

Decision No. 25791

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SAN BENITO CO. LAND AND WATER COMPANY,)
a corporation, for permission to)
execute a certain promissory note and)
a deed of trust to secure said note.)

ORIGINAL
Application No. 18766A

Thomas E. O'Donnell, for applicant.

BY THE COMMISSION:

OPINION AND ORDER

San Benito Co. Land and Water Company in the above application asks permission to issue to A. Kingsley Macomber its one year seven percent promissory note for the sum of \$57,013.95, and to execute a deed of trust to secure the payment of such note. A copy of the note is filed in this proceeding as Exhibit "C" and a copy of the deed of trust as Exhibit "D".

The Commission by Decision No. 22287 dated April 3, 1930, in Application No. 16400, authorized applicant to issue a note in the sum of \$50,000.00. It appears that this note is now held by the Bank of America National Trust and Savings Association.

A. Kingsley Macomber has heretofore advanced moneys (\$3,766.95) to applicant to enable it to pay interest on the note and has also agreed to advance to applicant \$50,000.00 so that it can pay the principal of the note due March 15, 1933, together with the additional sum of \$3,247.00 to pay interest due on said date. The total amount which will be advanced by A. Kingsley Macomber to pay the principal of the note and interest thereon aggregates \$57,013.95. The company has asked permission to issue to A. Kingsley Macomber its note for such amount.

The Commission has considered applicant's request and finds that the proposed note and deed of trust are in satisfactory form, except that it believes that there should be eliminated from the note the provision under which any unpaid interest would be added to the principal of the note.

The Commission is further 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 the issue of the note is reasonably required by the applicant for the purpose herein stated, therefore,

IT IS HEREBY ORDERED, that San Benito Co. Land and Water Company be, and it is hereby, authorized to execute on or before June 30, 1933, a deed of trust substantially in the same form as that filed in this proceeding as Exhibit "D" and to issue, on or before June 30, 1933, its promissory note to be secured by said deed of trust in the principal amount of \$57,013.95 payable on or before one year after date, with interest at not exceeding seven percent per annum, for the purpose of paying the \$50,000.00 note issued under the authority granted by the Commission in Decision No. 22287 dated April 3, 1930, together with any moneys which have been advanced to applicant to pay interest on such note; provided (a) that there be eliminated from the note filed as Exhibit "C" and from the deed of trust filed as Exhibit "D", those terms and provisions which provide that if the interest due on said note be not paid, it shall be added to and become a part of the principal of the note and thereafter bear interest at the same rate as the note; and, provided further (b) that the authority herein granted 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 such deed of trust as to such other legal requirements to which it may be subject; and provided further (c) that the authority

herein granted will become effective when applicant has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is Twenty-five (\$25.00) Dollars.

IT IS HEREBY FURTHER ORDERED, that within thirty(30) days after the issue of the note and of the execution of the deed of trust herein authorized to be issued and executed, San Benito Co. Land and Water Company shall file with the Commission a copy of the note which it has issued and a copy of the deed of trust which it has executed under the authority herein granted.

DATED at San Francisco, California, this 3rd day of April, 1933.

C. L. Seavey
Leon Whitwell
M. A. Cune
M. B. Hansen
W. H. ...
Commissioners.

Fee \$ $25 \frac{00}{100}$
CALIFORNIA COMMISSION
H. M. ...
Fee # 30250