



**IT IS ORDERED as set forth below:**

**Date: November 22, 2016**

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In Re:	)	
	)	CASE NO. 15-64523-PWB
CLAUDIO PABLO AVENDANO,	)	
Debtor.	)	CHAPTER 7
<hr/>		
JARROD M. PLUNKETT,	)	
Movant,	)	
	)	
v.	)	
	)	
CLAUDIO PABLO AVENDANO,	)	
NEIL C. GORDON, Trustee for the Estate of	)	
Claudio Pablo Avendano,	)	
Respondents.	)	
	)	

ORDER ON MOVANT'S EMERGENCY MOTION TO ENFORCE AND  
MOTION FOR RELIEF FROM THE AUTOMATIC STAY

On November 21, 2016 at 10:00am, the Court held a hearing on Movant's *Emergency Motion to*

*Enforce and Motion for Relief from the Automatic Stay*, filed November 10, 2016 [docket entry no. 131] regarding real estate located at 155 Liberty Rd., Villa Rica, GA 30180 (the "Property") and contends service of the Motion was proper upon the above-captioned Respondents. No opposition was announced at the calendar call; accordingly, it is hereby

ORDERED that Movant's Motion for Relief from Stay is **granted**: the automatic stay of 11 U.S.C. § 362 (a) pertaining to the Property is **modified** to allow Movant to exercise its rights to conduct all necessary state court litigation in order to remove Debtor from the Property, including, but not limited to the issuance of a writ of possession. It is further

ORDERED that the stay of Rule 4001(a)(3) is modified so that Movant may immediately proceed under this Order.

END OF DOCUMENT

Prepared and presented by:

\_\_\_\_\_/s/  
John J. McManus  
GA Bar No. 497776  
Attorney for Movant  
John J. McManus & Associates, P.C.  
4500 Hugh Howell Road  
Suite 510  
Tucker, GA 30084  
(770) 492-1000 [tel]  
(770) 492-1100 [fax]  
jmcmanus@mcmanus-law.com

**DISTRIBUTION LIST**

David S. Weidenbaum  
Marty P. Ochs  
Office of United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Dr., S.W.  
Atlanta, GA 30303

Claudio Pablo Avendano  
P.O. Box 401  
Winston, GA 30187

Claudio Pablo Avendano  
155 Libery Rd.  
Villa Rica, GA 30180

Neil C. Gordon  
Chapter 7 Trustee  
Arnall Golden Gregory LLP  
17 17<sup>th</sup> St., N.W.  
Suite 2100  
Atlanta, GA 30363-1031

John J. McManus  
John J. McManus & Associates, PC  
4500 Hugh Howell Rd.  
Bldg 500, Ste 510  
Tucker, GA 30084