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11 Attorneys for Canpartners Realty Holding Company IV LLC

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

14 In re

15 CMR Mortgage Fund, LLC,
16 CMR Mortgage Fund II, LLC,
CMR Mortgage Fund III, LLC,

17 Debtors.

) Case Nos. 08-32220-TEC
) 09-30788-TEC
) 09-30802-TEC

) Chapter 11

) **NOTICE OF WITHDRAWAL AND**
) **WITHDRAWAL OF PROOF OF**
) **CLAIM NO. 15 PURSUANT TO**
) **SETTLEMENT APPROVED BY COURT**

- 19 Affects **FUND I**
20 Affects **FUND II**
21 Affects **FUND III**
22 Affects **ALL FUNDS**

) [No Hearing Required]

1 **PLEASE TAKE NOTICE** that, on March 23, 2009, Canpartners Realty Holding
2 Company IV LLC ("Canyon") filed a proof of claim in the chapter 11 bankruptcy case of CMR
3 Mortgage Fund, LLC, Case No. 08-32220. The claim is designated on the Court's claim registry as
4 Claim No. 15 (as amended on April 21, 2009 and July 27, 2010, the "Canyon Claim").

5 **PLEASE TAKE FURTHER NOTICE** that, on September 28, 2010, the Court
6 entered its *Order Approving Motion for Approval of Settlement Among the Funds, the Equity*
7 *Committee, and Canpartners Realty Holding Company IV LLC and Canyon-Related Entities, Carr,*
8 *SCD, and SC Development* [Docket No. 686] (the "Settlement Approval Order"), which approved
9 the Settlement Agreement and Release (the "Settlement Agreement") attached as Exhibit A to the
10 motion seeking entry of the Settlement Approval Order [Docket No. 648].

11 **WHEREFORE**, in accordance with the terms and conditions set forth in the
12 Settlement Agreement and approved by the Settlement Approval Order, Canyon hereby withdraws
13 the Canyon Claim.

14 Dated: October 20, 2010

Respectfully submitted,

By: 

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Attorneys For Canpartners Realty Holding
Company IV LLC

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF SAN FRANCISCO) ss


4 I am employed in the County of Los Angeles, State of California. I am over the age
5 of 18 years and not a party to the within action. My business address is 555 West Fifth Street, Suite
6 4000, Los Angeles, California 90013-1010.

7 On October 20, 2010, I served the foregoing document described as **NOTICE OF**
8 **WITHDRAWAL AND WITHDRAWAL OF PROOF OF CLAIM NO. 15 PURSUANT TO**
9 **SETTLEMENT APPROVED BY COURT** on interested parties in this action as indicated on the
10 attached service list.

11 (VIA U.S. MAIL) I served the foregoing document by U.S. Mail, as follows: I placed true
12 copies of the document in a sealed envelope addressed to each interested party as shown on the
13 attached Service List. I placed each such envelope with postage thereon fully prepaid, for collection
14 and mailing at Sidley Austin LLP, Los Angeles, California. I am readily familiar with Sidley Austin
LLP's practice for collection and processing of correspondence for mailing with the United States
Postal Service. Under that practice, the correspondence would be deposited in the United States
Postal Service on that same day in the ordinary course of business.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed on October 20, 2010, at Los Angeles, California.

17 
18 _____
Anne Juenger

SERVICE LIST IN RE CMR MORTGAGE FUND, LLC 08-32220

Responsible Individual

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Request for Notice

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Request for Notice

Donald F. Fishstrom, Trustee
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Request for Notice

Stephen N. and Karen D. Scheinman, Co-Trustees
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