

LBM

Decision No. 24191.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
SACRAMENTO NORTHERN RAILROAD,)
a corporation, and KITRICK AND HALL, a)
corporation, for permission for said)
Sacramento Northern Railroad to sell to) Application No. 11243
said Kitrick and Hall certain real and)
personal property.)

BY THE COMMISSION:

ORIGINAL

SECOND SUPPLEMENTAL ORDER

By Decision No. 15128, dated July 3, 1925, the Railroad Commission authorized Sacramento Northern Railroad to sell to Kitrick and Hall, a corporation, for the sum of \$52,000.00 certain real and personal property, consisting of land and warehouse buildings at Durham, Esquon and Shippee, and 13,000 shares of the capital stock of Northern Warehouse Company, a corporation owning a warehouse at Blavo. The agreement between the two companies for the sale of the properties, as originally made, provided for a down payment of \$500.00 and monthly payments of \$500.00 up to January 1, 1926, \$700.00 on February 1, 1926 and \$5,200.00 annually thereafter on June first of each year from 1926 to 1934, inclusive, with interest at the rate of six percent per annum.

Subsequently, however, it developed that Kitrick and Hall were unable to make the payments and when the unpaid balance had been reduced to \$47,250.00, a supplementary agreement was made providing for the payment of the unpaid balance in 120 equal monthly

installments of \$520.80, including interest at the rate of six percent on the unpaid principal.

In a supplemental petition filed on October 19, 1931, it is reported that Philip O'Connell has been appointed as receiver in equity for Kitrick and Hall, a corporation. A second supplemental agreement has been entered into between said Philip O'Connell and Sacramento Northern Railway, successor in interest to Sacramento Northern Railroad. The second supplemental agreement recites that as of July 1, 1931, there remained unpaid the sum of \$39,888.95. Under the said second supplemental agreement the purchaser will pay one-half of the installments of principal and interest which became due and payable commencing with the payment of July 1, 1931 and ending with the payment on April 1, 1932. Instead of paying the first four of said reduced installments on the due dates, the purchaser agrees to pay and the vendor agrees to accept the sum of \$1,302.00 on November 1, 1931, representing payments due on the first days of July, August, September, October and November, 1931, and thereafter the sum of \$260.40 on the first days of December, 1931, and January, February, March and April, 1932. It is agreed that the unpaid portions of said ten installments, amounting in the aggregate to the sum of \$2,604.00, shall be a part of the remaining principal due under the agreement and shall become payable in monthly installments at the rate of \$520.80 after and at the expiration of time for payment of all other sums due and payable under the agreement of purchase. It is further agreed that from and after the first day of May, 1932, the monthly installments of \$520.80 will be resumed. A copy of the proposed supplementary agreement was filed with the Commission as Exhibit "A" attached to the second supplemental petition in this application.

The parties to the supplementary agreement ask for an order authorizing them to execute it. The Commission has given consideration to this request and believes it should be granted, therefore,

IT IS HEREBY ORDERED, that Sacramento Northern Railway and Phillip O'Connell, as receiver for Kitrick and Hall, a corporation, be, and they hereby are, authorized to execute and enter into an agreement substantially in the same form as the agreement marked Exhibit "A" attached to the second supplemental petition in this application, filed in this proceeding on October 19, 1931.

IT IS HEREBY FURTHER ORDERED, that the order in Decision No. 15128, dated July 3, 1925, shall remain in full force and effect, except as modified by this Second Supplemental Order.

DATED at San Francisco, California, this 2nd day of November, 1931.

Leon Whalley

M. J. Carr

W. B. Kamm

Frederic G. Stewart

Commissioners.