

LEM

Decision No. 24558

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GEO. V. LOYND)
to sell a public utility water system)
supplying water to the Gidley Pierson) Application No. 17882
Tract, Los Angeles County, and FRANK)
T. TURK to purchase same.)

Geo. V. Loynd and Frank T. Turk,
for applicants.

BY THE COMMISSION:

O P I N I O N

Geo. V. Loynd, who operates a public utility water system supplying residents of the Gidley Pierson Tract and portions of Gibson Tract, Los Angeles County, asks for authority to transfer his public utility water system to Frank T. Turk, who joins in the application, and to renew a trust deed for seven thousand (\$7,000.) dollars secured in part by the property involved in this transfer.

Public hearings in this matter were held before Examiner Satterwhite at Los Angeles on January 21 and 29, 1932.

According to the evidence, on September 22, 1931, Geo. V. Loynd and Doris Loynd, his wife, entered into an agreement to sell and convey to Frank T. Turk and Violet S. Turk, his wife, what is known as the C.E.Gidley Water Plant, more particularly described as follows, to-wit:

Parcel 1, Lot "A" of the Gidley-Pierson Tract, in the County of Los Angeles, State of California, as per map recorded in Book 21, page 64, of Maps, in the office of the County Recorder of said County; also the westerly twenty-five(25) feet of that portion of Lot one(1) of said Tract lying northerly of the easterly prolongation of the southerly line of said Lot "A"; together with all meters, service wells, buildings, pumps, tanks, pipe, pipe lines and right of way used in connection with the development, maintenance, operation, sale and disposal of water from said premises.

The purchase price is given as eighty-five hundred (\$8,500.00) Dollars, to be paid in accordance with the provisions of the agreement of sale dated September 22, 1931, a copy of which is attached to the application and marked Exhibit "A".

It appears that under date of July 1, 1931 the owners of the property referred to herein executed a deed of trust to secure the payment of a \$7,000.00 indebtedness due Nettie E. Howard. The lien of this deed of trust attaches to the aforesaid properties. It is agreed between the parties to this application that the purchaser pay of the \$8,500.00 purchase price, \$2,375.00 in cash, turn over to the vendor, property at an agreed value of \$1,950.00 and pay the balance at the rate of \$50.00 per month for six months and thereafter, \$100.00 per month until the entire sum is paid. The deferred payments to bear interest at the rate of seven percent per annum. Of the cash payment of \$2,375.00, Nettie E. Howard is to receive \$2,000. She is further to receive the monthly payments until the aggregate payments to her, total \$5,000.00, at which time she will release the properties from the lien of the deed of trust.

It appears from the record that the vendors executed the deed of trust and issued the \$7,000.00 note without being aware that the law required them to get the consent of the Commission. When

advised that such consent was necessary, they filed an amended application. The deed of trust and note are in satisfactory form.

The order herein will indicate the terms and conditions under which the same may be executed and the properties transferred.

ORDER

Application as above entitled having been made to this Commission for authority to transfer the public utility properties operated under the fictitious firm name and style of C.E.Gidley Water Plant, and execute a deed of trust and issue evidence of indebtedness, public hearings having been held thereon, the matter having been submitted, and the Commission having considered the evidence submitted and being of the opinion that the money, property or labor to be procured and paid for through the issue of the indebtedness herein authorized is reasonably required for the purposes herein stated, therefore,

IT IS HEREBY ORDERED as follows:-

1. That George V. Loynd and Doris Loynd, his wife, be, and they are hereby, authorized to sell and transfer, on or before June 1, 1932, the public utility properties owned by them and operated under the fictitious name and style of C.E. Gidley Water Plant, to Frank T. Turk and Violet S. Turk, his wife, such transfer to be made under the terms and conditions of the agreement filed in this proceeding as Exhibit "A", which agreement applicants are hereby authorized to execute for the purpose of transferring and paying for said properties.

2. That within thirty(30) days from and after the transfer of the aforesaid properties, George V. Loynd and Doris Loynd, his wife, shall file with the Commission a certified copy of the deed or other instrument of conveyance under which title to said properties is passed to Frank T. Turk and Violet S. Turk, his wife, and shall also advise the Commission in writing, within said thirty-day period, of the date upon which possession of said properties is relinquished.
3. The consideration for the transfer herein authorized shall not be urged before this Commission or any other public body as a finding of value for rate fixing or any purpose other than the transfer herein authorized.
4. That George V. Loynd and Doris Loynd, his wife, be, and they are hereby, authorized to execute a deed of trust substantially in the same form as that filed with the amended application herein marked Exhibit "A", and to issue a note to be secured by said deed of trust, in the principal amount of not exceeding seven thousand (\$7,000.00) dollars payable on or before three(3) years after date of issue, with interest at not exceeding seven percent per annum, for the purpose of renewing outstanding indebtedness of like amount, provided that said applicants keep such record of the issue of the note herein authorized as will enable them to file within thirty(30) days thereafter, a verified re-

port, as required by the Railroad Commission's General Order No. 24, which order insofar as applicable, is made a part of this order; and provided further, that the authority to execute a deed of trust is for the purpose of this proceeding only, and is granted only insofar as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said deed of trust as to such other legal requirements to which it may be subject.

5. The authority herein granted will become effective when applicants have paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is twenty-five(\$25.00) dollars. Under such authority no note or deed of trust may be executed after June 1, 1932.

DATED at San Francisco, California, this 7th day of March 1932.

C. L. Sawyer
Leon Whidell
W. J. Linn
W. B. Harris
Frederic G. Stewart
Commissioners.

