

Decision No. 27094

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PLANT WAREHOUSES, INC.,)
for order authorizing issue of stock,)
the purchase of property, and the)
mortgaging thereof.)

Application No. 19443

Brobeck, Phleger & Harrison, by M. B. Plant,
for applicant.

BY THE COMMISSION:

O P I N I O N

In this application as amended Plant Warehouses, Inc. asks permission to issue eight shares of its common capital stock, a \$5,625.00 one year six per cent note and execute a deed of trust to secure the payment of such note.

In its application as originally filed, the company asked authority to issue eight shares of stock, to issue a one year seven per cent note for \$5,628.33, to issue a one year eight per cent note for \$17,000.00 and to execute a first and a second mortgage to secure the payment of the respective notes. The company has withdrawn its request for permission to execute a second mortgage. Inasmuch as the note to be secured by the second mortgage is being issued for a term of one year and is not issued for the purpose of refunding outstanding indebtedness, the company may issue such note, or any part thereof, without the consent of the Commission.

Applicant's petition shows that M. B. Plant, Marie P. Plant, June R. Dolcini and Lois M. Beckett are the owners of the following described real property:

(1) Lots Two (2), Three (3), Eight (8), Nine (9) and Ten (10), in Block Five (5) of the City of Davis, County of Yolo, State of California;

(2) Lots One (1), Two (2), Three (3), Seven (7), Eight (8) and Nine (9), in Block Six (6) of the City of Davis, County of Yolo, State of California;

(3) Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Nine (9), Ten (10) and Eleven (11), in Block Thirty-four (34) in the City of Davis, County of Yolo, State of California;

(4) Lots Three (3), Four (4), Five (5), Six (6), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), in Block Forty-three (43), of the City of Davis, County of Yolo, State of California;

(5) Block Fifty-six (56) of the City of Davis, County of Yolo, State of California.

Three grain warehouses, two office buildings, two grain scales and one stock scale are located upon such real property. The warehouses have been leased from year to year since 1911 by Forrest A. Plant, deceased, who from that year to the date of his death owned a one-quarter interest therein. Forrest A. Plant upon his death November 16, 1933, left said one-quarter interest in the properties to Marie P. Plant, his widow, to whom said one-quarter interest in said properties was distributed by decree of the Superior Court in and for the County of Yolo made on May 7, 1934. Since November 16, 1933, the warehouse business has been conducted by Marie P. Plant, as executrix of the will of Forrest A. Plant, deceased, under the authorization of an order made by said Superior Court on December 13, 1933. The lease under which she is operating the properties will terminate on June 1, 1934. Upon the termination of the lease, the aforementioned properties will be acquired by Plant Warehouses, Inc.

Applicant has an authorized stock issue of 100 shares,

all without par value, and of the same class. It now, as indicated above, asks permission to issue two (2) shares of its stock to each of M. B. Plant, Marie P. Plant, June R. Dolcini and Lois M. Beckett, each of whom owns a one-quarter interest in the above described properties.

A portion of the properties which applicant proposes to acquire is now subject to a mortgage to secure the payment of a note of \$5,528.33 payable to Frank Weber. Applicant asks authority to issue to Frank Weber a new note for the sum of \$5,625.00, payable one year after date with interest at the rate of six per cent per annum and execute a deed of trust to secure the payment of such note. A copy of the deed of trust is filed in this proceeding. We find such instrument to be in satisfactory form.

ORDER

The Commission having considered the request of Plant Warehouses, Inc. and being of the opinion that this is not a matter in which a public hearing is necessary, that the money, property or labor to be procured or paid for by the issue of the eight shares of stock and the issue of the \$5,625.00 note herein authorized is reasonably required by applicant for the purposes herein indicated, and that the expenditures for such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED, as follows:

1. Plant Warehouses, Inc. may issue in part payment for the properties described in this application two (2) shares of its no par capital stock to each of M. B. Plant, Marie P. Plant, June R. Dolcini and Lois M. Beckett and issue to Frank Weber its

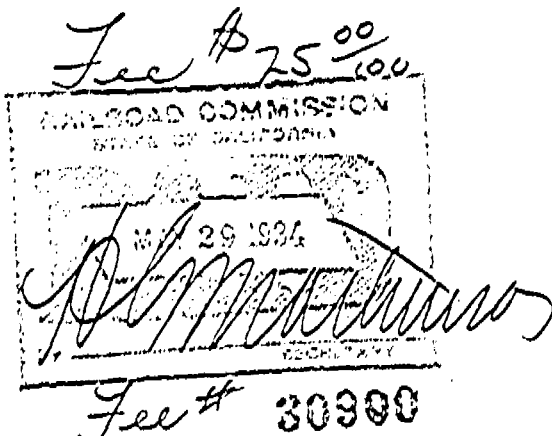
one year six per cent note in the principal sum of \$5,625.00, and execute a deed of trust in substantially the same form as the deed of trust filed in this proceeding on May 25, 1933, to secure the payment of such note, provided that the authority herein granted to execute a deed of trust is for the purpose of this proceeding only, and is granted 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 said deed of trust may be subject.

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

3. Applicant shall keep such record of the issue of ^{and note} the stock/herein authorized as will enable it to file within thirty (30) days thereafter a verified report as required by the Railroad Commission's General Order No. 24, which order, insofar as applicable, is made a part of this order.

4. This application insofar as it involves the issue of a one year note for \$17,000.00 is dismissed for want of jurisdiction.

DATED at San Francisco, California, this 28th day of May, 1934.



C. Seavey
Leon A. Davis
W. H. Lee
M. B. Lewis
Arthur H. Jones
Commissioners.