

1 MOHAMED POONJA
RECEIVER
2 POONJA & COMPANY
3 P.O. Box 1510,
Los Altos CA 94022
4 Telephone: (650) 941-3330
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SANTA CLARA

11 IN RE THE MATTER OF THE
12 CHINESE-AMERICAN MUTUAL
13 ASSISTANCE ASSOCIATION, INC.[“
CMAA”],
14 A Corporation in Process of Winding Up.

Case No. 110CV167333

RECEIVER'S SECOND REPORT

15
16 Mohamed Poonja duly appointed, qualified and acting Receiver in the captioned
17 proceedings, submits this Receiver's Second Report as follows:
18

19 Mr. Poonja was appointed as Receiver [“Receiver”] by order of this Court dated June 18,
20 2010. Subsequent to his appointment in this case, the Receiver has taken the following steps
21 pursuant to the terms of the Appointment Order:

- 22 ■ Retained Collier International [“Collier”] to market and sell CMAA's real property
23 located at 16669 Flanigan Drive, San Jose CA subject to Court approval. This real
24 property was a custom built commercial property which is a two story building
25 consisting of approximately 21,054 square feet of office/ cultural center [APN#
26 670-02-015]. The initial listing price was set at \$4,975,000 and the listing
27 agreement was executed on July 8, 2010 and expires on December 21, 2010. The
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listing price was reduced to \$3,200,000 [Exhibit A] after review of several comparables and advice from Collier.

- Collier has shown the property to several parties and three written offers have been received to date which unfortunately is lower than the recent reduced price. The Receiver is in the process of reviewing the offers both from a legal and business perspective. The Receiver and his professionals will meet with the prospective buyers and negotiate a higher price. In addition, the Receiver will look at alternate strategy to ensure the claimants get the maximum return in this current economic downturn. According to the former President of CMAA, the cost of building this real property was in excess of \$4 million but that was in a different economic time and according to Collier the lenders are generally not lending in this market which effectively makes it a buyers' market. At such time as the Receiver receives an acceptable offer to purchase this real property, he anticipates directing his counsel to bring an appropriate motion before this Court. The Receiver understands that the claimants are anxious to receive their claims and that is also the primary objective of the Receiver but he is also a fiduciary and has to ensure that he does his utmost to get the best price for this real estate for the claimants.
- Hon. Jamie Jacobs-May, the presiding Judge in this case has taken a proactive role to ensure that this sale process moves along, the claimants are regularly kept appraised of the case status by the Receiver and the claimants are paid in a timely manner. In addition, the Attorney General's Office has constantly monitored the status of this case.

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- The Receiver has also kept Ms. Angela Chen; the former President of CMAA apprised of the status and received assistance from her to get the necessary tax returns filed including appropriate forms required by the State of California.
- The Receiver has also received and responded to various inquiries on behalf of membership, and has continued to deal with myriad smaller issues such as the cleanup of the real property, arrangements for maintenance of real property and finalization of the disposition of modest personal property, etc. In addition, the Receiver has supervised the fixing of the vandalism [two large glass panes were shattered by a gun] done to the property. These repairs were not covered by the insurance policy as the deductible was in excess of the actual cost to fix the broken windows.
- The attached Form 2 is the Receipts and Disbursements [Exhibit B] from the inception through October 28, 2010. The Receiver has kept the mortgage current including the operating expenses, however, the Receiver will run out of funds in 8 to 10 weeks and therefore it is imperative to conclude the sale. The Receiver has kept the secured lender apprised of the status and the lender has been cooperative but its hands are tied as FDIC is closely monitoring its loan portfolio.
- The Receiver has secured the books and records at CMAA premises and hopes to get a storage space after the conclusion of the sale which will be prepaid. Any action for the timing and eventual disposition of the books and records will be subject to Court approval.
- The Receiver has not yet directed his counsel to establish a procedure for asserting claims against the estate assets. The Receiver will do so as soon as there is substantial progress on the sale of the real property.

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- The Receiver has not paid himself or his counsel for their services since the inception as the funds are limited and are being preserved to pay the ongoing mortgage and operating costs.

Dated: October 27, 2010

POONJA & COMPANY

By: 

MOHAMED POONJA
Receiver,

EXHIBIT A

FOR SALE > ±21,054 SF TWO-STORY BUILDING

1669 Flanigan Drive, San Jose, CA

OFFICE / CHURCH / CULTURAL CENTER / SCHOOL / MEDICAL

NEW PRICING!!



Building Features

- > ±21,054 SF on .88 acres
- > Two-story steel frame structure
- > 3.37/1,000 parking (24 underground + 47 surface)
- > C2H zoning
- > Built 2001
- > Call to Tour
- > **\$3,200,000**

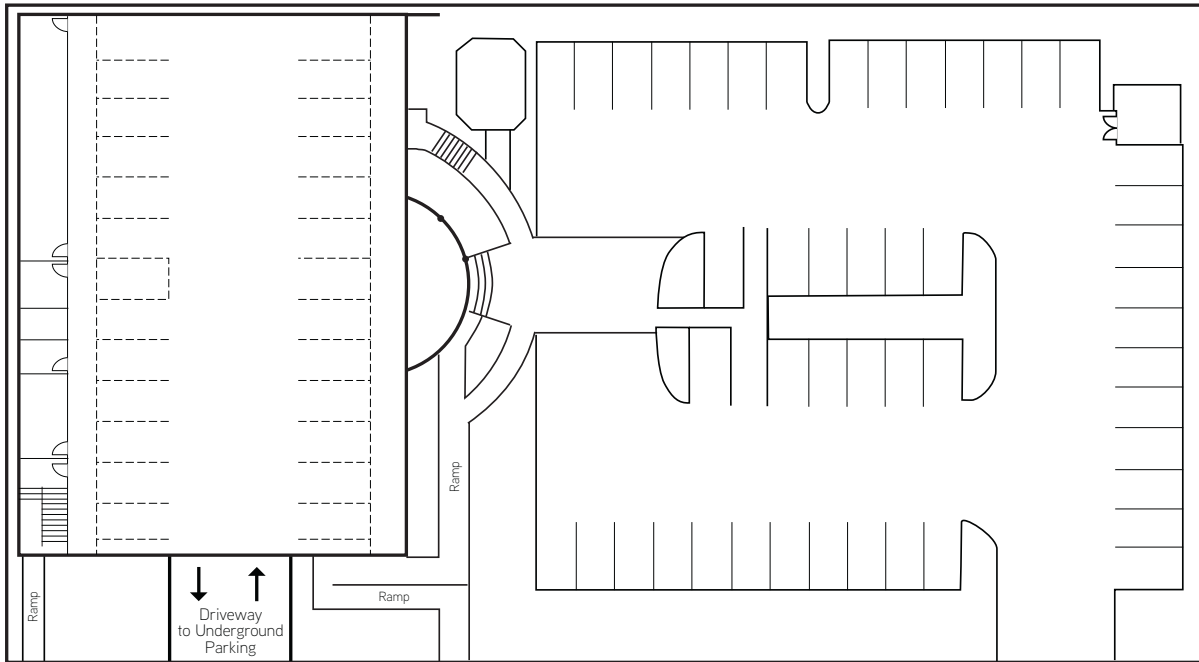


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COLLIERS INTERNATIONAL
Silicon Valley
450 West Santa Clara Street
San Jose, CA 95113
www.colliers.com

1669 Flanigan Drive, San Jose > Site Plan

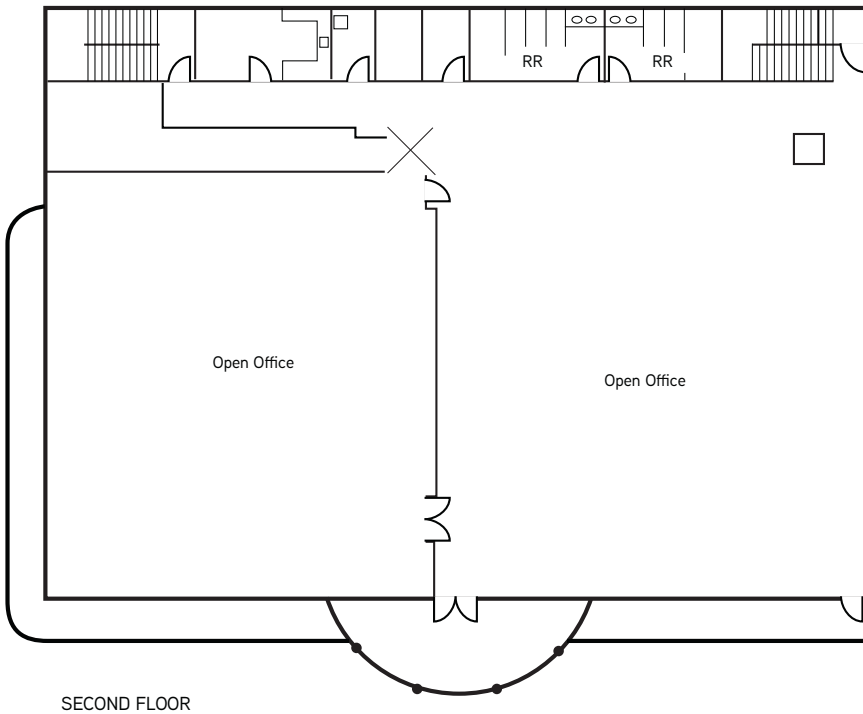
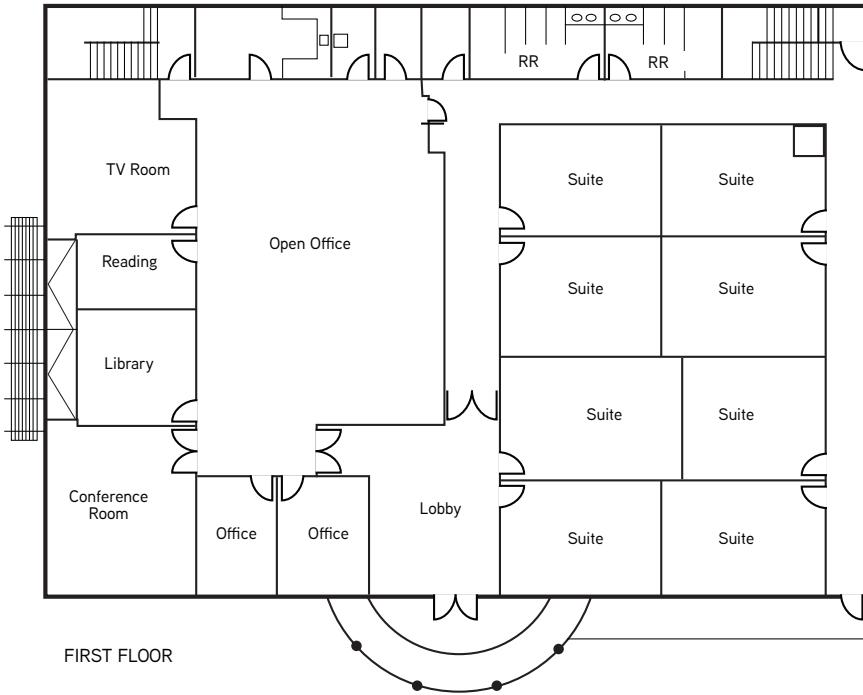


FLANIGAN DRIVE

1669 Flanigan Drive, San Jose > Area Map



1669 Flanigan Drive, San Jose > Floor Plans



Contact Us

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EXHIBIT B

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 018 -XXX
 Case Name: Chinese-American Mutual Assistance

Trustee Name: M. Poonja (Receiver/Assignee)
 Bank Name: Union Bank
 Account Number / CD #: *****3303 Money Market Account (Interest Earn

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
			BALANCE FORWARD				0.00
06/21/10		California Pacific bank/CAMAA	Bank Account Closed Funds	1129-000	10,572.02		10,572.02
06/21/10	1	Asset Sales Memo:	California Pacific Bank Account 1810107210				10,572.02
			\$10,572.02				
06/21/10		California Pacific Bank/ CAMAA	Bank Account Closed Funds	1129-000	15,315.68		25,887.70
06/21/10	2	Asset Sales Memo:	California Pacific Bank Account No 1810107320				25,887.70
			\$15,315.68				
06/24/10	000400	California Pacific Bank 250 Montgomery Street Suite 500 San Francisco, CA 94104-3423	Loan No 16803662 Interest Payment	4110-000		6,708.33	19,179.37
06/27/10	000401	INTERNATIONAL SURETIES, LTD. 701 Poydras Street Suite 420 New Orleans, LA 70139	Bond 016040998 Per 6/16/10-6/16/11 Case 110CV167333	2300-000		125.00	19,054.37
06/30/10	3	Union Bank	Interest Rate 0.100	1270-000	0.40		19,054.77
07/01/10		California Pacific Bank	Bank Account Closed Funds		42,490.17		61,544.94
07/01/10	5	Asset Sales Memo:	California Pacific Bank Account 1810086750				61,544.94
			\$42,490.17				
07/11/10	000402	ThyssenKrupp Elevator Corp P.O. Box 933013 Atlanta, GA 31193-3013	Inv1044062777 July 2010 - Sept 2010	2990-000		225.00	61,319.94
07/11/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		2,000.00	59,319.94
07/17/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		4,000.00	55,319.94
07/17/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		5,000.00	50,319.94
07/30/10	3	Union Bank	Interest Rate 0.100	1270-000	4.02		50,323.96
08/11/10	000403	California Pacific Bank 250 Montgomery Street Suite 500	Loan No 16803662 Interest Payment	4110-000		6,931.94	43,392.02

Page Subtotals 68,382.29 24,990.27

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Trustee Name: M. Poonja (Receiver/Assignee)
 Bank Name: Union Bank
 Account Number / CD #: *****3303 Money Market Account (Interest Earn

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
08/26/10		San Francisco, CA 94104-3423 County of Santa Clara	Funds for restitution	1229-000	20.00		43,412.02
08/26/10	6	Asset Sales Memo:	County of Santa Clara [Restitution] \$20.00				43,412.02
08/31/10	3	Union Bank	Interest Rate 0.100	1270-000	4.02		43,416.04
09/01/10	000404	California Pacific Bank 250 Montgomery Street Suite 500	Loan No 16803662 Interest Payment Interest August 2010	4110-000		6,931.94	36,484.10
09/01/10		San Francisco, CA 94104-3423 Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		200.00	36,284.10
09/07/10	000405	FRANCHISE TAX BOARD P.O. BOX 942867 SACRAMENTO CALIFORNIA 94257-0531	Assessment Year 12/31/08 Notice No 1323690100728 Entity ID Corp 1086806	5800-000		42.27	36,241.83
09/16/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		3,000.00	33,241.83
09/27/10		County of Santa Clara	Restitution Funds	1290-000	20.00		33,261.83
09/27/10	6	Asset Sales Memo:	County of Santa Clara [Restitution] \$20.00				33,261.83
09/27/10		Transfer to Acct #*****3394	TRANSFER TO WRITE CHECKS	9999-000		3,263.28	29,998.55
09/29/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		225.00	29,773.55
09/29/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		434.63	29,338.92
09/30/10	3	Union Bank	Interest Rate 0.100	1270-000	2.95		29,341.87
10/04/10		Transfer to Acct #*****3394	Bank Funds Transfer	9999-000		6,708.33	22,633.54

Page Subtotals 46.97 20,805.45

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 Bank Name: Union Bank
 Account Number / CD #: *****3303 Money Market Account (Interest Earn

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
					68,429.26	45,795.72	22,633.54
			COLUMN TOTALS		68,429.26	45,795.72	
			Less: Bank Transfers/CD's		0.00	24,831.24	
			Subtotal		68,429.26	20,964.48	
			Less: Payments to Debtors			0.00	
			Net		68,429.26	20,964.48	

Page Subtotals 0.00 0.00

FORM 2

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Case No: 018 -XXX
 Case Name: Chinese-American Mutual Assistance

Trustee Name: M. Poonja (Receiver/Assignee)
 Bank Name: Union Bank
 Account Number / CD #: *****3394 Checking - Non Interest

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
			BALANCE FORWARD				0.00
07/11/10		Transfer from Acct #*****3303	Bank Funds Transfer	9999-000	2,000.00		2,000.00
07/11/10	004000	UnitedHealthcare Insurance Company Dept. CH 10151 Palatine IL 60055-0151	Customer # 464390 Inv 0020897977	2990-000		497.42	1,502.58
07/11/10	004001	Diversified Fire Products 4384 Enterprise Place Fremont CA 94538	Inv 0109202-IN Insp Con QTR 1 Contact 5/1/10-4/30/11	2990-000		543.75	958.83
07/11/10	004002	Diversified Fire Products [Fire Monitoring Contract] 4384 Enterprise Place Fremont CA 94538	Invoice 0109201 IN Period 5/1/10 - 4/30/11	2990-000		460.00	498.83
07/11/10	004003	Diversified Fire Products [Elevator/Phone Monitoring Contract] 4384 Enterprise Place Fremont CA 94538	Invoice 0109201-IN Period 5/1/10- 4/30/11	2990-000		400.00	98.83
07/17/10		Transfer from Acct #*****3303	Bank Funds Transfer	9999-000	4,000.00		4,098.83
07/17/10		Transfer from Acct #*****3303	Bank Funds Transfer	9999-000	5,000.00		9,098.83
* 07/17/10	004004	Pei C Lu 556 San Vincente Court Modesto, CA 95354	Pay period 6/15/10-6/30/10	2990-004		979.19	8,119.64
* 07/17/10	004005	Pei C Lu 556 San Vincente Court Modesto, CA 95354	Pay Period 7/1/10- 7/15/10	2990-004		916.39	7,203.25
* 07/17/10	004006	Pei C Lu 556 San Vincente Court Modesto, CA 95354	Pay period 7/16/10-7/31/10	2990-004		1,796.99	5,406.26
07/17/10	004007	Global Business Connections Inc 848 Stewart Drive Suite 100 San Jose, CA 94085	Invoice 7/15/10	3991-000		40.00	5,366.26

Page Subtotals 11,000.00 5,633.74

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 Bank Name: Union Bank
 Account Number / CD #: *****3394 Checking - Non Interest

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
07/17/10	004008	Internal Revenue Service P.O. Box 105083 Atlanta, GA 30348-5083	EIN 94-2804512 Chinese American Mutual Assistance Association	5800-000		1,382.39	3,983.87
07/17/10	004009	EDD P.O. Box 826276 Sacramento, CA 94230-6276	Form DE -88 Tax Deposit 305-4478-7	5800-000		251.30	3,732.57
07/17/10	004010	Pacific Gas & Electric P.O. Box 997300 Sacramento, CA 95899-7300	Chinese-American Mutual Assistance 6/3/10-7/1/10 Account 0919492526-0	2990-000		1,195.51	2,537.06
07/17/10	004011	Pacific Gas & Electric P.O. Box 997300 Sacramento, CA 95899-7300	Chinese-American Mutual Assistance Account 8544549403-3 6/3/10-7/1/10	2990-000		36.92	2,500.14
07/17/10	004012	Recology Silicon Valley P.O. Box 60648 Los Angeles CA 90060-0648	Chinese-American Mutual Assistance Account No 535011101 7/1/10-7/31/10	2990-000		87.07	2,413.07
07/17/10	004013	City of San Jose P.O. Box 11002 San Jose CA 95103-1002	Chinese-American Mutual Assistance Account No 772704752 4/16/10-6/18/10	2990-000		75.60	2,337.47
07/17/10	004014	AT&T Payment Center Sacramento CA 95887-0001	Chinese-American Mutual Assistance Account 408-274-92822232 6/23/10-7/22/10	2990-000		188.09	2,149.38
08/17/10	004015	Diversified Fire Products [General Maintenance] 4384 Enterprise Place Fremont CA 94538	Invoice 0111057-IN 8/9/10	2990-000		380.00	1,769.38
08/22/10	004016	Sam Castandea	Cleaning the building	2990-000		500.00	1,269.38
08/23/10	004017	Mr. Phan P.O. Box 51960 San Jose, CA 95151-5960	Final Bill July 2010	2990-000		70.00	1,199.38
08/23/10	004018	Citibank	Terminix Bill	2990-000		450.00	749.38

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 Bank Name: Union Bank
 Account Number / CD #: *****3394 Checking - Non Interest

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
09/01/10		P.O. Box 6000 The Lakes, NV 89163	Bank Funds Transfer	9999-000	200.00		949.38
09/01/10	004019	Transfer from Acct #*****3303 FRANCHISE TAX BOARD P.O. BOX 942867 SACRAMENTO CALIFORNIA 94257-0531	2009 Tax Return	2820-000		10.00	939.38
09/01/10	004020	Registry of Charitable Trusts P.O. Box 903447 Sacramento, CA 94203-4470	Tax Year 2009	2820-000		150.00	789.38
09/01/10	004021	Stephen Wan Accountancy Corp 848 Stewart Drive, Suite 100 Sunnyvale, CA 94085	Fees Tax Returns 2009	3410-000		775.00	14.38
09/16/10		Transfer from Acct #*****3303	Bank Funds Transfer	9999-000	3,000.00		3,014.38
* 09/16/10	004022	AT&T Payment Center Sacramento CA 95887-0001	Chinese-American Mutual Assistance Account 408-274-92822232	2990-003		365.70	2,648.68
* 09/16/10	004022	AT&T Payment Center Sacramento CA 95887-0001	Chinese-American Mutual Assistance	2990-003		-365.70	3,014.38
09/16/10	004023	AT&T Payment Center Sacramento CA 95887-0001	Chinese-American Mutual Assistance Account 408-274-92822232	2990-000		365.37	2,649.01
09/16/10	004024	Santa Clara County Tax Collector County Government Center, East Wing 70 West Hedding Street San Jose, CA 95110-1767	Assessment # 10033381 2010-2011 Property Taxes	2820-000		620.34	2,028.67
09/27/10		Transfer from Acct #*****3303	TRANSFER TO WRITE CHECKS	9999-000	3,263.28		5,291.95
09/27/10	004025	Pacific Gas & Electric	Period through 9/1/10	2990-000		62.15	5,229.80

Page Subtotals 6,463.28 1,982.86

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 Bank Name: Union Bank
 Account Number / CD #: *****3394 Checking - Non Interest

Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
09/27/10	004026	P.O. Box 997300 Sacramento, CA 95899-7300	Account 8544549403-3 Period through 9/1/10	2990-000		4,968.59	261.21
09/27/10	004027	Pacific Gas & Electric P.O. Box 997300 Sacramento, CA 95899-7300	Account 0919492526-0 Period through 10/31/10	2990-000		261.21	0.00
09/29/10		Recology Silicon Valley P.O. Box 60648 Los Angeles CA 90060-0648	Chinese-American Mutual Assistance Account No 535011101	9999-000	225.00		225.00
09/29/10		Transfer from Acct #*****3303	Bank Funds Transfer	9999-000	434.63		659.63
09/29/10	004028	City of San Jose P. O. Box 11002 San Jose CA 95103-1002	Account 0942220000 Pd th 9/7/10 Period 7/14/10 to 9/7/10 Prior Period	2990-000		434.63	225.00
09/29/10	004029	ThyssenKrupp Elevator Corp P.O. Box 933013 Atlanta, GA 31193-3013	Inv 10440668 Oct 2010- Dec 2010	2990-000		225.00	0.00
10/04/10		Transfer from Acct #*****3303	Bank Funds Transfer	9999-000	6,708.33		6,708.33
10/04/10	004030	California Pacific Bank 250 Montgomery Street Suite 500 San Francisco, CA 94104-3423	Loan No 16803662 Interest Payment Due Date 10/14/10	4110-000		6,708.33	0.00
10/16/10	004031	Samuel J. Castaneda 3980 El Camino Real, Suite 72 Palo Alto, CA 94306	Landscape & Grafitti Removal	2990-000		806.50	-806.50
10/17/10	004032	German Ortiz 240 Ortega Avenue, # 7 Mountain View, CA 94040	Repair Sprinkler System & Parts	2990-000		1,423.00	-2,229.50
* 10/19/10	004004	Pei C Lu 556 San Vincente Court Modesto, CA 95354	Stop Payment Reversal SA	2990-004		-979.19	-1,250.31

Page Subtotals 7,367.96 13,848.07

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Taxpayer ID No: *****4512
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Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
* 10/19/10	004005	Pei C Lu 556 San Vincente Court Modesto, CA 95354	Stop Payment Reversal SA	2990-004		-916.39	-333.92
* 10/19/10	004006	Pei C Lu 556 San Vincente Court Modesto, CA 95354	Stop Payment Reversal SA	2990-004		-1,796.99	1,463.07
10/25/10	004033	Starlite Glass & Mirror 7172 Regional Street # 201 Dublin, CA 94568	Invoice 10/2010 Board Up Broken Win Board up and Clean up Broken Windows	2990-000		412.19	1,050.88
10/25/10	004034	Diversified Fire Products [Inspection Contract} 4384 Enterprise Place Fremont CA 94538	Invoice 0109202-IN Inspection contr 2 nd Payment Contact 5/1/10-4/30/11	2990-000		543.75	507.13

COLUMN TOTALS	24,831.24	24,324.11	507.13
Less: Bank Transfers/CD's	24,831.24	0.00	
Subtotal	0.00	24,324.11	
Less: Payments to Debtors		0.00	
Net	0.00	24,324.11	

	TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
	Money Market Account (Interest Earn - *****3303	68,429.26	20,964.48	22,633.54
	Checking - Non Interest - *****3394	0.00	24,324.11	507.13
		68,429.26	45,288.59	23,140.67
		(Excludes Account Transfers)	(Excludes Payments To Debtors)	Total Funds On Hand

Page Subtotals 0.00 -1,757.44

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 Bank Name: Union Bank
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Taxpayer ID No: *****4512
 For Period Ending: 10/28/10

Blanket Bond (per case limit): \$ 0.00
 Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)

Page Subtotals 0.00 0.00