

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

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. Pursuant to *Schedule "A – Real Property,"* [Doc. No. 1, page 18 of 41], Debtor scheduled his sole ownership interest in an unencumbered subdivision in La Higuera, Chile, consisting of 161 one-acre lots. Trustee determined that the Estate had an interest in 155 lots (the "**Chile Property**").

7. On January 5, 2017, Trustee filed his *Trustee's Motion to Appoint Special Counsel* (the "**Special Counsel Motion,**") [Doc. No. 145]. In the Special Counsel Motion, Trustee sought authority to retain as special counsel 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 the Chile Property, including, if necessary, the commencement and handling of an ancillary insolvency proceeding in Chile.

8. 17. On January 10, 2017, the Court entered an *Order* [Doc. No. 146] granting the Special Counsel Motion.

9. On April 10, 2017, Trustee filed a *Motion* [Doc. No. 150] seeking an order authorizing Trustee to act as the foreign representative on behalf of the Estate in ancillary proceedings under the insolvency laws of Chile¹. On April 11, 2017, the Court entered an *Order* [Doc. No. 152] granting that Motion.

10. In the ancillary proceeding, the Court of La Serena has registered an injunction regarding the Debtor's real estate to prohibit any sales other than sales authorized by the Trustee.

¹ As set forth in detail in said Motion [Doc. No. 150], Trustee had made repeated efforts and requests to obtain the Debtor's cooperation to participate in a more streamlined procedure that would have avoided some of the expenses of an ancillary proceeding. Specifically, Trustee tried 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.

11. Trustee and Special Counsel needed to engage a real estate broker to market and sell the Chile Property. Special Counsel selected Mario Bertolino and the firm of Comercial Bertolino Ltda (hereinafter together referred to as “**Broker**”) (address: Eduardo de la Barra 336, Of. 204, La Serena, Chile) to assist as real estate broker due to Mr. Bertolino’s experience and expertise.

12. On May 25, 2018, Trustee filed *Trustee’s Motion for Appointment of Real Estate Broker and for Approval of Payment of Advertising Costs* [Doc. No. 173](the “**Broker Retention Motion**”), seeking approval of the employment of the Broker, who agreed to charge a 3% broker’s fee only to the ultimate buyer of the Chile property.

13. On May 30, 2018, the Court entered an *Order* [Doc. No. 174], granting the Broker Retention Motion and authorizing the Trustee’s employment of the Broker.

14. Trustee, Special Counsel, and the Broker determined that the Chile Property would bring the most value to the Estate if all of the lots in the Chile Property were sold as a whole at auction.

15. The Broker agreed to serve as Auctioneer, rather than as Broker, and to be paid a commission of 2% from the proceeds of the sale, plus taxes as his fees, and also the costs of notarizations and advertisement.

16. On April 11, 2019, Trustee filed *Trustee’s Motion for (I) Approval of Bidding and Auction Procedures, (II) Authority to Sell Real Property of the Estate Free and Clear of Liens, Claims, Interests, and Encumbrances and (III) Approval of Commission for Services of Auctioneer and for Employment of Court-Approved Broker as Auctioneer* [Doc. No. 178] (“the “**Sale Motion**”).

17. A hearing on the Sale Motion was originally scheduled for May 7, 2019 (the “**Sale Hearing**”).

18. On April 29, 2019, Debtor filed response [Doc. No. 182] opposing the Sale Motion.

19. On May 3, 2019, the Court entered an *Order and Notice Rescheduling Hearing* [Doc. No. 183], rescheduling the Sale Hearing to June 18, 2019.

20. On August 7, 2019, Trustee filed a *Notice of Presentation and Submission of Proposed Order on Trustee's Motion for (I) Approval of Bidding and Auction Procedures, (II) Authority to Sell Real Property of the Estate Free and Clear of Liens, Claims, Interests, and Encumbrances, and (III) Approval of Commission for Services of Auctioneer and for Employment of Court-Approved Broker as Auctioneer* [Doc. No. 199] ("**Trustee's Notice**").

21. On August 19, 2019, Debtor filed a response to Trustee's Notice [Doc. No. 200].

22. On August 30, 2019, the Court entered an *Order* [Doc. No. 2001], granting the Sale Motion, approving the bidding procedures, authorizing the sale of the Chile Property, and approving the commission for services of the Auctioneer and employment of the Broker as the Auctioneer (the "**Sale Order**").

23. The onset of the pandemic resulted in a lengthy delay before the Chile Property could be sold at auction for a sufficient amount.

24. The sale concluded on July 20, 2021, but the Purchase Price was left in escrow pending registration by the Registrar of La Serena of (a) all lots in the name of the buyer, and (b) the lifting of the injunction so the lots were clear of any liens and encumbrances. The Registrar only completed the registration on May 6, 2022, as reflected in the final certificate of the Registrar, marked as Exhibit "A," attached hereto, and incorporated herein by reference.

25. As a result of the Auction in accordance with the Cross-Border Insolvency proceeding and as approved by that Court, the Chile Property was awarded to the successful bidder at a bid price of \$322,598.13 in U.S. dollars (the "**Purchase Price**").

Respectfully submitted,

By:  Neil C. Gordon

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Chapter 7 Trustee

EXHIBIT "A" FOLLOWS

.PL78

JAIME MORANDE MIRANDA
Conservador y Archivero Judicial
LA SERENA

C E R T I F I C A D O

DE

GRAVAMENES Y PROHIBICIONES,

INMUEBLE: LOTE N° 5, RESULTANTE DE LA TERCERA SEGREGACION DE LA ESTANCIA LOS CHOROS, ubicado en la comuna de La Higuera, DE PROPIEDAD de: CLAUDIO PAULO AVENDAÑO LUCERO, CON EXCLUSION DE LO TRANSFERIDO.-

Revisados los indices del Registro de Hipotecas y Gravámenes durante TREINTA años a la fecha, CERTIFICO: que al inmueble singularizado precedentemente, no le afectan hipotecas ni gravámenes de ninguna especie.-
LA SERENA, 06 DE MAYO DE 2022.-

Revisados igualmente durante TREINTA años, los Indices del Registro de Interdicciones y Prohibiciones de Enajenar, CERTIFICO: que a la propiedad referida, solamente le afecta UNA PROHIBICION de cambiar el destino del suelo en los términos que establece el artículo 1° del D.L. N° 3.516 de 1980, en relación con los artículos 55 y 56 de la Ley General de Urbanismo y Construcción, inscrita a fs.266 N° 250 de 2001.- EL TITULO DE DOMINIO EN MAYOR EXTENSION, SE ENCUENTRA INSCRITO A FOJAS 577 N° 531 DEL REGISTRO DE PROPIEDAD, CORRESPONDIENTE AL AÑO 2001.- , Se hace presente que al margen de dicha inscripción de dominio, se lee una anotación practicada con fecha 19 de octubre de 2017, en la cual se requirió la subinscripción ordenada practicar en autos sobre procedimiento de insolvencia fronteriza del deudor Claudio Paulo Avendaño Lucero, caratulados "Gordon con Avendaño", Rol N° 2660-2017 del Segundo Juzgado de Letras de La Serena.-
LA SERENA, 06 DE MAYO DE 2022.-

HORA : 16:03:15.- SG

CARATULA N° 948685.-

DERECHOS \$6.600.-



Codigo de verificación:
0000121865
www.cbri.cl

CERTIFICATE OF SERVICE

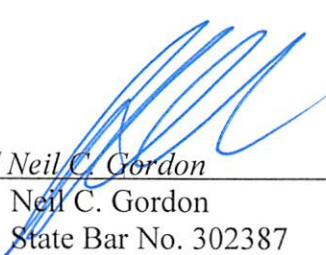
This is to certify that I have mailed a copy of the *Report of Sale* by depositing same in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

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

Stonebridge Accounting & Forensics LLC
Spence A. Shumway, CPA
P.O. Box 1290
Grayson, GA 30017-0025

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

This 1st day of ^{June} ~~May~~, 2022.


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