

Decision No. 21276  
~~92676~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application for )  
permission authorizing the sale of the )  
RIVERBANK WATER COMPANY )  
property, and confirming Sheriff's sale ) Application No. 15704  
of said property under execution sale. )

Rowan Hardin, for applicants.

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

In this proceeding Harry Lepape and Ruth Lepape, his wife, asked permission to sell for \$25,154.90 to Eric J. Segerstrom, all of that certain property consisting of real and personal property situate, lying and being in the County of Stanislaus, State of California, and bounded and particularly described as follows;-

"No. 1. The easterly 91-1/2 feet of lot 11 in block 11, and also a 60-foot strip of land lying east of the same, situated in the City of Riverbank in the County of Stanislaus, State of California, said lot being particularly described as follows;-

BEGINNING at the southeast corner of Lot A in Block 11 of Riverbank, according to the map thereof recorded as a town; running thence northwesterly along the railroad right of way 95 feet; thence northerly to the North line of said lot A; thence easterly 91-1/2 feet to corner of said lot A; thence East to the north line of Lot A and Block 12 of said town; thence South along West line of said Block 12 to the Southwest corner of said lot A in Block 12; thence northwesterly to the point of beginning. Also all water pipes and water mains, tanks, pumps and corporation franchise of said Riverbank Water Company.

No. 2. Situate in the Town of Hughson, County of Stanislaus, State of California, and described as follows; Block C of said town of Hughson, described as follows; BEGINNING at the north-easterly corner of said Block C, thence south 177.7 feet to Railroad Avenue; thence northwesterly along Railroad Avenue 180.2 feet; thence west 38 feet; thence north 50 feet; thence east to the point of beginning, together with all water pipes and water mains, tanks, pumps and other equipment of said Riverbank Water Company, in said town of Hughson."

The properties referred to were formerly owned by the Riverbank Water Company. By Decision No. 19219 dated January 9, 1928, in Application No. 14284, the Commission authorized the Riverbank Water Company to sell the aforesaid properties to C. E. Capps. On January 13, 1928 the properties were sold at public auction to C.E.Capps, a judgment creditor, who was the highest bidder. At that time Harry Lepape was a judgment creditor of the Riverbank Water Company in the sum of \$21,667. On January 17, 1928 said Harry Lepape, as such judgment creditor of the Riverbank Water Company, did, in the manner provided by law, redeem from the execution sale and purchase of said C.E.Capps. It appears that there were no further redemptions made of the properties. On February 4, 1929 the sheriff of Stanislaus County, by virtue of the requirements of the law, made and executed his deed, conveying the above described properties to said Harry Lepape. Pending the year of redemption subsequent to the sale to Harry Lepape, applicant Eric J. Segerstrom has been in charge of the operation of the properties.

The Commission is now asked to authorize said Harry Lepape and his wife, Ruth Lepape, to sell the properties to Eric J. Segerstrom, for \$25,064.65.

By Decision No. 11239, dated November 16, 1922, in Application No. 7975, (Vol. 22, Opinions and Orders of the Railroad Commission, page 505) the Commission fixed the rates for the Riverbank Water Company and in so doing used a rate base of \$67,252.00. The annual reports of the company filed subsequent to the date of the Commission's Decision No. 11239, indicate that there has been an increase in the investment of the properties, as well as in the number of consumers.

It appears that the price which Eric J. Segerstrom has agreed to pay for the properties is reasonable, and that the transfer of the properties to him should be authorized.

ORDER

The Commission having been asked to authorize Harry Lepape and Ruth Lepape, his wife, to transfer certain public utility water properties, to Eric J. Segerstrom, and the Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that this application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED, that Harry Lepape and Ruth Lepape, his wife, be, and they hereby are, authorized to transfer, on or before October 1, 1929, to Eric J. Segerstrom, the properties formerly owned by the Riverbank Water Company, and more particularly described in the agreement of sale dated February 7, 1929, filed in this proceeding, and deliver the deeds necessary to carry out such transfer.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following terms and conditions:-

1. The consideration being paid for the properties by Eric J. Segerstrom, shall not be urged before this Commission as a measure of value of said properties for any purpose other than the transfer herein authorized.
2. Within thirty days after the acquisition of the properties herein referred to, Eric J. Segerstrom shall file with the Railroad Commission a copy of the deed or other instrument of conveyance under which he acquires and holds title to said properties, and shall also notify the Commission of the date on which he acquired said properties.
3. The authority herein granted will become effective ten days after the date hereof.

DATED at San Francisco, California, this 25<sup>th</sup> day of June, 1929.

W. S. L. L. L.  
C. S. S. S.  
W. S. L. L. L.  
Leon Whiteley  
M. J. L.  
Commissioners.