

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)
)
CLAUDIO PABLO AVENDANO,)
)
 Debtor.)
)

CASE NO. 15-64523-PWB
CHAPTER 7

TRUSTEE'S MOTION FOR ENTRY OF AN ORDER AUTHORIZING TRUSTEE TO ACT
AS FOREIGN REPRESENTATIVE ON BEHALF OF THE DEBTOR'S ESTATE

COMES NOW Neil C. Gordon, Chapter 7 Trustee ("**Trustee**") herein, and moves this Court for an Order authorizing him to act as the foreign representative on behalf of the Debtor's estate in ancillary proceedings under the insolvency laws of Chile, and respectfully shows this Court as follows:

BACKGROUND

1. Debtor, Claudio Pablo Avendaño ("**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. Also on the Petition Date, Debtor filed under penalty of perjury his *Statement of Financial Affairs* (collectively, the "**Sworn Statements**") and *Schedules "A" through "F" and Schedules "I" and "J"* (collectively, the "**Sworn Schedules**").
3. 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).

4. 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.

5. 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).

6. Trustee filed his *Application to Appoint Attorney for Trustee* [Doc. No. 24] requesting authorization to employ Arnall Golden Gregory LLP (“**AGG**”) as attorneys for Trustee that was approved by the Court [Doc. No. 27].

7. 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].

8. Trustee filed his *Application for Reappointment of Attorney* [Doc. No. 94] on July 18, 2016, and the Court entered an *Order* [Doc. No. 95] on July 20, 2016, reappointing AGG as attorneys for Trustee.

9. Pursuant to *Schedule “A”* of the Sworn Schedules (“**Schedule “A”**”), Debtor scheduled his sole ownership interest in an unencumbered subdivision in La Higuera, Chile, consisting of 161 one-acre lots (the “**Chile Property**”)¹.

¹ The Chile Property is more specifically described as: “The real estate property located in the locality of Los Choros, municipality of La Higuera, in the Region of Coquimbo, which is registered under the name of Mr. Claudio Paulo Avendaño Lucero in the property registry of the Real Estate Registrar (Conservador de Bienes Raíces) of La Serena under page 577 number 531 of year 2001, registered for real estate tax purposes under number 00049-050.”

10. On October 11, 2016, Debtor filed his motion seeking reconversion of the Case to Chapter 13 [Doc. No. 120] (the “**Motion to Re-Convert**”).

11. Following a hearing on November 21, 2016, the Court, on November 23, 2016, entered an Order [Doc. No. 138] denying the Motion to Re-Convert.

12. On January 5, 2017, Trustee filed an application for employment of Ricardo Reveco and the law firm of Carey y Cia as Special Counsel to represent the estate with respect to efforts to liquidate the Chile Property, including, if necessary, the commencement and handling of an ancillary insolvency proceeding in Chile (Doc. No. 145) (the “**Special Counsel Application**”).

13. In the Special Counsel Application, Trustee noted that “Ancillary proceedings may not be necessary if Debtor executes an irrevocable power of attorney to sell the Chile Property, which irrevocable mandate will need to be granted by a public deed executed before a consul of Chile in the United States.”

14. On January 10, 2017, the Court entered an Order [Doc. No. 146] granting the Special Counsel Application and approving the Trustee’s employment of Carey y Cia (“Special Counsel”) as special counsel for the estate.

15. Thereafter, Trustee coordinated with Special Counsel and attempted to coordinate with the Debtor to arrange a schedule for the Debtor to fly to the Chile consulate in Miami at the Estate’s expense so that the Debtor could execute the necessary power of attorney documents before a consul of Chile.

16. Specifically, on March 3, 2017, counsel for Trustee sent Debtor a detailed email message to explain what was needed of him and to ask him to coordinate with Special Counsel

with regard to working out arrangements to fly to Miami to meet with the consul of Chile. A true and correct copy of the March 3, 2017 email message is attached hereto as Exhibit "A." Attached to the message were copies of the documents (in Spanish) that Trustee requested Debtor to execute.

17. The March 3, 2017 message stated, in part: "The firm of Carey y Cía has prepared the attached Power of Attorney which will enable the firm to proceed to sell the lots in Chile. I believe that you have previously advised the Trustee that you will be willing to cooperate to execute such a document or any other documents as may be needed to allow the properties in La Higuera to be marketed and sold on behalf of your bankruptcy estate. Please advise if you remain willing to cooperate. If so, we will need to coordinate arrangements for your travel to the Chile consulate in Miami so that the document can be executed in the presence of consul. Roberto Villaseca or one of his associates or assistants at Carey y Cía can coordinate with you to schedule your trip to the consulate. We will also need to obtain authority from the bankruptcy court for the bankruptcy estate to pay for your round-trip flight to Miami, reasonable costs between the Miami airport to and from the consulate, and reasonable costs to and from your home to the Atlanta airport."

18. On March 8, 2017, having received no response from Debtor to the March 3 message, counsel for the Trustee sent Debtor another message that included as attachments English translations of the documents that had been sent to Debtor as attachments to the March 3 message. A true and correct copy of the March 8, 2017 message is attached hereto as Exhibit "B."

19. On March 10, March 15 and again on April 4, 2017, counsel for the Trustee sent additional email messages to Debtor to ask for confirmation that counsel for Trustee had Debtor's correct email address. True and correct copies of these messages are attached as Exhibit "C."

20. Also, on April 4, 2017, counsel for the Trustee forwarded the original March 3 email message (with the original attachments) to Debtor. A true and correct copy of the April 4 email message is attached hereto as Exhibit "D."

21. Finally, on April 5, 2017, Debtor sent counsel for Trustee an email response which makes it clear that Debtor has no intention of cooperating with the Trustee in a streamlined procedure that would permit the estate to sell the Chile Property without the necessity of filing an ancillary insolvency proceeding in the courts of Chile. A true and correct copy of the Debtor's April 5 email message is attached hereto as Exhibit "E."

22. On April 7, 2017, counsel for Trustee responded to Debtor's email of April 5. A true and correct copy of the April 7 email message is attached hereto as Exhibit "F."

JURISDICTION

23. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue of this case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The predicates for the relief requested herein are sections 1505 and 105(a) of the Bankruptcy Code and Rule 6004 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**").

RELIEF REQUESTED

24. To enable the Trustee to liquidate the Chile Property for the benefit of the estate, it is critical that this Chapter 7 case and certain of the orders entered by his Court be recognized by the courts in Chile.

25. By the Motion, the Trustee seeks authority for Trustee to (i) act as the foreign representative (as such term is defined in the cross-border regulation of the insolvency laws of Chile) for the Debtor; (ii) seek recognition by the courts of Chile of the chapter 7 case and the orders entered by this Court; (iii) request the courts of Chile to lend assistance to this Court in protecting the property of the Debtor's estate; and (iv) seek any other appropriate relief from the courts of Chile, as applicable, that is just and proper in furtherance of the protection of the Debtor's estate or the interest of a creditor or creditors.

26. For purposes of commencing ancillary proceedings to be started in Chile, the Trustee will grant the law firm of Carey y Cía a power of attorney in terms substantially similar to the ones contained in the draft power of attorney attached as Exhibit "G" herein"

BASIS FOR RELIEF

27. Section 1505 of the Bankruptcy Code allows a trustee to obtain a bankruptcy court order recognizing the trustee as the foreign representative of the debtor's estate for the purposes of submitting a petition to a foreign court requesting recognition of the debtor's Chapter 7 case. Specifically, section 1505 of the Bankruptcy Code provides that:

[a] trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

11 U.S.C. § 1505.

28. It is in the best interests of the Debtor, the estate and creditors, and all other parties in interest that Trustee be appointed as foreign representative of the Debtor's estate. Because the Debtor has assets in Chile, it is critical that a stay similar to the automatic stay imposed pursuant to section 362 of the Bankruptcy Code be granted in Chile and that certain of this Court's orders also be recognized in Chile. Trustee is well-positioned to represent the Debtor's estate in the ancillary insolvency proceeding in Chile and to serve as a conscientious foreign representative to ensure that these proceedings and the relief requested herein are recognized in Chile.

29. Where a debtor has foreign assets, courts have granted similar relief to that requested herein. *See, e.g., In re Aéropostale, Inc.*, Case No. 16-11275 (SHL) (Bankr. S.D.N.Y. May 4, 2016); *In re LightSquared Inc., et al.*, Case No. 12-12080 (SCC) (Bankr. S.D.N.Y. June 11, 2012); *In re TerreStar Networks Inc.*, Case No. 10-15446 (SHL) (Bankr. S.D.N.Y. Oct. 20, 2010).

30. Based on the foregoing, the Trustee submits that the relief requested herein is necessary and appropriate, is in the best interests of the estate and the creditors, and should be granted in all respects.

WHEREFORE, Trustee prays that the Court enter an Order: (a) appointing Trustee as the foreign representative on behalf of the Debtor's estate in ancillary proceedings under the insolvency laws of Chile; (b) authorizing the Trustee, with the assistance of Special Counsel, to commence the appropriate ancillary insolvency proceedings in Chile on behalf of the estate for

the purpose of selling the Chile Property for the benefit of creditors and the estate; and (c) granting Trustee such other and further relief as is equitable and just.

This 10th day of April, 2017.

Respectfully submitted,

/s/ William D. Matthews

Neil C. Gordon

State Bar No. 302387

William D. Matthews

State Bar No. 470865

Arnall Golden Gregory LLP

171 17th Street, N.W., Suite 2100

Atlanta, Georgia 30363-1031

(404) 873-8670

william.matthews@agg.com

EXHIBIT "A"

Matthews, William D.

From: Matthews, William D.
Sent: Friday, March 03, 2017 5:39 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.; 'Roberto Villaseca'; Ricardo Reveco; Antonella Oberti; Jaime Puyol
Subject: Claudio Avendaño (Case No. 15-64523-PWB)
Attachments: Avendano Special Counsel order.pdf; Mandato Avendaño a socios de Carey - separado.DOCX; Poder Venta Inmueble Avendaño a socios de Carey - Consulado Miami.DOCX

Dear Mr. Avendaño,

My name is William Matthews. I am an attorney working for the Trustee, Neil Gordon, in your bankruptcy case.

As you are aware, the Trustee has employed the firm of Carey y Cía in Chile as special counsel to assist in selling your real estate (lots) located in La Higuera. At the firm of Carey y Cía, our main contacts are Roberto Villaseca, Ricardo Reveco, Antonella Oberti, and Jaime Puyol. They are copied with this message. A copy of the bankruptcy court's order approving employment of the firm as special counsel is attached.

The firm of Carey y Cía has prepared the attached Power of Attorney which will enable the firm to proceed to sell the lots in Chile. I believe that you have previously advised the Trustee that you will be willing to cooperate to execute such a document or any other documents as may be needed to allow the properties in La Higuera to be marketed and sold on behalf of your bankruptcy estate. Please advise if you remain willing to cooperate. If so, we will need to coordinate arrangements for your travel to the Chile consulate in Miami so that the document can be executed in the presence of consul. Roberto Villaseca or one of his associates or assistants at Carey y Cía can coordinate with you to schedule your trip to the consulate. We will also need to obtain authority from the bankruptcy court for the bankruptcy estate to pay for your round-trip flight to Miami, reasonable costs between the Miami airport to and from the consulate, and reasonable costs to and from your home to the Atlanta airport.

Carey y Cía has also prepared a separate Power of Attorney that would mandate them to destine the proceeds to the bankruptcy estate, which needs to be signed separately. Please let all of us know if you remain willing to execute the documents needed to sell the lots you own in Chile (as you previously advised), and Carey y Cía attorneys and assistants can begin to coordinate with you and the consulate to arrange your travel and to schedule a meeting at the consulate.

Thank you,

William D. Matthews
Of Counsel

**Arnall
Golden
Gregory LLP**

Arnall Golden Gregory LLP
171 17th Street NW, Suite 2100
Atlanta, GA 30363
p: 404.873.8670 f: 404.873.8671
william.matthews@agg.com | [bio](#) | [linkedin](#) | [vcard](#) | [website](#)

EXHIBIT "B"

Matthews, William D.

From: Matthews, William D.
Sent: Wednesday, March 08, 2017 7:05 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.; 'Roberto Villaseca'; 'Ricardo Reveco'; 'Antonella Oberti'; 'Jaime Puyol'
Subject: RE: Claudio Avendaño (Case No. 15-64523-PWB)
Attachments: Sales PoA - Translation.docx; Payment PoA - Translation.docx

Dear Mr. Avendaño,

In case you want translated documents for your files, attached are translated versions of the two (2) Power of Attorney documents sent to you via my message to you last Friday.

Please let all of us know if you remain willing to execute the necessary documents (as you previously indicated you would) so that your meeting at the consulate in Miami can be coordinated and scheduled.

Thank you,

William D. Matthews
Of Counsel

Arnall Golden Gregory LLP
171 17th Street NW, Suite 2100
Atlanta, GA 30363
p: 404.873.8670 f: 404.873.8671
william.matthews@agg.com | [bio](#) | [linkedin](#) | [vcard](#) | [website](#)

From: Matthews, William D.
Sent: Friday, March 03, 2017 5:39 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.; 'Roberto Villaseca'; Ricardo Reveco; Antonella Oberti; Jaime Puyol
Subject: Claudio Avendaño (Case No. 15-64523-PWB)

Dear Mr. Avendaño,

My name is William Matthews. I am an attorney working for the Trustee, Neil Gordon, in your bankruptcy case.

As you are aware, the Trustee has employed the firm of Carey y Cía in Chile as special counsel to assist in selling your real estate (lots) located in La Higuera. At the firm of Carey y Cía, our main contacts are Roberto Villaseca, Ricardo Reveco, Antonella Oberti, and Jaime Puyol. They are copied with this message. A copy of the bankruptcy court's order approving employment of the firm as special counsel is attached.

The firm of Carey y Cía has prepared the attached Power of Attorney which will enable the firm to proceed to sell the lots in Chile. I believe that you have previously advised the Trustee that you will be willing to cooperate to execute such a document or any other documents as may be needed to allow the properties in La Higuera to be marketed and sold on behalf of your bankruptcy estate. Please advise if you remain willing to cooperate. If so, we will need to coordinate arrangements for your travel to the Chile consulate in Miami so that the document can be executed in the presence of consul. Roberto Villaseca or one of his associates or assistants at Carey y Cía can coordinate with you to schedule your trip to the consulate. We will also need to obtain authority from the bankruptcy court for the bankruptcy estate to pay

for your round-trip flight to Miami, reasonable costs between the Miami airport to and from the consulate, and reasonable costs to and from your home to the Atlanta airport.

Carey y Cía has also prepared a separate Power of Attorney that would mandate them to destine the proceeds to the bankruptcy estate, which needs to be signed separately. Please let all of us know if you remain willing to execute the documents needed to sell the lots you own in Chile (as you previously advised), and Carey y Cía attorneys and assistants can begin to coordinate with you and the consulate to arrange your travel and to schedule a meeting at the consulate.

Thank you,

William D. Matthews
Of Counsel

**Arnall
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EXHIBIT "C"

Matthews, William D.

From: Matthews, William D.
Sent: Friday, March 10, 2017 1:43 PM
To: 'claudio@metroecho.com'
Subject: Claudio Avendaño (Case No. 15-64523-PWB)

Dear Mr. Avendaño,

Please confirm that I have your correct email address. I am an attorney working at the firm that represented the Trustee, Neil Gordon, in your bankruptcy case.

Thank you,

William D. Matthews
Of Counsel

**Arnall
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Matthews, William D.

From: Matthews, William D.
Sent: Wednesday, March 15, 2017 6:51 PM
To: 'claudio@metroecho.com'
Subject: Claudio Avendaño (Chapter 7 Case No. 15-64523-PWB)

Dear Mr. Avendaño,

Please confirm that I have your correct email address. I am an attorney working at the firm that represents the Trustee, Neil Gordon, in your bankruptcy case.

Thank you,

William D. Matthews
Of Counsel

**Arnall
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Gregory LLP**

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Matthews, William D.

From: Matthews, William D.
Sent: Tuesday, April 04, 2017 7:03 PM
To: 'claudio@metroecho.com'
Subject: RE: Claudio Avendaño (Chapter 7 Case No. 15-64523-PWB)

Dear Mr. Avendaño,

I sent you multiple email messages last month. Please confirm that I have your correct email address. I am an attorney working at the firm that represents the Trustee, Neil Gordon, in your bankruptcy case. If you do not want to respond to me, please respond to Neil Gordon at Neil.Gordon@agg.com (which is an email address that you well know). I will also re-send my first message to you from early March.

William D. Matthews
Of Counsel

Arnall Golden Gregory LLP
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From: Matthews, William D.
Sent: Wednesday, March 15, 2017 6:51 PM
To: 'claudio@metroecho.com'
Subject: Claudio Avendaño (Chapter 7 Case No. 15-64523-PWB)

Dear Mr. Avendaño,

Please confirm that I have your correct email address. I am an attorney working at the firm that represents the Trustee, Neil Gordon, in your bankruptcy case.

Thank you,

William D. Matthews
Of Counsel



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171 17th Street NW, Suite 2100
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william.matthews@agg.com | [bio](#) | [linkedin](#) | [vcard](#) | [website](#)

EXHIBIT "D"

Matthews, William D.

From: Matthews, William D.
Sent: Tuesday, April 04, 2017 7:06 PM
To: 'claudio@metroecho.com'
Subject: FW: Claudio Avendaño (Case No. 15-64523-PWB)
Attachments: Avendano Special Counsel order.pdf; Mandato Avendaño a socios de Carey - separado.DOCX; Poder Venta Inmueble Avendaño a socios de Carey - Consulado Miami.DOCX

Dear Mr. Avendaño,

Below is my message to you from March 3. Attached are the documents that were attached to that message. If you decline to cooperate with this procedure to get the properties in Chile sold, we will have no choice but to seek authority to ask our attorneys in Chile to file what is called an ancillary insolvency proceeding in Chilean court that will be connected to your bankruptcy case here in the United States.

William D. Matthews
Of Counsel

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william.matthews@agg.com | [bio](#) | [linkedin](#) | [vcard](#) | [website](#)

From: Matthews, William D.
Sent: Friday, March 03, 2017 5:39 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.; 'Roberto Villaseca'; Ricardo Reveco; Antonella Oberti; Jaime Puyol
Subject: Claudio Avendaño (Case No. 15-64523-PWB)

Dear Mr. Avendaño,

My name is William Matthews. I am an attorney working for the Trustee, Neil Gordon, in your bankruptcy case.

As you are aware, the Trustee has employed the firm of Carey y Cía in Chile as special counsel to assist in selling your real estate (lots) located in La Higuera. At the firm of Carey y Cía, our main contacts are Roberto Villaseca, Ricardo Reveco, Antonella Oberti, and Jaime Puyol. They are copied with this message. A copy of the bankruptcy court's order approving employment of the firm as special counsel is attached.

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Thank you,

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Of Counsel

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EXHIBIT "E"

Matthews, William D.

From: claudio@metroecho.com
Sent: Wednesday, April 05, 2017 8:11 PM
To: Matthews, William D.
Subject: Re: FW: Claudio Avendaño (Case No. 15-64523-PWB)

I had to leave the state because of the actions caused by this case, and it's participant creditors.

I will fill you in later on the circumstances of my situation, as it is particularly more difficult now for me to deal with this issue.

I have clearly found I am incompetent to deal with this case pro se.

I do not have an attorney, have not been able to find one, and am looking for one in Chile.

I have tried to pay the amount due, but Neil Gordon has never responded.

What is the amount you require to pay in order to close this case? The only point of further action is to generate legal fees for Mr. Gordon.

I believe that this case in Chile can not proceed because U.S. law requires tax returns to have been filed prior to the bankruptcy filing.

If you proceed with this activity it will fail for several other reasons in Chile, and would only be a further waste of the estate.

Sincerely,

Claudio Avendano

On 2017-04-04 18:05, Matthews, William D. wrote:

Dear Mr. Avendaño,

Below is my message to you from March 3. Attached are the documents that were attached to that message. If you decline to cooperate with this procedure to get the properties in Chile sold, we will have no choice but to seek authority to ask our attorneys in Chile to file what is called an ancillary insolvency proceeding in Chilean court that will be connected to your bankruptcy case here in the United States.

William D. Matthews

Of Counsel

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From: Matthews, William D.
Sent: Friday, March 03, 2017 5:39 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.; 'Roberto Villaseca'; Ricardo Reveco; Antonella Oberti; Jaime Puyol
Subject: Claudio Avendaño (Case No. 15-64523-PWB)

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Thank you,

William D. Matthews

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Of Counsel

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Note:
This message and any attachments from the law firm Arnall Golden Gregory LLP may contain CONFIDENTIAL and legally protected information. If you are not the addressee and an intended recipient, please do not read, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system. Thank you.

EXHIBIT "F"

Matthews, William D.

From: Matthews, William D.
Sent: Friday, April 07, 2017 5:35 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.
Subject: RE: Claudio Avendaño (Case No. 15-64523-PWB)

Dear Mr. Avendaño,

I only started working for your trustee's firm a few months ago. In that time, I have reviewed your file and have seen what has gone on prior to now. You have had counsel before, elected to proceed pro se, and had your case converted back and forth between Chapter 13 and Chapter 7 when you failed to comply with your duties and representations to the Court as a Chapter 13 debtor. I will not engage with you in your efforts to further delay the inevitable. I will proceed to seek authority for special counsel in Chile to file an ancillary insolvency proceeding there that will be related to your United States bankruptcy case and that will permit the lots in Chile to be sold for the benefit of the creditors in your United States Chapter 7 case. If there are any tax issues, I am sure our special counsel in Chile can advise the trustee on behalf of your bankruptcy estate as to how such issues can be handled. The lots in Chile will be sold for the benefit of your creditors one way or another.

We regret that you have remained unwilling to cooperate with the trustee and execute the necessary documents to enable the process to be handled more expeditiously and at a much reduced cost.

William D. Matthews
Of Counsel

Arnall Golden Gregory LLP
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Atlanta, GA 30363
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william.matthews@agg.com | [bio](#) | [linkedin](#) | [vcard](#) | [website](#)

From: claudio@metroecho.com [mailto:claudio@metroecho.com]
Sent: Wednesday, April 05, 2017 8:11 PM
To: Matthews, William D.
Subject: Re: FW: Claudio Avendaño (Case No. 15-64523-PWB)

I had to leave the state because of the actions caused by this case, and it's participant creditors.

I will fill you in later on the circumstances of my situation, as it is particularly more difficult now for me to deal with this issue.

I have clearly found I am incompetent to deal with this case pro se.

I do not have an attorney, have not been able to find one, and am looking for one in Chile.

I have tried to pay the amount due, but Neil Gordon has never responded.

What is the amount you require to pay in order to close this case? The only point of further action is to generate legal fees for Mr. Gordon.

I believe that this case in Chile can not proceed because U.S. law requires tax returns to have been filed prior to the bankruptcy filing.

If you proceed with this activity it will fail for several other reasons in Chile, and would only be a further waste of the estate.

Sincerely,

Claudio Avendano

On 2017-04-04 18:05, Matthews, William D. wrote:

Dear Mr. Avendaño,

Below is my message to you from March 3. Attached are the documents that were attached to that message. If you decline to cooperate with this procedure to get the properties in Chile sold, we will have no choice but to seek authority to ask our attorneys in Chile to file what is called an ancillary insolvency proceeding in Chilean court that will be connected to your bankruptcy case here in the United States.

William D. Matthews

Of Counsel

Arnall Golden Gregory LLP
171 17th Street NW, Suite 2100

Atlanta, GA 30363

p: 404.873.8670 f: 404.873.8671

william.matthews@agg.com | [bio](#) | [linkedin](#) | [vcard](#) | [website](#)

From: Matthews, William D.
Sent: Friday, March 03, 2017 5:39 PM
To: 'claudio@metroecho.com'
Cc: Gordon, Neil C.; 'Roberto Villaseca'; Ricardo Reveco; Antonella Oberti; Jaime Puyol
Subject: Claudio Avendaño (Case No. 15-64523-PWB)

Dear Mr. Avendaño,

My name is William Matthews. I am an attorney working for the Trustee, Neil Gordon, in your bankruptcy case.

As you are aware, the Trustee has employed the firm of Carey y Cía in Chile as special counsel to assist in selling your real estate (lots) located in La Higuera. At the firm of Carey y Cía, our main contacts are Roberto Villaseca, Ricardo Reveco, Antonella Oberti, and Jaime Puyol. They are copied with this message. A copy of the bankruptcy court's order approving employment of the firm as special counsel is attached.

The firm of Carey y Cía has prepared the attached Power of Attorney which will enable the firm to proceed to sell the lots in Chile. I believe that you have previously advised the Trustee that you will be willing to cooperate to execute such a document or any other documents as may be needed to allow the properties in La Higuera to be marketed and sold on behalf of your bankruptcy estate. Please advise if you remain willing to cooperate. If so, we will need to coordinate arrangements for your travel to the Chile consulate in Miami so that the document can be executed in the presence of consul. Roberto Villaseca or one of his associates or assistants at Carey y Cía can coordinate with you to schedule your trip to the consulate. We will also need to obtain authority from the bankruptcy court for the bankruptcy estate to pay for your round-trip flight to Miami, reasonable costs between the Miami airport to and from the consulate, and reasonable costs to and from your home to the Atlanta airport.

Carey y Cía has also prepared a separate Power of Attorney that would mandate them to destine the proceeds to the bankruptcy estate, which needs to be signed separately. Please let all of us know if you remain willing to execute the documents needed to sell the lots you own in Chile (as you previously advised), and Carey y Cía attorneys and assistants can begin to coordinate with you and the consulate to arrange your travel and to schedule a meeting at the consulate.

Thank you,

William D. Matthews

Arnall
Golden
Gregory LLP

Of Counsel

Arnall Golden Gregory LLP
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Atlanta, GA 30363

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Note:
This message and any attachments from the law firm Arnall Golden Gregory LLP may contain CONFIDENTIAL and legally protected information. If you are not the addressee and an intended recipient, please do not read, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system. Thank you.

EXHIBIT "G"

PODER ESPECIAL

En la ciudad de Atlanta, estado de Georgia de los Estados Unidos de América, en la fecha indicada más abajo y ante el Notario que autoriza este instrumento, comparece don [Neil C. Gordon], pasaporte estadounidense número [●], domiciliado en calle 171 17th Street NW, Suite 2100 Atlanta, GA 30363 en representación de Arnall Golden Gregory LLP (en adelante el "Mandante"), una sociedad constituida y válidamente existente bajo las leyes del Estado de [●], Estados Unidos de América, con el mismo domicilio de su representante, y esta a su vez en su capacidad de Liquidador de la quiebra de Claudio Pablo Avendaño (la "Quiebra"), que expone:

Que por el presente instrumento designa como mandatarios y otorga poder especial a los señores Gonzalo Fernández Ruiz, Ricardo Reveco Urzúa, y Aldo Molinari Valdés (en adelante conjuntamente referidos como los "Mandatarios"), para que cada uno de ellos, actuando en forma conjunta o individual y separadamente, lo ejerciten a nombre y en representación del Mandante en la República de Chile con las siguientes facultades:

1. Designar, con amplias facultades para ello, uno o más mandatarios para representar en juicio al Mandante, incluyendo sin limitación, en todos los procedimientos que sean necesarios para hacer valer en Chile el [procedimiento de quiebra iniciado en la Corte de Quiebras de los Estados Unidos para el Distrito Norte de Georgia, bajo el número 15-64523-PWB] y otorgar poderes especiales, revocables o irrevocables, para representar al Mandante en todo lo concerniente a procesos judiciales, pudiendo conferirles todas las facultades ordinarias y especiales del mandato judicial, en especial las de desistirse en primera instancia de la acción deducida, aceptar la demanda contraria, absolver posiciones, renunciar los recursos y los términos legales, transigir, comprometer, otorgar a los árbitros facultades de arbitadores, aprobar convenios y percibir, facultades todas que también podrán ejercitarse extrajudicialmente, si procediere.

2. Con el objeto de vender los bienes muebles o

LIMITED POWER OF ATTORNEY

In the city of Atlanta, state of Georgia, United States of America, on the date indicated below and before the Notary Public who certifies this instrument, appeared [Neil C. Gordon], passport No. [●], with domicile at 171 17th Street NW, Suite 2100 Atlanta, GA 30363, on behalf of Arnall Golden Gregory LLP (the "Principal"), a partnership duly formed and validly existing under the laws of State of [●], United States of America, with the same domicile of its representative, in its capacity of Trustee of the bankruptcy estate of Mr. Claudio Pablo Avendaño (the "Estate"), who states:

That he hereby constitutes and appoints as the Principal's true and lawful attorneys and confers this special power of attorney to Messrs. Gonzalo Fernández Ruiz, Ricardo Reveco Urzúa, and Aldo Molinari Valdés, (jointly, the "Attorneys") for each of them, acting jointly or severally and independently of each other, in the name and on behalf of the Principal, to exercise the following authorities in the Republic of Chile:

1. To appoint (with broad authorities to do so) one or more agents to judicially represent the Principal, including without limitation, in all proceedings that may be necessary to enforce in Chile [the bankruptcy proceeding commenced before the United States Bankruptcy Court for the Northern District of Georgia, under case number 15-64523-PWB] and to execute and deliver revocable or irrevocable limited powers of attorney to represent the Principal in all matters regarding judicial or court purposes in Chile, including (without limitation) the normal and extraordinary authorities of the judicial power of attorney, in particular, those of waiving the suit filed in trial court, accepting the suit filed by plaintiff, confessing, waiving remedies and legal terms, settling, submitting to arbitration and granting arbitrators power to resolve *ex aequo et bono*, approving agreements and receiving funds. The foregoing authorities may also be exercised out of court, as applicable.

2. With the purpose of selling the movable or

inmuebles que la Quiebra mantenga en Chile, incluyendo sin limitación, el predio rural, de secano, ubicado en Los Choros, comuna de La Higuera, que corresponde al Lote Número Cinco, resultante de la Tercera Segregación de la Estancia Los Choros, que figura en el plano agregado bajo el número ciento setenta y dos al final del Registro de Propiedad del Conservador de Bienes Raíces de La Serena correspondiente al año mil novecientos ochenta y siete, inscrito a nombre del compareciente a fojas quinientos setenta y siete número quinientos treinta y uno del Registro de Propiedad del Conservador de Bienes Raíces de La Serena correspondiente al año dos mil uno (en adelante el "Inmueble"), que deslinda: NORORIENTE, en una parte en mil doscientos setenta y cinco metros con el lote número seis de esta misma parcelación, y en la otra parte en setecientos veinticinco metros con el predio de don Luis Herrera; SURORIENTE, en trescientos cincuenta metros con lote número cuatro de esta misma parcelación, camino interior de por medio; SURPONIENTE, en mil novecientos setenta y siete metros con terrenos de la comunidad aún indivisos, camino interior de por medio; y al NORPONIENTE, en quinientos metros, camino interior de por medio. Encierra dentro de estos deslindes una superficie de aproximadamente ochenta y ocho coma treinta y dos hectáreas. Adquirió el Inmueble por compraventa a la Sociedad Agrícola Minera y Comercial Portezuelo Limitada, según consta en escritura pública de compraventa otorgada en la notaría de Quilpué de don Jorge Acuña Pérez, el veintiocho de febrero de dos mil uno, y cuyo título consta inscrito a fojas quinientos setenta y siete, número quinientos treinta y uno del Registro de Propiedad del Conservador de Bienes Raíces de La Serena correspondiente al año dos mil uno. El rol identificador del Inmueble para efectos del impuesto territorial es el cero cero cero cuarenta y nueve guion cero cincuenta, comuna de La Higuera., efectuar todos los actos y celebrar todo tipo de convenios o contratos, nominados o innominados, que contemple la legislación chilena, con personas naturales o jurídicas públicas o privadas, incluyendo, pero no limitado a la suscripción de contratos preparatorios o de definitivos de compraventa, prenda y/o hipoteca sobre toda clase de bienes muebles e inmuebles, pudiendo pactar precio, cabida, forma de pago y demás cláusulas que estimen pertinentes, sean dichas cláusulas de la esencia, de la naturaleza o

real estate assets that the Estate holds in Chile, including without limitation, the real property located in Los Choros, municipality of La Higuera, which corresponds to lot number five, resulting from the Third Segregation of the Los Choros farm, which is shown in the map registered under number 172 at the end of the Property Registry of La Serena Real Estate Register of the year 1987, registered under the name of the person appearing under page 577 number 531 of the Property Registry of La Serena Real Estate Register of the year 2001 (from now on the "Property"), which has the following boundaries: NORTHEASTERN, On one part at 1,275 meters with lot number 6 of the same sub-division, and on the other part at 725 meters with Mr. Luis Herrera's property; SOUTHEASTERN, at 350 meters with lot number 5 of the same sub-division, with an inner road in between; SOUTHWESTERN, at 1,977 meters with still undivided community land, inner road in between; and to the NORTHWESTERN, at 500 meters, inner road in between. Within these demarcations there is a total surface of approximately 88.32 hectares. The Property was acquired through a contract of sale from *Sociedad Agrícola Minera y Comercial Portezuelo Limitada*, as it is stated in the public deed granted at Mr. Jorge Acuña Pérez's Notary in Quilpué, on the 28 of February of 2001, and whose title is registered on pages 577, number 531 of the Property Registry of La Serena Real Estate Register of the year 2001. The identification number of the property for territorial tax purposes is 0049-050, municipality of La Higuera; and to carry out any actions or execute any agreements or contracts with individuals or public or private entities that the Attorneys may deem necessary or useful for that purpose such as (but not limited to) execution of preparatory or final purchase or sale agreements, pledge and/or mortgage agreements in respect of any kind of movable or real estate property, being empowered to agree to the price, area, terms of payment and any other clauses they may deem pertinent, whether such clauses be of the essence, of the nature or merely incidental to such agreements or contracts, and to receive payments in name of the Principal.

meramente accidentales, percibir pagos en nombre del Mandante.

3. Tomar todas las acciones que sean necesarias para remitir los fondos provenientes de la venta de bienes de la Quiebra a sus acreedores en el proceso de quiebra, incluyendo para este propósito el poder de actuar en su representación en toda clase de procedimientos, trámites, gestiones o actuaciones, ya sean judiciales, extrajudiciales o administrativas, ante cualquier organismo público o privado, en especial ante el Banco Central de Chile, Comité de Inversiones Extranjeras, Agencia de Promoción de la Inversión Extranjera, Servicio de Impuestos Internos, Ministerios, Municipalidades, Bancos Comerciales, etc., pudiendo formular peticiones y desistirse de ellas, firmar solicitudes, contratos, instrumentos públicos o privados, incluso escrituras públicas.

4. Delegar, total o parcialmente el presente poder y las facultades otorgadas en el mismo, y reasumir las facultades y dejar sin efecto las correspondientes delegaciones cuantas veces lo estimen necesario.

[El Mandante conviene, de manera irrevocable e incondicional, en indemnizar y mantener indemne a los Mandatarios, y a Carey y Compañía Limitada, sus directores, socios, empleados, administradores y demás personas relacionadas, frente a cualquier pérdida, reclamo, requerimiento, daños, perjuicios, penalidades, multas, indemnizaciones, impuestos, cargas, costos, gastos, obligaciones y responsabilidades de cualquier tipo (incluyendo las demandas o procedimientos relacionados con lo anterior) que cualquiera de las personas antes indicadas pueda sufrir o en que pueda incurrir o que puedan hacerse efectivos en su contra, en virtud del ejercicio apropiado y de buena fe del mandato conferido mediante el presente instrumento. Asimismo, el Mandante renuncia a cualquier acción, demanda, juicio o reclamación en contra de las personas antes indicadas, por cualquier perjuicio o pérdida que el Mandante pueda sufrir o que puedan hacerse efectivo en su contra, y que resulten del ejercicio apropiado y de buena fe del mandato conferido mediante el presente instrumento.]

En el ejercicio de este poder especial los Mandatarios deberán siempre actuar conforme a

3. To take all necessary actions to remit the funds obtained from the sale of any of the assets of the Estate, including, for that purpose, the power to act on behalf of the Principal in the Republic of Chile, with ample judicial and extra judicial authorities, in all kind of processes, procedures, actions or acts whether judicial, out-of-court or administrative, before any public or private person or entity, especially before Central Bank of Chile, Foreign Investment Committee, Foreign Investment Promotion Agency, Internal Revenue Service, Ministries, Municipalities, Commercial Banks, etc., being empowered to file, submit and withdraw petitions and applications, to sign petitions, agreements, official or private instruments, including public deeds.

4. To entirely or partially delegate this Power of Attorney and the authorities hereby granted, and to reassume their authorities and cancel such delegations as and when they deem fit.

[The Principal hereby agrees, irrevocably and unconditionally, to indemnify and maintain harmless the Attorneys, and Carey y Compañía Limitada, its directors, partners, employees, managers, and others, of and against any loss, claim, requirement, damages, penalties, fines, indemnifications, taxes, charges, costs, expenses, obligations and liabilities of any kind (including the lawsuits or procedures related with the aforementioned) that any of the above mentioned individuals may suffer or in which they may incur, or which may be claimed against them, in connection with the adequate and in good faith exercise of this power of attorney. In addition, the Principal hereby waives any action, lawsuit, procedure or claim against the appointed individuals, as a consequence of any damage or loss the Principal may suffer or which could be claimed against the Principal, resulting from the appropriate and in good faith exercise of this power of attorney.]

In exercising this power of attorney, the Attorneys shall always act pursuant to prior

instrucciones previas y escritas de cualquier representante de Arnall Golden Gregory LLP No será necesario acreditar dichas instrucciones ante terceros, ya que éstas sólo interesan a las relaciones entre el Mandante y los Mandatarios.

written instructions from any officer of Arnall Golden Gregory LLP. Such instructions shall not be required to be evidenced to any third parties, because they solely affect the relationship between the Principal and the Attorneys.

Firma / Signature: _____

Nombre / Name: Neil C. Gordon

Por Poder / By Authority from: Arnall Golden Gregory LLP

El Notario que autoriza el presente poder certifica que ha tenido a la vista los documentos que acreditan que Arnall Golden Gregory LLP se encuentra debidamente constituida y actualmente vigente de acuerdo con las leyes de su lugar de constitución y que su(s) representante(s) que comparece(n) tiene(n) facultades suficientes para otorgar el presente mandato.

The undersigned Notary certifies that he has reviewed the organizational and other documents evidencing that Arnall Golden Gregory LLP is duly formed and currently in good standing in accordance with the laws of its formation and that the appearing representative(s) has sufficient authorities to execute this power of attorney.

Firmado ante mí / Signed before me

Firma y Sello del Notario Público - Notary Public's Signature and Seal

Fecha-Date: [●]

Lugar-Place: [●]

CERTIFICATE OF SERVICE

This is to certify that I have this day served copy of the *Trustee's Motion for Entry of an Order Authorizing Trustee to Act as Foreign Representative on Behalf of the Debtor's Estate* 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:

Office of the United States Trustee
362 Richard B. Russell Bldg.
75 Ted Turner Drive, SW
Atlanta, GA 30303

Claudio Pablo Avendaño
Post Office Box 401
Winston, Georgia 30187

Claudio Pablo Avendaño
8931 Timmons Circle
Villa Rica, Georgia 30180

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

This 10th day of April, 2017.

ARNALL GOLDEN GREGORY LLP

By: /s/ William D. Matthews
William D. Matthews
Georgia Bar No. 470865
william.matthews@agg.com
171 17th Street, NW, Suite 2100
Atlanta, GA 30363
(404) 873-8670