

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 APPOINTMENT OF SPECIAL COUNSEL

COMES NOW Neil C. Gordon, Chapter 7 Trustee ("**Trustee**") herein, and moves this Court for an Order authorizing him to retain as special counsel on behalf of the above estate, Ricardo Reveco and the law firm of Carey y Cía (hereinafter together referred to as "**Special Counsel**") to represent the estate with respect to efforts to liquidate real estate assets located in La Higuera, Chile, including, if necessary, the commencement and handling of an ancillary insolvency proceeding in Chile, and respectfully shows this Court as follows:

1. Debtor, Claudio Pablo Avendaño, 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**”).

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. Trustee desires and needs the appointment of special counsel in Chile to liquidate the Chile Property, including, if necessary, the commencement and handling of an ancillary insolvency proceeding in Chile¹ to enforce the recognition of this bankruptcy proceedings in the applicable Chilean courts, and to obtain a Chilean court order authorizing Special Counsel to sell the Chile Property and remit the monies to the bankruptcy estate. The affidavit of Special Counsel is attached and incorporated herein as Exhibit “A.”

13. Trustee has selected Special Counsel for its well-known experience and qualifications concerning the issues that arise in this type of situation. Carey y Cía is Chile’s largest law firm with over 190 professionals. It is widely perceived as one of the leading law firms in Latin America, and its origins can be traced to the year 1905.

14. Special Counsel will be engaged on an hourly basis at its normal hourly rates, plus reimbursement of expenses. The Chile Property is located in La Higuera, Coquimbo², which is more than 300 miles north of Special Counsel’s offices, and Special Counsel will need to hire a local correspondent to assist with some minor aspects of the liquidation, which Special Counsel will bill as an expense. The current hourly billing rates of the attorneys and paralegals who may render services in the case are as follows:

1.	Partners	US\$320.00 to US\$400.00
2.	Senior Associates	US\$220.00 to US\$290.00
3.	Associates	US\$170.00 to US\$210.00

¹ 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.

² At a hearing on July 7, 2016, Mr. Avendaño at one point testified that the development was in the municipality of La Higuera, but later he stated that the principal city adjacent to the property is La Serena.

Special Counsel will provide services to the estate at a 10% discount. The core team for the engagement will be Mr. Ricardo Reveco (partner, Dispute Resolution), Mr. Jaime Puyol (senior associate, Dispute Resolution), and Mr. Roberto Villaseca (associate, Dispute Resolution). Depending on the need for particular experience or the exigencies of the case, other attorneys may also provide services. The above rates may be increased during the term of the proposed employment or if so awarded by the Court.

15. Special Counsel will advise Trustee, and prepare on his behalf, motions, pleadings, sale documents, powers of attorney, and all other papers reasonably necessary to pursue the liquidation of the Chile Property and any ancillary insolvency proceeding in Chile and to perform all other legal services for Trustee in connection with the liquidation of the Chile Property. At a hearing on July 7, 2016, Mr. Avendaño at one point testified that the Chile property was in the municipality of La Higuera, but later he stated that the principal city adjacent to the property is La Serena. At the same hearing, Mr. Avendaño testified that his second surname is Lucero. With information regarding the Debtor's second surname and property location, Special Counsel will obtain copies of property titles from La Serena and will determine an accurate description of the properties Mr. Avendaño owns in Chile.

16. To the best of Trustee's knowledge, Special Counsel has no connection with the Debtor's creditors, or any other party in interest, or their respective attorneys.

17. Special Counsel represents no interest adverse to Trustee or the estate in the matters upon which it is to be engaged for the Trustee and its employment would be in the best interests of this estate.

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CASE NO. 15-64523-PWB
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CLAUDIO PABLO AVENDANO,)	CHAPTER 7
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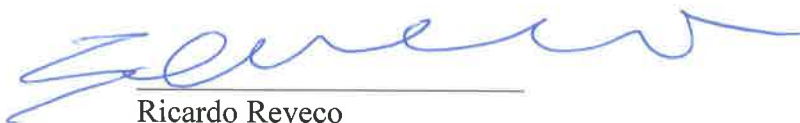
AFFIDAVIT

CHILE
CITY OF SANTIAGO

I am more than 21 years of age, not suffering from any legal disability, and am fully authorized to make this affidavit on behalf of the firm of CAREY Y CÍA (hereinafter "Special Counsel") of which I am partner. I am an attorney admitted to practice in Chile and am a member in good standing of the Chilean Bar. I have agreed to provide legal services to Neil C. Gordon as trustee in the above case, at our firm's normal hourly rates, plus reimbursement of expenses.

Special Counsel represents no interest adverse to the Trustee or the estate in the matters upon which it is to be engaged for the Trustee.

This 20th day of December, 2016.



Ricardo Reveco

SWORN TO AND SUBSCRIBED before
me this 20th day of December, 2016.

Roberto Cifuentes Allel
Notary Public

10290714v1



Autorizo la firma de don RICARDO REVECO URZUA, C.I. 12.883.203-3 en la calidad en que comparece. Santiago, 20 de Diciembre de 2016.-

CERTIFICATE OF SERVICE

This is to certify that I have this day served copy of the Trustee's Motion to Appoint Special Counsel 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

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

This 5th day of January, 2017.

ARNALL GOLDEN GREGORY LLP

By: /s/ William D. Matthews

William D. Matthews

Georgia Bar No. 470865

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