

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

CLAUDIO PABLO AVENDAÑO,

CASE NO. 15-64523-PWB :

Debtor.

: CHAPTER 7

NEIL C. GORDON

Trustee for the : Estate of Claudio Pablo Avendaño,

2019 AUG 19 PM 3:44  
US BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
CLERK

DEBTORS ANSWER TO:

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

THE TRUSTEE'S PROPOSED ORDER REQUIRES THE FOLLOWING:

THE COURT ORDERED THAT THE DEBTOR BE GIVEN **PAST AS WELL AS FUTURE MATTERS FILED IN THE ANCILLARY PROCEEDING IN CHILE** SO THAT THE DEBTOR MAY HAVE FULL ACCESS TO THE PROCEEDING IN CHILE. THIS IS REQUIRED INFORMATION FOR THE DEBTOR IN ORDER TO PROTECT HIS ESTATE FROM AN UNDERVALUED SALE AND FOR THE DEBTOR TO ACT AT THE COURT IN CHILE TO MAKE A DETERMINATION ON THE SALE OF ASSETS TO PAY DEBT.

(As written in the Trustee's motion... 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.)

THE COURT ORDERED AN ESTIMATE DEBT AMOUNT TO CLOSE THIS CASE SO THAT THE COURT IN CHILE COULD MAKE A DETERMINATION AS TO HOW MUCH OF THE ESTATE NEED BE SOLD TO PAY THIS AMOUNT, AND AS TO THE MANNER OF SALE.

**THE ORDER MUST MAKE CLEAR THAT THE AUCTION NOT TAKE PLACE UNTIL THIS ACCOUNTING IS PRESENTED TO THE DEBTOR SO HE BE ABLE TO MAKE A PROPER DETERMINATION AND PRESENTATION TO THE COURT IN CHILE.**

(As written in the Trustee's motion... 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.)

At the June 18, 2019 hearing, the Court held that the debtor has standing in this surplus case. The Debtor presented evidence that showed the Trustee was acting against the best interest of the estate, and in the precise manner to convert the Debtor's estate into administrative fees.

The Court orders this sale to be conducted in this manner so that the Debtor may act in a manner to protect the estate the court entrusted to the Trustee.

THEREFORE:

THE ORDER SHOULD MAKE CERTAIN THAT **PRIOR TO AN AUCTION**, (1) THE TRUSTEE PROVIDE AN ESTIMATE OF COST (DEBT) AND (2) PROVIDE THE FILINGS IN THE CHILEAN COURT TO THE DEBTOR, SO THAT THE COURT IN CHILE CAN PROPERLY MAKE A PRIOR DETERMINATION.

Claudio Avendano (DEBTOR)



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**CERTIFICATE SERVICE** This is to certify that I have mailed a copy of this document to by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

**Neil C. Gordon Georgia / William D. Matthews**  
**171 17th Street, NW, Suite 2100 Atlanta, GA 30363**

A handwritten signature in black ink, consisting of a large, stylized 'N' followed by a cursive flourish that extends to the right.