



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

**Date: August 30, 2019**

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

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In Re:	:	
	:	
CLAUDIO PABLO AVENDANO,	:	CASE NO. 15-64523-PWB
	:	
Debtor.	:	CHAPTER 7
	:	
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NEIL C. GORDON, Trustee for the	:	
Estate of Claudio Pablo Avendano,	:	
	:	
Movant,	:	CONTESTED MATTER
	:	
v.	:	
	:	
CLAUDIO PABLO AVENDANO,	:	
	:	
Respondent.	:	
	:	
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**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**

The Court held a hearing on June 18, 2019 (the "**Hearing**"), on the Trustee's *Motion for (I) Approval of Bidding Procedures, (II) Authority to Sell Property of the Estate Free and Clear of Liens, Interests and Encumbrances and (III) Approval of Commission for Services of Auctioneer and for Employment of Court-Approved Broker as Auctioneer* (the "**Sale Motion**," Doc. No. 178), filed by Neil C. Gordon Chapter 7 Trustee (the "**Trustee**") for the bankruptcy estate of Claudio Pablo Avendano (the "**Estate**").

Present at the Hearing were Trustee, Counsel for Trustee, Special Counsel for Trustee in Chile (appearing telephonically), Debtor, counsel for the United States Trustee, and counsel for creditors Jerry Austin and Lawson Realty, LLC. The Trustee contends that the auction of the Chile Property proposed by Trustee in the Sale Motion is an appropriate exercise of the Trustee's business judgment and is in the best interests of the Estate.

The Debtor contends (1) that the Chile Property is worth more than the amounts required to pay the expenses of administration and all of the debts owed to creditors in this case and (2) that sale as the Trustee proposes will not result in realization of the full value of the Chile Property. The Debtor has legal standing to assert these arguments because he is entitled to receive any surplus from the proceeds from the sale of the Chile Property after payment of expenses of administration and debts owed to creditors.

Based on the evidence and presentations of the parties at the hearing, the Court for reasons announced at the hearing and set forth in this Order concludes that the 2nd Civil Court of La Serena in Chile (where ancillary proceedings are pending under Docket

Number 2660-2017) is the appropriate court to hear, consider, and determine the Debtor's contentions.

The Court, therefore, will authorize the Trustee to proceed in the Chilean proceeding, with the Debtor having the opportunity to participate in the proceeding so that the Chilean court may hear, consider, and determine the contentions of the parties with regard to the sale of the Chile Property. It is, therefore,

**ORDERED** that the Trustee is authorized to sell the Chile Property pursuant to the proposed Bidding and Auction Procedures as set forth in the Sale Motion and in Exhibit "A" to the Sale Motion, provided, however, that the date of the Auction referenced in Exhibit "A" to the Sale Motion is not fixed; rather the date will be set by the Auctioneer jointly with Special Counsel in Chile. It is further

**ORDERED** that the Trustee is authorized to employ the previously approved Broker as Auctioneer to be paid a 2% commission from the proceeds of the sale, plus taxes as his fees, and also reimbursed the costs of notarizations and advertisement. It is further

**ORDERED** that the 2nd Civil Court of La Serena in the pending proceeding may make its own determination as to the propriety, under Chilean Law, of the Auction authorized pursuant to this Order, as contemplated under the Chilean Insolvency Law. It is further

**ORDERED** that the Debtor has an interest in the Chilean proceeding and, therefore, he may participate in the Chilean proceeding to the extent he is permitted to do so under Chilean Law and under the Chilean Court's jurisdiction in the ancillary judicial proceeding. It is further

**ORDERED** that Counsel for the Trustee shall provide the Debtor with a copy of all pleadings, papers, orders, or judgments heretofore filed in the Chilean proceeding, and any deadlines set in the Chilean proceeding, within 14 days from the date of entry of this Order.

It is further

**ORDERED** that Counsel for Trustee or Special Counsel for Trustee shall provide prompt email notice to Debtor of all matters hereafter filed in the ancillary proceeding in Chile (including any orders, or judgments and any pleadings, papers, or other matters filed by any party) and of any deadlines set in the ancillary proceeding, which email notice shall include electronic copies of any such matter. It is further

**ORDERED** that, within 14 days from the date of entry of this Order, Counsel for Trustee shall file and serve on the Debtor a non-binding estimate of the amount that will be needed to administer and close this case, which estimate can be in the nature of a range of amounts depending upon factors, including, but not limited to, the amount needed if extensive litigation does or does not take place in the ancillary proceeding in Chile. The Trustee shall not proceed in the Chilean proceeding until the estimate has been filed and served, except as necessary to comply with Chilean law or the orders of the Chilean Court.

[END OF THE DOCUMENT]

REVISED BASED ON FORM ORIGINALLY SUBMITTED BY:

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