

Decision No. 26051

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WALTER MARTINI
to sell, and RALPH A. MUNCY to purchase warehouse and equipment for handling of dried beans at Chino, California.

Application No. 18846

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this application the Railroad Commission is asked to make an order authorizing Walter Martini to transfer a warehouse to Ralph A. Muncy.

It appears that Walter Martini at the present time is engaged in the operation of a bean warehouse and cleaner for the handling, cleaning and storing of beans and kindred commodities at Chino, San Bernardino County. In his 1932 annual report to this Commission, Walter Martini reports his investment in the properties and equipment at \$2,600.00 and generally describes the building as a frame structure with galvanized iron roof and sides having a floor space of 5,000 square feet and a capacity of 360 tons.

The application now shows that Walter Martini has entered into an agreement, dated February 7, 1933, with Ralph A. Muncy for the sale of his properties for a consideration of \$2,500.00. The agreement, a copy of which is filed as Exhibit "A", provides as follows:

(1) Walter Martini agrees to sell said warehouse and all equipment appertaining thereto, as per inventory to be furnished by Walter Martini, for the total sum of \$2,500.00, payable as follows:

(2) Ralph A. Muncy agrees to pay in cash the sum of \$500.00 to Walter Martini within thirty days from the date of this agreement and the further sum of \$400.00 by delivery and transfer by deed of lot 21, Block 38, of River Section, Newport Beach, Orange County, Walter Martini to assume payment of second half 1932-1933 taxes and any other assessments of record.

(3) \$500.00 in cash to be paid by Ralph A. Muncy to Walter Martini on or before January 2, 1934, interest at the rate of six per cent per annum.

(4) \$400.00 in cash to be paid by Ralph A. Muncy to Walter Martini on or before January 2, 1935, interest at the rate of six per cent per annum.

(5) In consideration of the above, Ralph A. Muncy will set up a credit of \$700.00 for the balance due Walter Martini on said books of the warehouse, this credit to be used by Walter Martini as payment for cleaning, fumigating and storage of Walter Martini's beans at the regular rates applicable for this service at the time the beans are delivered. If, after January 2, 1935, there is still an unpaid balance due Walter Martini, then at his option/^{it}may be transferred to credit of anyone else or paid in cash by said R. A. Muncy, at his option.

The \$500.00 payment due January 2, 1934 and the \$400.00 payment due January 2, 1935 will be evidenced by notes payable to Walter Martini and secured by a chattel mortgage on the building and equipment. Copies of the instruments have been filed with the application.

ORDER

The Commission has considered applicants' request and is of the opinion that this is not a matter in which a public hearing is

necessary, that the proposed mortgage is in satisfactory form and that the money, property or labor to be procured or paid for through the issue of the notes is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expense or to income, therefore,

IT IS HEREBY ORDERED, that Walter Martini be, and he hereby is, authorized to transfer to Ralph A. Muncy the warehouse building and equipment referred to in this application, such transfer to be in accordance with the terms of the agreement dated February 7, 1933.

IT IS HEREBY FURTHER ORDERED, that Ralph A. Muncy be, and he hereby is, authorized, in part payment for said warehouse building and equipment, to execute a chattel mortgage substantially in the same form as that filed with the application, and to issue the two notes to be secured by said mortgage, one in the principal amount of \$500.00 payable on January 2, 1934, with interest at the rate of six per cent per annum, and the other in the principal amount of \$400.00 payable on January 2, 1935, with interest at the rate of six per cent per annum.

The authority herein granted is subject to the following conditions:

1. Walter Martini and Ralph A. Muncy shall join in common supplement to the tariff now on file with the Railroad Commission in the name of Walter Martini, applicant Walter Martini on the one hand withdrawing and applicant Ralph A. Muncy on the other hand adopting as his own such tariff and all effective supplements thereto.

2. Within thirty (30) days after the execution of the chattel mortgage and the issue of the two notes, Ralph A. Muncy shall advise the Commission in writing of the fact.

3. The authority herein granted to execute a chattel

mortgage 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 mortgage as to such other legal requirements to which it may be subject.

4. The authority herein granted will become effective when Ralph A. Muncy has paid the minimum fee prescribed by Section 57 of the Public Utilities Act; which fee is Twenty-five (\$25.00) Dollars.

DATED at San Francisco, California, this 12th day of June, 1933.

C. C. Keenan
Leon Whitely
M. J. Lee
W. B. Harris
M. B. ...
Commissioners.

ROAD COMMISSION
Fee \$25.00/100
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[Signature]

Fee # 30435 4.