

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

In Re:	:	
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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 HEARING

NOTICE IS HEREBY GIVEN, pursuant to Fed. R. Bankr.P.2002(a)(2), 6004(a), 6004(c) and 9014, that the Chapter 7 Trustee Neil C. Gordon (“**Trustee**”), Trustee of the bankruptcy estate (the “**Estate**”) of Claudio Pablo Avendaño (the “**Debtor**”), proposes to sell the following real properties located in La Serna, Chile at auction: : Real estate of 82,32 hectares approximately, tax identification number 49-50, divided in portions of land of 5.000 square meters each, that forms a total of 155 lots, according to the map registered under number 1071 of the La Serena’s Real Estate Registrar of year 2006, registered under the name of the bankrupt party at page 577 number 531 of the Registry of Property of the La Serena Real Estate Registrar of year 2001 (the “**Chile Property**”). The Property will be sold "as is" and "where is," free and clear of all liens, interests and encumbrances, as more particularly described in 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**”), pursuant to 11 U.S.C. §§ 363(b) and (f), with valid and enforceable lien(s) attaching to the proceeds of sale. The auction is expected to occur within ninety (90) days of this Court’s order approving the sale. Upon further application to the Court, the auctioneer will be paid a commission of 2% of the price plus taxes as his fees, and also the costs of notarizations and advertisement.

PLEASE TAKE FURTHER NOTICE that the Trustee will hold an auction (the “**Auction**”) pursuant to the following procedures:

Date for the auction: The date will be set by the Auctioneer jointly with the Trustee’s (Foreign Representative’s) attorneys. The definitive date will be published in the Rules of the Auction to be presented before the 2nd Civil Court of La Serena.

Conditions of the auction: The Chile Property will be auctioned in a live auction, *ad corpus*, considering the 155 lots as a whole, in their material state at the time of the adjudication, which is presumed known by the buyer, with all its uses, customs, rights and easements, and without answering the seller of eviction nor of any redhibitory vices, considering that the sale is made under judicial order, under the judicial proceeding docket number 2660-2017 before the 2nd Civil Court of La Serena.

Minimum price: The minimum price will be of CLP\$232,500,000 (Chilean Pesos), corresponding to CLP\$1,500,000 (Chilean Pesos) per lot, and at the current official exchange rate, to US \$353,445.00. The Auctioneer, acting jointly with the attorneys of the legal representative, will be authorized to modify this minimum, for sound commercial reasons.

Guarantee of seriousness: In order to participate in the auction and be able to bid, the offerors must present to the Auctioneer an endorsable voucher for an amount equivalent to 5% of the minimum price of the Property. The guarantee of seriousness shall be presented to the

Auctioneer before the public auction. The Auctioneer will be entitled to increase or decrease the value of the guarantee in the Rules of the Auction.

Guarantee's return: The guarantees will be returned to the offerors after the auction, except for the buyer to whom the Property is auctioned. Upon the buyer's guarantee, the Auctioneer will discount his commission fee, plus the costs of advertisement of the auction and other expenses associated to it. The balance shall be transferred to the Special Counsel's counsel Carey y Cia.'s bank account, as a part of the price agreed.

Payment method: The balance of the adjudication price must be paid by the buyer at the time of the execution of the purchase public deed, in Chilean pesos, with a bank check, within 30 days after the auction. If the buyer does not make this payment, he will lose the guarantee, and its balance will pass to the benefit of the Estate.

Additional details regarding the Auction Procedures are included in the Motion.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1401, United States Courthouse, 75 Ted Tuner Drive, S.W. Atlanta, Georgia, at 10:00 A.M. on May 7, 2019.

The Motion is available for review in the Clerk's Office, United States Bankruptcy Court, during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users).

Your rights may be affected by the Court's ruling on this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.). If you do not want the Court to grant the relief sought in this pleading or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. Prior to the hearing, you may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written

response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner, S.W., Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: April 11, 2019.

ARNALL GOLDEN GREGORY LLP

/s/William D. Matthews

William D. Matthews, State Bar No. 470865

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Attorneys for Chapter 7 Trustee

Certificate of Service

I, William D. Matthews, certify that I am over the age of 18 and that I served a copy of this *Notice of Hearing* by First Class United States Mail, with adequate postage prepaid, to those entities listed on the debtor's mailing matrix, attached hereto and marked as Exhibit "A"

This 11th day of April, 2019.

/s/ William D. Matthews
William D. Matthews

Exhibit "A" follows

Label Matrix for local noticing
113E-1
Case 15-64523-pwb
Northern District of Georgia
Atlanta
Thu Apr 11 14:43:02 EDT 2019

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End of Label Matrix	
Mailable recipients	24
Bypassed recipients	7
Total	31