

IM

Decision No. 9583.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of Nelson M. Van Fleet, as sole  
surviving trustee, for California  
Vineyards and Improvement Company,  
a defunct corporation, to assign  
and transfer all of its property  
to Nelson M. Van Fleet. )  
Application Number 7083.

Leonard, Surr and Hellyer, by  
George W. Hellyer, for Applicant.  
L. Beird, for Daisy S. Baird.

BY THE COMMISSION:

O P I N I O N

In this application the Railroad Commission is asked to make its order authorizing Nelson M. Van Fleet to acquire the properties of California Vineyards and Improvement Company, a defunct corporation.

A public hearing was held before Examiner Williams in Los Angeles on September 26, 1921.

The record shows that California Vineyards and Improvement Company, which was incorporated on January 19, 1907, forfeited its charter in March, 1921, for non-payment of its franchise tax. At that time, Nelson M. Van Fleet owned all of the outstanding stock of a par value of \$2,560.00, with the exception of four shares held by directors. Following the forfeiture of the charter, these four shares were transferred and assigned to Nelson M. Van Fleet who thus became sole owner of all the outstanding stock and trustee of the properties.

The testimony of Benton Ballou, formerly secretary of California Vineyards and Improvement Company, shows that of the authorized stock issue of \$150,000.00, only about two fifths had ever been issued, and that of this amount all but 2,560 shares, (\$2,560.00) had been re-acquired by the company for non-payment of assessments levied upon the stockholders.

L. Baird, representing Daisy S. Baird, formerly a stockholder in the company, entered an appearance to ascertain whether the assessments had been paid on the \$2,560.00 of stock held by Van Fleet. After the testimony had been given, Mr. Baird expressed himself satisfied that these assessments had been paid and withdrew any objection to the proposed transfer.

California Vineyards and Improvement Company has been distributing water for domestic use to the inhabitants of North Cucamonga, San Bernardino County, as a public utility. The record shows that there are about 80 services on the system, all metered, and that the gross annual income is about \$1,152.00.

The properties consist of 20 shares of stock of Cucamonga Water Company, a mutual concern, - the source of supply of this utility, - and a small distributing system, all of an estimated value of \$3,000.00. On account of the small operations, Nelson M. Van Fleet is of the opinion that service can be more economically and efficiently given if performed by an individual, rather than by a corporation.

It is, of course, understood that the granting of this application does not relieve Nelson M. Van Fleet of the public utility duties formerly performed by California Vineyards and Improvement Company.

#### O R D E R

Application having been made to the Railroad Commission for authority to transfer property, a public hearing having been held and

the Railroad Commission being of the opinion that the application should be granted;

IT IS HEREBY ORDERED that Nelson M. Van Fleet, as trustee for the stockholder of California Vineyards and Improvement Company be, and he is hereby, authorized to transfer and assign, and Nelson M. Van Fleet individually be, and he is hereby, authorized to acquire all the properties formerly owned by California Vineyards and Improvement Company and now held by Nelson M. Van Fleet, as trustee.

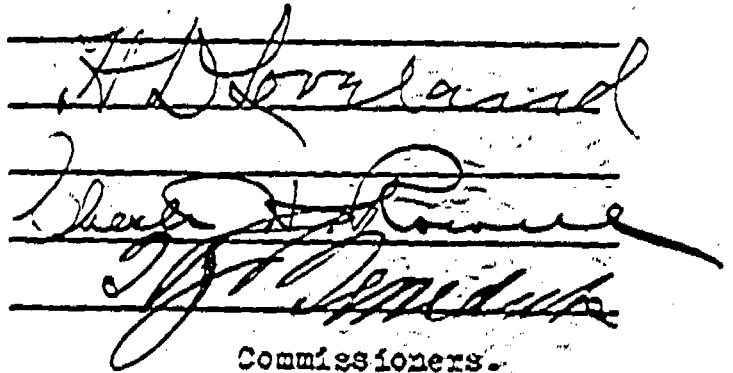
The authority herein granted is subject to the following conditions:-

(1) Nelson M. Van Fleet, within 30 days after the transfer of the properties herein authorized, shall file with the Commission a verified copy of the instrument by which such transfer is effected.

(2) The authority herein granted shall not be interpreted as relieving Nelson M. Van Fleet as successor of California Vineyards and Improvement Company, of any of the public utility duties or obligations formerly performed by, or encumbent upon, California Vineyards and Improvement Company.

(3) The authority herein granted shall apply only to such properties as may be transferred on or before November 15, 1921.

DATED at San Francisco, California, this 3<sup>rd</sup> day of October, 1921.

  
Commissioners.