

Decision No. 27460

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
YUBA-BUTTE ORCHARDS COMPANY, LTD., )  
a corporation, for an order authorizing )  
the issuance of a promissory note and ) Application No. 19333  
the execution of a deed of trust )  
securing the same. )

BY THE COMMISSION:

ORIGINAL

FIRST SUPPLEMENTAL ORDER

The Commission by Decision No. 26928 dated April 9, 1934 authorized the Yuba-Butte Orchards Company, Ltd. to issue a note for not exceeding \$14,000.00 payable one year after date and to execute a deed of trust to secure the payment of such note. The company has not yet exercised the authority granted by such decision.

The company now reports that the Bank of America, National Trust and Savings Association, from whom it intends to borrow \$14,000. has asked it to execute a deed of trust somewhat different in form to the deed of trust referred to in said Decision No. 26928 dated April 9, 1934. Applicant has filed a copy of the new deed of trust. We find the same to be in satisfactory form, therefore,

IT IS HEREBY ORDERED that the provision of the order in Decision No. 26928 dated April 9, 1934 reading--

"IT IS HEREBY ORDERED that Yuba-Butte Orchards Company, Ltd. be, and it is hereby, authorized to execute a deed of trust similar in form to the deed of trust filed in this proceeding to secure the payment of a note for the principal sum of not exceeding \$14,000. payable one year after date, with interest at the rate of not exceeding six percent per annum payable semi-annually, the issue of which note is hereby authorized"

be, and the same is hereby amended so as to read--

IT IS HEREBY ORDERED that Yuba-Butte Orchards Company, Ltd. be, and it is hereby, authorized to execute, after the effective date hereof and prior to December 31, 1934, a deed of trust similar in form to the deed of trust filed with the Railroad Commission in this matter on October 13, 1934, to secure the payment of a note for the principal sum of not exceeding \$14,000. payable one year after date with interest at the rate of not exceeding six percent per annum payable semi-annually, the issue of which note is hereby authorized; provided that the authority herein granted will not become effective until Yuba-Butte Orchards Company, Ltd. has filed with the Commission a stipulation duly authorized by its Board of Directors in which said Yuba-Butte Orchards Company, Ltd. agrees for itself, its successors and assigns that upon demand being made upon it for the payment of said note, it will give its stockholders an opportunity to contribute their pro rata share necessary to pay any sum due under the deed of trust herein authorized, to prevent a sale of the company's properties.

IT IS HEREBY FURTHER ORDERED that condition three of the order in said Decision No. 26928 dated April 9, 1928, reading--

"Sixty (60) days before the maturity of the aforesaid note, the directors of Yuba-Butte Orchards Company, Ltd. shall give the company's stockholders an opportunity to contribute their pro rata share necessary to pay the said \$14,000. note, or note for a lesser amount, to prevent a sale of the company's properties,"

be, and the same is hereby, vacated and set aside.

IT IS HEREBY FURTHER ORDERED that the order in Decision No. 26928 dated April 9, 1934 shall remain in full force and effect, except as modified by this First Supplemental Order.

DATED at San Francisco, California, this 22<sup>nd</sup> day of October, 1934.

Leon C. Williams

W. A. ...

M. B. Lewis

Walter ...

Frank ...

Commissioners.