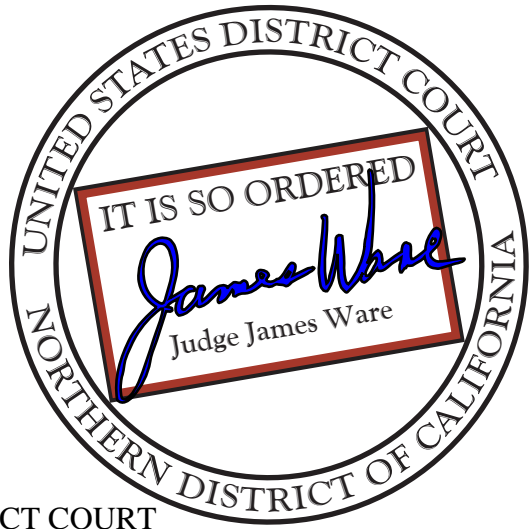


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

In re
 COMUNITY LENDING, INCORPORATED,
 a California corporation (plus dbas of the
 Debtor),
 Debtor.

MAI CHRISTINA PHAM, et al.
 Plaintiffs,
 v.
 COMUNITY LENDING INCORPORATED,
 a California corporation, and Does 1 through
 10, inclusive
 Defendants.

AND RELATED CROSS-ACTIONS

Case No. 08-00201 JW
 Case No. 07-05436 JW
 The Honorable James Ware
 [Bankr. Case No. 08-50030 CN
 The Honorable Charles Novack
 Chapter 7, Adversary Proceeding No. 08-
 05006]

**ORDER AUTHORIZING THE
 WITHDRAWAL OF FUNDS BY THE
 TRUSTEE FOR THE PAYMENT OF
 SETTLEMENTS**

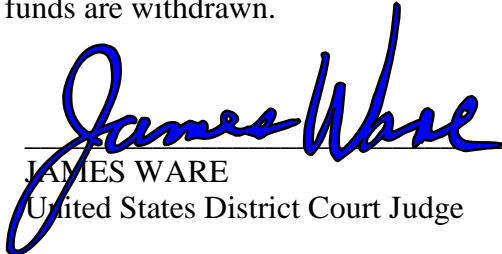
On August 15, 2011, counsel executed and filed a "STIPULATION TO RELEASE FUNDS FOR PAYMENT OF SETTLEMENTS" in which the parties consented to the Court's entry of an order allowing the Chapter 7 Bankruptcy Trustee John W. Richardson to withdraw the Top Hat funds on deposit in two bank accounts for the purpose of paying the settlements that have been reached in this case and in the related Top Hat cases. Based on the parties' stipulation, the

1 Bankruptcy Court's August 8, 2011 order approving the Top Hat settlements (Doc # 480 in In re
2 Com Unity Lending Incorporated, Bankruptcy Case No. 08-50030), and for good cause appearing,

3 IT IS HEREBY ORDERED as follows:

4 This Court has previously issued orders attaching and precluding the withdrawal of the
5 funds on deposit in two bank accounts at Heritage Bank of Commerce, 300 Main Street,
6 Pleasanton, CA 94566-7325 ("Heritage Bank"), which accounts are: (1) Account No. 52300140,
7 which had a balance of \$230,212.14 as of July 29, 2011, and (2) Account No. 523001295, which
8 had a balance of \$5,035,944.49 as of July 29, 2011 (collectively the "Two Accounts"). The prior
9 Court orders relating to the Two Accounts are hereby set aside for the purpose of allowing the
10 Chapter 7 Bankruptcy Trustee of Com Unity Lending Incorporated, John W. Richardson, to
11 withdraw all of the funds from the Two Accounts for the purpose of paying the settlements
12 referred to above. Heritage Bank is hereby authorized to allow the withdrawal of all of the funds
13 on deposit in the Two Accounts to the Bankruptcy Trustee, without any further order from this
14 Court, including the withdrawal of all interest that has accrued on the deposits in the Two
15 Accounts up to and including the date the funds are withdrawn.

16
17 DATED: August 15, 2011



JAMES WARE
United States District Court Judge

18
19
20
21
22
23
24
25
26
27
28