

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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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:

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By: /s/ Neil C. Gordon

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