.
- INSPECTION:** Call for Appointment.
- CONTACT:** James Keith, (949) 313-0708. Accelerated Marketing Group FL Broker 1023109CQ and Auctioneer AB2543
- SEE ALSO:** [www.amgre.com](http://www.amgre.com) for Legal Notice of Foreclosure Sale.

The above information is from sources deemed reliable but we cannot accept responsibility for its accuracy. Bidder responsible for its own, independent investigation and will buy as-is, where-is.

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

CASE NO: 2008 32821 CICI  
Division: 31

**WACHOVIA BANK, NATIONAL ASSOCIATION**, successor by merger to SouthTrust Bank,

Plaintiff,

v.

**LOWE & ROLAND, INC.**, a Florida corporation; **FLAIR FURNITURE, INC.**, a Florida corporation; **LOWE FURNITURE, INC.**, a Florida corporation; **JOHN W. ROLAND, JR.**, individually, jointly and severally; **ASHLEY FURNITURE INDUSTRIES, INC.**, a Wisconsin corporation and **GE COMMERCIAL DISTRIBUTION FINANCE CORPORATION**,

Defendants.

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**AMENDED NOTICE OF SALE ON COMPLAINT**

NOTICE IS HEREBY GIVEN that the undersigned, the Clerk of the Circuit Court for Volusia County, Florida, under and by virtue of the Final Judgment heretofore entered on the 12th day of November, 2008, in that certain cause pending in the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida, being Civil Action No. 2008 32821 CICI, in which WACHOVIA BANK, NATIONAL ASSOCIATION, successor by merger to SouthTrust Bank ("Wachovia"), is the Plaintiff and LOWE & ROLAND, INC., a Florida corporation ("Lowe & Roland"); FLAIR FURNITURE, INC., a Florida corporation ("Flair"); LOWE FURNITURE, INC., a Florida corporation ("Lowe Furniture"); JOHN W. ROLAND, JR., individually ("Roland"), jointly and severally; ASHLEY FURNITURE INDUSTRIES, INC., a Wisconsin corporation ("Ashley") and GE

COMMERCIAL DISTRIBUTION FINANCE CORPORATION ("GE") are the Defendants, and under and by virtue of the terms of the said Final Judgment will offer for sale at public outcry to the highest and best bidder for cash, in the Clerk's Conference Room, D251, 2nd Floor of the Volusia County Courthouse, 101 N. Alabama Avenue, DeLand, Florida, on the 10 day of January, 2009, at the hour of 11:00 a.m., the same being a legal sales day and the hour a legal hour of sale, on the real and personal property located in Volusia County, Florida and legally described as follows:

PARCEL A:

A portion of Government Lot 3, Section 21, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Government Lot 2; thence run Southerly along the West line of Government Lots 2 and 3, a distance of 2680.0 feet to the Southwest corner of Government Lot 3; thence run Easterly along the Southerly line of Government Lot 3, a distance of 1211.84 feet to the Point of Beginning; thence North 88°12'10" East along said Southerly line of Government Lot 3, a distance of 645.00 feet; thence North 01°47'50" West, 251.63 feet; thence South 89°23'59" West, 764.22 feet to the Northeasterly right of way line of State Road 415 and/or Nova Road; thence South 25°46'57" East along said Northeasterly right of way line, 292.88 feet to the Point of Beginning.

PARCEL B:

A portion of Government Lot 3, Section 21, Township 14 South, Range 32 East, Volusia County, Florida being more particularly described as follows:

Commence at the Northwest corner of Government Lot 2; thence run Southerly along the West line of Government Lots 2 and 3, a distance of 2680.00 feet to the Southwest corner of Government Lot 3; thence run Easterly along the Southerly line of said Government Lot 3, a distance of 1856.84 feet to the Point of Beginning; thence North 88°12'10" East along said Southerly line of Government Lot 3, a distance of 488.36 feet; thence North 65°25'30" East, 366.10 feet; thence North 25°24'30" West, 102.10 feet; thence South 89°23'59" West, 785.11 feet; thence South 01°47'50" East, 251.63 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING PORTIONS OF THE ABOVE PROPERTIES:

(1) A portion of Government Lot 3, Section 21, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Government Lot 2, Section 21, Township 14 South, Range 32 East, Volusia County, Florida; thence run Southerly along the West line of Government Lots 2 and 3; a distance of 2680.0 feet to the Southwest corner of Government Lot 3; thence run North 88°12'10" East along the Southerly line of said Government Lot 3, a distance of 2345.2 feet to an intersection with the North line of the Thomas Fitch Grant; thence run along said North line of the Thomas Fitch Grant, North 65°25'30" East, a distance of 341.10 feet to a point for the Point of Beginning; thence continue along said North line of the Thomas Fitch Grant, North 65°25'30" East, a distance of 25.00 feet to the Southwest corner of the Henry Yonge Grant and the Easterly line of the aforesaid Government Lot 3; thence run along said Easterly line of said Government Lot 3, North 25°24'30" West, a distance of 102.10 feet to a point ("second course"); thence run South 89°23'59" West, a distance of 27.54 feet to a point which is

25.00 feet from, when measured at right angles to, the Northwesterly prolongation of the aforesaid second course; thence run South 25°24'30" East along a line parallel to and 25.00 feet distant from, when measured at right angles to, the aforesaid second course and the Northwesterly and Southeasterly prolongations thereof, a distance of 114.02 feet, more or less, to the Point of Beginning.

(2) That part of Government Lot 3, Section 21, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Government Lot 3; thence North 88°12'48" East, along the South line of said Government Lot 3, a distance of 1982.14 feet to the point of beginning; thence continue North 88°12'48" East, along said South line, a distance of 363.50 feet to an intersection with the Northerly right-of-way line of Division Street; thence North 65°26'11" East, along said Northerly right-of-way line, a distance of 340.40 feet to the Westerly right-of-way line of Old Kings Road; thence North 25°23'42" West, along said Westerly right-of-way line, a distance of 111.85 feet; thence South 89°26'28" West, a distance of 737.74 feet; thence South 24°33'49" East, a distance of 271.23 feet to the Point of Beginning.

together with all improvements, appurtenances, tenements and hereditaments.

The property aforesaid, together with all improvements, buildings, fixtures, tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, is being sold to satisfy Wachovia's claims under said Judgment.

DATED this 9 day of December, 2008.

DIANE M. MATOUSEK  
As Clerk of the Circuit Court  
Volusia County, Florida

By: /s/ Nathan S. Peppel  
As Deputy Clerk