

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In Re:	:	
	:	
CLAUDIO PABLO AVENDANO,	:	CASE NO. 15-64523-PWB
	:	
Debtor.	:	CHAPTER 7
	:	
	:	

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**REPORT OF SALE**

COMES NOW Neil C. Gordon, the Chapter 7 Trustee (“Trustee”) of the bankruptcy estate (the “Estate”) of Claudio Pablo Avendano (“Debtor”) and hereby files this *Report of Sale* and shows as follows:

1. Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 U.S.C. on August 3, 2015 (the “Petition Date”), thereby initiating Case No. 15-64523-PWB (the “Case”).
2. On August 4, 2015, Trustee was appointed to the Case as the interim Chapter 7 trustee, pursuant to 11 U.S.C. § 701(a)(1).
3. The original meeting of creditors was scheduled for September 8, 2015, pursuant to 11 U.S.C. § 341(a) (the “341 Meeting”), at which time, Debtor failed to appear, so the 341 Meeting was rescheduled to October 15, 2015.
4. Trustee conducted and concluded the 341 Meeting on October 15, 2015, at which time, he became the permanent Chapter 7 Trustee, pursuant to 11 U.S.C. § 702(d).
5. Over the objection of the Trustee and creditors, Debtor’s motion to convert to Chapter 13 was granted by Order entered on December 16, 2015 [Doc. No. 43]. However, the Chapter 13 Plan was not confirmed, the Case was re-converted to Chapter 7 on July 13, 2016 [Doc. No. 91], and Trustee was re-appointed on July 18, 2016 [Doc. No. 93].

6. Debtor solely owned that certain commercial real property known generally as 155 Liberty Road, Villa Rica, Douglas County, Georgia 30180 (the “**Commercial Property**”).

7. The Commercial Property was encumbered

8. The Property was encumbered by (i) a “deed to secure debt” in favor of Jerry Austin (“**Mr. Austin**”), with a loan payoff in the amount of \$497,400.00; and (ii) “second deed to secure debt” in favor of Lawson Realty LLC (“**Lawson**”), with a loan payoff in the amount of \$22,600.00. The only other liens on the Commercial Property other than *ad valorem* real property taxes for 2014, 2015 and the Estate’s pro-ration of 2016 *ad valorem* real property taxes.

9. Trustee entered into a *Purchase and Sale Agreement* for sale of the Property to Greg Daniel “as is, where is,” for the total sale price of \$415,000.00, subject to Bankruptcy Court approval.

10. On September 26, 2016, Trustee filed pursuant to 11 U.S.C. § 363(b) and (f) *Trustee’s Motion for (I) Approval of Bidding and Auction Procedures, (II) Authority to (A) Sell Real Property of the Estate Free and Clear of All Liens, Claims, Interests, and Encumbrances, and (B) Disburse Certain Proceeds at Closing, and (III) Turnover of Commercial Property Prior to Closing of Proposed Sale* [Doc. No. 113] (“the “**Sale Motion**”).

11. A hearing on the Sale Motion was scheduled for October 20, 2016 (the “**Sale Hearing**”)

12. At the Sale Hearing, Trustee conducted an auction to sell the Commercial Property to the highest bidder (the “**Auction**”).

13. As a result of the Auction, Jarrod M. Plunkett (“**Mr. Plunkett**”) was the successful bidder at a bid price of \$475,000.00 (the “**Purchase Price**”).

14. On October 24, 2016, the Court entered an *Order* [Doc. No. 126], granting the Sale

bidder at a bid price of \$475,000.00 (the “**Purchase Price**”).

14. On October 24, 2016, the Court entered an *Order* [Doc. No. 126], granting the Sale Motion and approving sale of the Commercial Property to Mr. Plunkett at the Purchase Price (the “**Sale Order**”).

15. On November 8, 2016, Trustee closed on the sale of the Property. Trustee’s closing attorney and authorized disbursing agent made those disbursements authorized by the Sale Order.

16. A copy of the Closing Disclosure from the closing, marked as Exhibit “A,” is attached hereto and incorporated herein by reference.

Respectfully submitted,

By:  Neil C. Gordon

Neil C. Gordon

State Bar No. 302387

171 17<sup>th</sup> Street, NW, Suite 2100

Atlanta, Georgia 30363

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Chapter 7 Trustee

**EXHIBIT "A" FOLLOWS**

**Seller's Settlement Statement**



**Settlement Date:** 11/08/2016  
**Disbursement Date:** 11/08/2016  
**Settlement Location:** 5565 Glenridge Connector, Suite 350, Atlanta, GA 30342  
**File Number:** G162587D  
**Lender:** Westside Bank  
**Loan Type:** Conventional Uninsured  
**Buyer:** Jarrod M. Plunkett  
 GA  
**Seller:** Nail Gordon as and only as Trustee for the Bankruptcy Estate of Claudio Pablo Avendano  
 171 17th Street, NW  
 Suite 2100  
 Atlanta, GA 30363  
**Property location:** 155 Liberty Road  
 Villa Rica, GA 30180  
**Tax Parcel No:** 01430250061

	Seller	
	Debit	Credit
<b>Financial Consideration</b>		
Sale Price of Property		475,000.00
Excess Deposit	20,000.00	
<b>Prorations/Adjustments</b>		
County Taxes (\$5798.47) 11/08/16 - 01/01/17		855.51
<b>Miscellaneous Debits/Credits</b>		
2016 Douglas County Taxes to Douglas County Tax Commissioner	5,798.47	
2014 Douglas County Taxes to Douglas County Tax Commissioner	12,520.50	
Payment to Jerry E. Austin for partial payment on 1st mtg. to Jerry E. Austin	380,000.00	
2015 Douglas County Taxes to Douglas County Tax Commissioner	7,045.02	
<b>Subtotals</b>	<b>425,363.99</b>	<b>475,855.51</b>
<b>Balance Due TO Seller</b>	<b>50,491.52</b>	

**CERTIFICATE OF SERVICE**

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

Office of United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303

This 10th day of November, 2016.

By: /s/ Neil C. Gordon  
Neil C. Gordon  
State Bar No. 302387