

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

CASE NO. 15-64523-PWB
CHAPTER 7

APPLICATION OF AUCTIONEER FOR THE TRUSTEE
FOR COMPENSATION FOR SERVICES

The application of WEEKS AUCTION GROUP, INC., (“Applicant” or “Auctioneer”) respectfully represents:

1. Claudio Pablo Avendano (“Debtor”) filed a voluntary petition for relief under Chapter 7 of Title 11 U.S.C. on August 3, 2015, 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. Trustee conducted and concluded the meeting of creditors 341 Meeting pursuant to 11 U.S.C. § 341(a) on October 15, 2015, at which time, he became the permanent Chapter 7 Trustee, pursuant to 11 U.S.C. § 702(d).
4. Trustee filed his *Application to Appoint Attorney for Trustee* [Doc. No. 24] requesting authorization to employ Arnall Golden Gregory LLP as attorneys for Trustee.

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. 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.

The Property

7. Pursuant to *Schedule A - Real Property*, Debtor scheduled his sole ownership interest in that certain real property known generally as 3191 Andy Mountain Road, Villa Rica, Douglas County, Georgia 30180 (the "**Property**").

8. Pursuant to the *Amendment* [Doc. No. 37] filed November 15, 2015, Debtor amended *Schedule "C" - Property Claimed as Exempt* to delete any claim of exemption in the Property.

9. Trustee filed his *Application to Employ Auctioneer* [Doc. No. 98] (the "**Application**") on July 26, 2016, requesting an order authorizing the employment of the Auctioneer for ten (10%) percent buyer's premium and out-of-pocket expenses up to \$2,250.00.

10. The Court entered an *Order* [Doc. No. 99] on July 29, 2016, approving the Application and authorizing the employment of the Auctioneer to sell the Property (the “**Auctioneer Employment Order**”).

11. The Auctioneer makes this application for compensation for services under § 330(a)(1) and Bankruptcy Rule 2002(a)(6).

12. On August 9, 2016, the Trustee filed his *Motion for Authority to (I) Sell Property of the Estate Free and Clear of Liens, Interests and Encumbrances* [Docket No, 102] (the “**Sale Motion**”).

13. On September 15, 2016, the Court entered an *Order* [Doc. No. 110], granting the Sale Motion and authorizing the sale of the Property at an online public by the Auctioneer (the “**Sale Order**”).

14. The Sale Order further authorized the Property to be sold free and clear of any potential liens, claims and interests, with valid and enforceable lien(s) attaching to the proceeds of sale, pursuant to 11 U.S.C. §§ 363(b) and (f). The Auctioneer's report of sale reflects the following results:

Sale Dates:	July 27, 2017, through August 3, 2017	
Gross Total Sales:		\$15,950.00
Less 10% Buyer’s Premium due Auctioneer:	\$1,450.00	
Less Marketing Expenses due Auctioneer:	\$1,250.00	
Net to the Estate:		\$13,250.00
TOTAL DUE AUCTIONEER	\$2,700.00	

15. As authorized by the Auctioneer Employment Order, the Applicant respectfully represents that it be paid a buyer's premium as set forth above. The total compensation due Applicant is \$1,450.00 and reimbursement of out-of-pocket expenses for marketing due Application is \$1,250.00. The invoice is attached as Exhibit "A."

16. This is the first and final fee application for the sale of the Property.

17. The Applicant has not entered into any agreement, express or implied, with the Debtor or any other party in interest herein, or any attorney for any such persons for the purpose of fixing the amount of fees or any other compensation to be allowed out of or paid from the assets of the Debtor.

WHEREFORE, Applicant respectfully prays that an allowance of compensation in the amount of \$1,450.00 and reimbursement of expenses in the amount of \$1,250.00 be granted to Applicant as the fair and reasonable value of services rendered as Auctioneer for Trustee.

ARNALL GOLDEN GREGORY LLP

By: /s/ Neil C. Gordon

Neil C. Gordon

State Bar No. 302387

Attorneys for Chapter 7 Trustee

171 17th Street, N.W.
Suite 2100
Atlanta, Georgia 30363-1031
Email: neil.gordon@agg.com
(404) 873-8500

EXHIBIT "A" FOLLOWS



August 31, 2017

Michael Campbell, Esq.
990 Hammond Drive, Suite 800
Atlanta, GA 30328

Re: Neil C. Gordon, Chapter 7 Trustee in Bankruptcy for Claudio Pablo Avendano, Case#: 15-64523-PWB
2191 Andy Mountain Road, Villa Rica, Ga

Dear Mr. Campbell:

Thank you for your firm agreeing to serve as the designated Closing Agent for the above referenced transaction. The closing is to occur on or before September 12, 2017. I have attached the Fully Executed Contract for your convenience. Please advise when a closing date and time are set.

Purchaser: Gregory S. & Kelly B. Jordan
(704) 562-7320
Kjordan666@aol.com

Seller: Neil C. Gordon, Chapter 7 Trustee in Bankruptcy for Claudio Pablo Avendano,
Case#: 15-64523-PWB
(404) 873-8596

Broker for seller: Weeks Auction Group, Inc.

Contract price:	\$ 15,950.00
Bid price:	\$ 14,500.00
10 % Buyers Premium:	\$ 1,450.00
Earnest money held by:	\$ 2,500.00, Weeks Auction Group, Inc.
Net Earnest Money Due Seller	\$ 2,500.00
Net Buyer's Premium Due WAG	\$ 1,450.00
Marketing Expenses Due WAG	\$ 1,250.00

I kindly request that you provide Weeks Auction Group, Inc. with a Preliminary HUD, when available, for preview prior to sending it to the Buyer or the Seller.

Should you have any questions, please do not hesitate to contact me.

Respectfully,

Shellie W Weeks

CERTIFICATE OF SERVICE

This is to certify that I have this day served copy of the *Application of Auctioneer for the Trustee for Compensation for Services* 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 Building
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303

Mark Manley
Weeks Auction Group, Inc.
2186 Sylvester Highway
Moultrie, GA 31768

Claudio Pablo Avendano
Post Office Box 401
Winston, GA 30187

This 4th day of December, 2017.



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