

Decision No. 22298

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of) MOTOR SERVICE EXPRESS, a corporation, for an order author-) izing it to execute a mortgage on) real estate.	Application No. 16391
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Henry J. Bischoff, for applicant.

BY THE COMMISSION:

O P I N I O N

Motor Service Express, a corporation, has applied to the Railroad Commission for permission to execute a mortgage to secure the payment of a note in the principal amount of \$10,000.00, payable five years after date of issue, with interest at the rate of seven percent per annum, for the purpose of renewing outstanding indebtedness.

The application shows that Motor Service Express is engaged in the business of transporting property by auto trucks between Los Angeles on the one hand, and San Bernardino, Beaumont, Banning, Palm Springs, Indio, Riverside, Perris, San Jacinto and other points on the other hand. In the conduct of its business, the company has acquired certain real property in the City of Los Angeles, improved with a building used for office and terminal purposes, described as follows:

Lots 177 and 180 of Mills and Wicks Extension of Second Street, as per map recorded in Book 13 at Pages 87 and 88, miscellaneous records of Los Angeles property.

It appears that the property is encumbered by a first mortgage in the amount of \$10,000.00 maturing April 11, 1930, with interest at the rate of seven percent per annum. Applicant alleges that it has no funds available to pay the mortgage, but that the holders thereof, William M. Lockwood and E. B. Lockwood, have agreed to renew it for a period of five years.

A copy of the mortgage which applicant asks permission to execute is filed in this proceeding as Exhibit "A". We have examined the same and find it to be in satisfactory form.

O R D E R

Motor Service Express, a corporation, having applied to the Railroad Commission for permission to execute a mortgage and note, and the Commission being of the opinion that this is not a matter in which a public hearing is necessary and that the money, property or labor to be procured or paid for through such execution is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income,

IT IS HEREBY ORDERED that Motor Service Express, a corporation, be, and it hereby is, authorized to execute a mortgage substantially in the same form as that filed with the petition herein as Exhibit "A", and to issue a note, secured thereby, in the principal amount of \$10,000.00, payable on or before five years after date of issue, with interest at not exceeding seven percent per annum, for the purpose of paying or renewing outstanding indebtedness of a like amount.

The authority herein granted is subject to the following conditions:

- (1) Applicant shall keep such record of the issue of the

note herein authorized and of the disposition of the proceeds, as will enable it to file within thirty days thereafter, a verified report, as required by the Railroad Commission's General Order No. 24, which order, insofar as applicable, is made a part of this order.

(2) The authority herein granted to execute a mortgage is for the purpose of this proceeding only, and is granted only insofar as this Commission has jurisdiction under the Public Utilities Act, and is not intended as an approval of said mortgage as to such other legal requirements to which it may be subject.

(3) The authority herein granted will become effective when applicant has paid the minimum fee prescribed by Section 57 of the Public Utilities Act and Section 6 of the Auto Stage and Truck Transportation Act, which fee is \$25.00.

DATED at San Francisco, California, this 5th day of April, 1930.

Cl. Seamy

Leon Caldwell
Thos. D. Smith

Commissioners.