

Decision No. 25003

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE CALIFORNIA COMPANY,
a corporation, and R. G. KANN, as
trustee for EDA KANN, RUTH M. HEINE-
MANN and R. G. KANN, for an order
authorizing the transfer and convey-
ance of the property of The California
Company, to R. G. Kann, as said trus-
tee.)
Application No. 18845

A. L. Cowell, for applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Railroad Commission is asked to enter its order authorizing The California Company to convey and transfer all of its property and assets to applicant R. G. Kann, as trustee for Eda Kann, Ruth M. Heinemann and R. G. Kann, the present stockholders of the corporation.

Applicant, The California Company, is engaged in the business of furnishing water for irrigation and mining purposes and the watering of live stock from its reservoir, known as the Salt Spring Valley Reservoir, located in Calaveras County. The water is distributed by means of a canal running from such reservoir in a northwesterly direction to a point near the town of Jenny Lind in Calaveras County. The extent of the territory within which applicant conducts its business is approximately ten miles in length and two miles in width. For 1932 The California Company reports

operating revenues of \$908.11 and operating expenses of \$2,169.80.

The California Company was incorporated under the laws of New York on May 5, 1883 for a period of 50 years. The period under which said corporation was incorporated will expire on May 5, 1933. The company has outstanding 300 shares of common capital stock of the par value of \$100.00 each. Ninety(90) of such shares of stock are owned and held by Eda Kann; ninety(90) shares are owned and held by Ruth M. Heinemann and one hundred and twenty(120) shares are owned and held by R. G. Kann. The stockholders of the corporation do not desire to extend the life of the corporation or to form a new corporation to acquire the property of The California Company. Instead of so doing, they propose to transfer the property and assets of The California Company to applicant R. G. Kann, as trustee for the stockholders. A copy of the deed under which the property is to be conveyed and transferred is filed in this proceeding as Exhibit "E". Under the terms of this deed the conveyance is made subject to the lien of an outstanding issue of bonds amounting to \$30,000.00, the payment of which is secured by a trust indenture dated March 24, 1932. It is reported that all of the bonds are now owned by R. G. Kann.

Applicant, R. G. Kann is, and for many years last past has been, president of The California Company and general manager of the property of the company. He will continue to manage the property in the same manner as he has formerly managed the same. As trustee for the stockholders of The California Company, he assumes all contracts, debts, liabilities and obligations of The California Company.

O R D E R

The Commission has considered the request of applicants and believes that there is no need for a hearing in this matter and that applicants' requests should be granted, therefore,

IT IS HEREBY ORDERED, that The California Company be, and it is hereby, authorized to convey and transfer all of its property and assets to R. G. Kann as trustee for Eda Kann, Ruth M. Heinemann and R. G. Kann, the present stockholders of said corporation, said transfer to be made pursuant to the terms and conditions of the deed filed in this proceeding as Exhibit "E".

IT IS HEREBY FURTHER ORDERED, that within thirty (30) days after the conveyance and transfer of the property of The California Company applicant, R. G. Kann, as trustee for said stockholders, shall file with this Commission a certified copy of the deed under which said conveyance and transfer has been made.

DATED at San Francisco, California, this 14 day of May, 1933.

C. S. Leamy
Leon Whiteley
W. A. Linn
M. B. Lewis
W. H. ...

Commissioners.