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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
COMUNITY LENDING, INCORPORATED,
a California corporation (plus dbas of the
Debtor),
Debtor.
SUZANNE L. DECKER, Chapter 7 Trustee,
[now John W. Richardson, Chapter 7 Trustee
of Com Unity Lending, Inc.]
Plaintiff,
v.
MAI CHRISTINA PHAM, JOHN PHAM,
MAI NGUYEN, HUNG PERRY NGUYEN,
JANINE TOWNER, JOYCE FREEMAN,
CHRISTOPHER HAKE, JACK FERGUSON,
JOHN NELSON, AND JEANNINE RUPERT,
Defendants.

Case No. 10-00562 JW
The Honorable James Ware
[Bankr. Case No. 08-50030 CN
The Honorable Charles Novack
Chapter 7, Adversary Proceeding No. 09-
5341]

**ORDER OF DISMISSAL BASED UPON
STIPULATION AND SETTLEMENT**

Based on the settlements of the parties, the Stipulation to Dismiss According to
Settlements which is filed concurrently herewith, the Bankruptcy Court's approval of the Top Hat
Settlements on August 8, 2011, and for good cause appearing,

IT IS HEREBY ORDERED:

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1. All of the claims and causes of action by the Trustee against the Nelson Defendants are dismissed with prejudice;

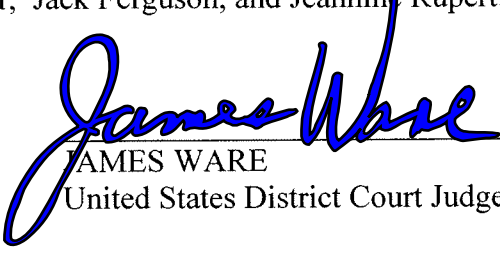
2. All of the claims and causes of action by the Trustee against the Pham Defendants are dismissed with prejudice and subject to the terms of paragraphs 3(a) and 3(b) of the written settlement agreement between the Pham Defendants and the Trustee;

3. Each party shall bear its own costs and attorney's fees; and

4. Given the dismissals provided above, there are no remaining claims to be adjudicated in this case.

For purposes of this Order, the term "Trustee" means Plaintiff John W. Richardson, Chapter 7 Trustee of Com Unity Lending, Inc. and the estate of Com Unity Lending, Inc.; the term "Pham Defendants" means Defendants Mai Christina Pham, John Pham, Mai Nguyen, Hung Perry Nguyen, Joyce Freeman, and Christopher Hake; and the term "Nelson Defendants" means Defendants John Nelson, Janene Towner, Jack Ferguson, and Jeanning Rupert.

DATED: August 31, 2011


JAMES WARE
United States District Court Judge

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