

UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF GEORGIA  
 ATLANTA DIVISION

In Re:	:	
	:	
CLAUDIO PABLO AVENDAÑO,	:	CASE NO. 15-64523-PWB
	:	
Debtor.	:	CHAPTER 7
	:	
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	:	
NEIL C. GORDON, Trustee for the	:	
Estate of Claudio Pablo Avendaño,	:	
	:	
Movant,	:	CONTESTED MATTER
	:	
v.	:	
	:	
CLAUDIO PABLO AVENDAÑO,	:	
	:	
Respondent.	:	
	:	
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**NOTICE OF PRESENTATION AND SUBMISSION OF PROPOSED ORDER ON TRUSTEE’S MOTION FOR (I) APPROVAL OF BIDDING AND AUCTION PROCEDURES, (II) AUTHORITY TO SELL REAL PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS, AND ENCUMBRANCES, AND (III) APPROVAL OF COMMISSION FOR SERVICES OF AUCTIONEER AND FOR EMPLOYMENT OF COURT-APPROVED BROKER AS AUCTIONEER**

COMES NOW Neil C. Gordon, as the Chapter 7 Trustee (the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of Claudio Pablo Avendaño (the “**Debtor**”) and files this *Notice of Presentation and Submission of Proposed Order on Trustee’s Motion for (I) Approval of Bidding Procedures, (II) Authority to Sell Property of the Estate Free and Clear of Liens, Interests and Encumbrances and (III) Approval of Commission for Services of Auctioneer and for Employment of Court-Approved Broker as Auctioneer.*

On June 18, 2019, the Court held a hearing (the “**Hearing**”), on the Trustee’s *Motion for (I) Approval of Bidding Procedures, (II) Authority to Sell Property of the Estate Free and Clear of Liens, Interests and Encumbrances and (III) Approval of Commission for Services of Auctioneer and*

*for Employment of Court-Approved Broker as Auctioneer* (the "**Sale Motion**," Doc. No. 178) filed by the Trustee. At the Hearing the Court stated findings of fact and conclusions of law on the record and directed the Trustee to seek approval from the attorney for the United States Trustee and from the Debtor as to the form of an Order conforming to the Court's findings and conclusions.

Trustee has submitted a draft proposed order to the Debtor and to the attorney for the United States Trustee. The last response from the Debtor indicated: "The order you have presented is not correct. I will review the transcript to be certain." Trustee has seen no evidence that Debtor has requested or ordered a transcript of the Hearing.

Accordingly, Trustee will present the attached proposed Order (Exhibit "A") via ECF upload and will send a Word version of the attached Order via email to chambers. Exhibit A is substantially the same as the draft proposed order rejected by the Debtor, except that the last paragraph of Exhibit A is new.

Trustee requests that the Court enter the attached proposed Order or that the Court revise the attached proposed order to conform with the Court's ruling or that the Court enter its own order in accordance with the Court's findings of fact and conclusions of law stated on the record at the Hearing.

Respectfully submitted this 7th day of August, 2019.

ARNALL GOLDEN GREGORY LLP

*Attorneys for Trustee*

By: /s/ William D. Matthews

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**EXHIBIT "A" FOLLOWS**

UNITED STATES BANKRUPTCY COURT  
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CLAUDIO PABLO AVENDAÑO,	:	CASE NO. 15-64523-PWB
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Debtor.	:	CHAPTER 7
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NEIL C. GORDON, Trustee for the	:	
Estate of Claudio Pablo Avendaño,	:	
	:	
Movant,	:	CONTESTED MATTER
	:	
v.	:	
	:	
CLAUDIO PABLO AVENDAÑO,	:	
	:	
Respondent.	:	
	:	
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**ORDER ON TRUSTEE’S MOTION FOR (I) APPROVAL OF BIDDING AND AUCTION PROCEDURES, (II) AUTHORITY TO SELL REAL PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS, AND ENCUMBRANCES, AND (III) APPROVAL OF COMMISSION FOR SERVICES OF AUCTIONEER AND FOR EMPLOYMENT OF COURT-APPROVED BROKER AS AUCTIONEER**

The matter before the Court for hearing on June 18, 2019 (the "**Hearing**"), on the Trustee's Motion for (I) Approval of Bidding Procedures, (II) Authority to Sell Property of the Estate Free and Clear of Liens, Interests and Encumbrances and (III) Approval of Commission for Services of Auctioneer and for Employment of Court-Approved Broker as Auctioneer (the "**Sale Motion**," Doc. No. 178), filed by Neil C. Gordon Chapter 7 Trustee (the "**Trustee**") for the bankruptcy estate of Claudio Pablo Avendano (the "**Estate**").

Present at the Hearing were Trustee, Counsel for Trustee, Special Counsel for Trustee in Chile (appearing telephonically), Debtor, counsel for the United States Trustee, and counsel for creditors Jerry Austin and Lawson Realty, LLC. Having reviewed the Sale Motion, and based upon the testimony and presentations by Trustee and Debtor at the Hearing, the presentation and responses to questions of Special Counsel in Chile, and the record in this case, the Court finds that the auction of the Chile Property proposed by Trustee in the Sale Motion is an appropriate exercise of the Trustee's business judgment, as found by the Court on the record at the Hearing. Therefore, for good cause having been shown, it is hereby:

**ORDERED** that the Sale Motion is GRANTED to the extent set forth herein. It is further

**ORDERED** that the Trustee's proposed Bidding and Auction Procedures as set forth in the Sale Motion and in Exhibit "A" to the Sale Motion are APPROVED, provided, however, that the date of the Auction referenced in Exhibit "A" to the Sale Motion is not fixed; rather the date will be set by the Auctioneer jointly with Special Counsel in Chile. It is further

**ORDERED** that the Trustee is authorized to employ the previously approved Broker as Auctioneer to be paid a 2% commission from the proceeds of the sale, plus taxes as his fees, and also reimbursed the costs of notarizations and advertisement. It is further

**ORDERED** that the 2nd Civil Court of La Serena (where ancillary judicial proceedings are pending under docket number 2660-2017) may make its own determination as to the propriety, under Chilean Law, of the Auction approved pursuant to this Order, as contemplated under the Chilean Insolvency Law. It is further

**ORDERED** that Counsel for Trustee or Special Counsel for Trustee are directed to provide email notice to Debtor of matters filed in the ancillary proceeding in Chile and of any deadlines set in the ancillary proceeding. It is further

**ORDERED** that Counsel for Trustee and Special Counsel for Trustee are directed to provide a non-binding estimate to the Debtor of the amount that will be needed to administer and close this case, which estimate can be in the nature of a range of amounts depending upon factors, including, but not limited to, the amount needed if extensive litigation does or does not take place in the ancillary proceeding in Chile.

[END OF THE DOCUMENT]

PREPARED AND SUBMITTED BY:

ARNALL GOLDEN GREGORY LLP

By: /s/ Neil C. Gordon

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**DISTRIBUTION LIST**

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362 Richard B. Russell Building  
75 Ted Turner Drive, SW  
Atlanta, Georgia 30303

Mark Manley  
Weeks Auction Group, Inc.  
2186 Sylvester Highway  
Moultrie, GA 31768

Claudio Pablo Avendano  
8 West Main ST.  
Strasburg, PA 17579

Victor J. Harrison  
Harrison & Horan, P.C.  
3150 Golf Ridge Boulevard  
Suite 101  
Douglasville, GA 30135

**CERTIFICATE SERVICE**

This is to certify that I have mailed a copy of the Trustee's *Notice of Presentation and Submission of Proposed Order on Motion for (I) Approval of Bidding Procedures, (II) Authority to Sell Property of the Estate Free and Clear of Liens, Interests and Encumbrances and (III) Approval of Commission for Services of Auctioneer and for Employment of Court-Approved Broker as Auctioneer* by electronic mail to:

Office of the United States Trustee  
362 Richard B. Russell Bldg.  
75 Ted Turner Drive, SW  
Atlanta, GA 30303  
[Martin.P.Ochs@usdoj.gov](mailto:Martin.P.Ochs@usdoj.gov)

Claudio Pablo Avendaño  
P.O. Box 401  
Winston, GA 30187  
[claudio@metroecho.com](mailto:claudio@metroecho.com)

This 7th day of August, 2019.

/s/ William D. Matthews  
William D. Matthews