

1 Penn Ayers Butler (Bar No. 56663)  
Daniel Rapaport (Bar No. 67217)  
2 Elizabeth Berke-Dreyfuss (Bar No. 114651)  
**WENDEL, ROSEN, BLACK & DEAN LLP**  
3 1111 Broadway, 24th Floor  
Oakland, California 94607-4036  
4 Telephone: (510) 834-6600  
Facsimile: (510) 834-1928  
5 Email: edreyfuss@wendel.com

6 Attorneys for Debtor-In-Possession  
CMR MORTGAGE FUND, LLC

7 **BINDER & MALTER, LLP**  
8 Heinz Binder (SBN 087908)  
Robert G. Harris (SBN 124678)  
9 Roya Shakoori (SBN 236383)  
2775 Park Avenue  
10 Santa Clara, CA 95050  
Telephone: (408) 295-1700  
11 Facsimile: (408) 295-1531

**MACDONALD & ASSOCIATES**  
Iain A. Macdonald (SBN 051073)  
Reno F.R. Fernandez, III (SBN 251934)  
221 Sansome Street, Third Floor  
San Francisco, CA 94104  
Telephone: (415) 362-0449  
Facsimile: (415) 394-5544

12 Attorneys for Debtors-in-Possession,  
CMR MORTGAGE FUND II, LLC and  
13 HAMILTON CREEK, LLC

Attorneys for Debtor-in-Possession,  
CMR MORTGAGE FUND III, LLC

14 UNITED STATES BANKRUPTCY COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 In Re  
18 CMR MORTGAGE FUND, LLC,  
19 CMR MORTGAGE FUND II, LLC,  
20 CMR MORTGAGE FUND III, LLC,  
HAMILTON CREEK, LLC,

Case No. 08-32220 TEC  
Case No. 09-30788  
Case No. 09-30802  
Case No. 08-31285

Chapter 11

21 Debtors.

**AMENDMENT TO SCHEDULE F**

<input checked="" type="checkbox"/>	Affects <b>Fund I</b>
<input type="checkbox"/>	Affects <b>Fund II</b>
<input type="checkbox"/>	Affects <b>Fund III</b>
<input type="checkbox"/>	Affects <b>Hamilton Creek</b>

28

Claims for Defense and Indemnification

Claimant has unliquidated and contingent claims for defense and indemnification arising under the Operating Agreement of CMR Mortgage Fund II, LLC (with such Operating Agreement being adopted and performed as if assumed pursuant to Section V.E of the EQUITY COMMITTEE AND DEBTORS JOINT PLAN OF REORGANIZATION Dated June 24, 2010), including but not limited to the pending disputed claims alleged in (i) *William Bergman et. al. v. California Mortgage and Realty, Inc. and David Choo*, U.S. Bankruptcy Court, Northern District of California, San Francisco Division, Adv. No. 10-03107; (ii) *Joseph Zadik v. California Mortgage and Realty, Inc., et al.*, San Francisco County Superior Court, No. CGC-09-486094; (iii) *Strouzas v. Choo et al.*, San Francisco Superior Court Case No. CGC 09- 491988; (iv) *McCarthy v. Choo et al.*, San Francisco Superior Court Case No. CGC 09-492051; (v) *Stevens v. California Mortgage and Realty, Inc. et al.*, San Francisco Superior Court Case No. CGC 10-497123; and (vi) *Foreman v California Mortgage and Realty, Inc., et al.*, Case No. CGC-09-486152 (Superior Court, San Francisco Cty., CA).

1  
2 **AMENDED SCHEDULE F**  
3 **DECLARATION CONCERNING DEBTOR'S SCHEDULES**

4 **DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR**  
5 **PARTNERSHIP**

6 I, the senior VP of Manager (CMR, Inc.) of the corporation named as the debtor in this  
7 case, declare under penalty of perjury that I have read the foregoing document, consisting of 3  
8 pages, and that they are true and correct to the best of my knowledge, information, and belief.

9  
10 Date September 17, 2010

11 Signature           /s/          Graham Seel            
12 **Graham Seel**  
13 **Senior VP of Manager (CMR, Inc.)**

14  
15 *Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.*  
16 *18 U.S.C. §§ 152 and 3571*

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Wendel, Rosen, Black & Dean LLP  
1111 Broadway, 24th Floor  
Oakland, CA 94607-4036

Wendel, Rosen, Black & Dean LLP  
111 Broadway, 24th Floor  
Oakland, CA 94607-4036

1 CERTIFICATE OF SERVICE

2 I, Pam Joakimson, declare:

3 I am a citizen of the United States and am employed in Alameda County, California. I am  
4 over the age of eighteen years and not a party to the within-entitled action. My business address  
is 1111 Broadway, 24th Floor, Oakland, California 94607-4036.

5 On September 17, 2010, I served a copy of the following documents:

6 **AMENDMENT TO SCHEDULE F**

7 [X] **(by mail)** by placing a true and correct copy thereof enclosed in a sealed envelope with  
8 first-class postage prepaid in a designated area for outgoing mail, addressed as set forth  
9 immediately below. At Wendel, Rosen, Black & Dean, LLP, mail placed in that  
designated area is given the correct amount of postage and is deposited that same day, in  
the ordinary course of business, in a United States mailbox in the City of Oakland,  
California.

10 Mcnutt Law Group LLP  
11 Scott H. McNutt  
12 Michael A. Sweet  
13 Marianne M. Dickson  
188 The Embarcadero, Suite 800  
San Francisco, California 94105

*Attorneys for Committee of Equity  
Security Holders*

14 Julie Glosson  
15 Office of the U.S. Trustee  
235 Pine Street, 7<sup>th</sup> Flr.  
San Francisco, CA 94104-2745

16 William C. Lewis, Esq.  
17 Law Offices of William C. Lewis  
510 Waverley Street  
18 Palo Alto, CA 94301-2009

*Attorney for David Choo*

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct. Executed on September 17, 2010, at Oakland, California.

21  
22 /s/ Pam Joakimson  
Pam Joakimson