

Decision No. 28404

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. C. HORNALL)
to execute a deed of trust and note.)

Application No. 19115

BY THE COMMISSION:

OPINION AND ORDER

In this application J. C. Hornall, an individual engaged in operating a public utility warehouse business at Arbuckle, has applied to the Railroad Commission for permission to execute a deed of trust and to issue a promissory note in the principal amount of \$10,000.00, payable on or before five years after date of issue with interest at the rate of seven per cent per annum, for the purpose of paying outstanding indebtedness.

It appears that heretofore under the authority granted by Decision No. 21229, dated June 14, 1929, in Application No. 15488, applicant executed a deed of trust and note for \$8,000.00, payable one year after date with interest at seven per cent per annum, for the purpose of financing in part the cost of rebuilding his warehouse which had been destroyed by fire, and that also he executed a promissory note for \$4,000.00 to pay in part for an addition to the property. The total cost of the building and land is reported at \$30,500.00.

The present application now shows that applicant desires to refinance his indebtedness and that accordingly he has made arrangements to pay \$2,000.00 in cash and to execute a new note for \$10,000.00. Applicant reports that the deed of trust to be executed

to secure the payment of the note will be substantially in the same form as that filed with the Commission on June 7, 1929 in Application No. 15488 and approved by said Decision No. 21229, dated June 14, 1929.

The Commission is of the opinion that this is not a matter in which a public hearing is necessary, that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for through the issue of the note 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, now therefore,

IT IS HEREBY ORDERED, that J. C. Hornall be, and he hereby is, authorized to execute a deed of trust substantially in the same form as the deed of trust now outstanding which was filed on June 7, 1929 in Application No. 15488, and to issue a note to be secured by said deed of trust, in the principal amount of \$10,000.00, payable on or before five years after date of issue with interest at not exceeding seven per cent per annu, for the purpose of paying in part the outstanding note indebtedness referred to herein.

IT IS HEREBY FURTHER ORDERED, that J. C. Hornall be, and he hereby is, authorized, should he so desire, to issue the \$10,000.00 note for a period of less than five years and to renew it from time to time for a total period of not exceeding five years from the effective date of this order.

The authority herein granted is subject to the following conditions:

1. Within thirty (30) days from the effective date of this order, applicant shall file with the Commission a copy of the

deed of trust and note as actually executed.

2. 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 said deed of trust as to such other legal requirements to which it may be subject.

3. 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.

DATED at San Francisco, California, this 17th day of October, 1933.

C. S. Seaver
Leon C. Whidell
M. A. ...
W. B. ...
M. ...
Commissioners.

Fee # 25⁰⁰/₁₀₀
RAILROAD COMMISSION
STATE OF CALIFORNIA
OCT 10 1933
SECRETARY
Fee # 30517