

Decision No. 27704

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BANK OF AMERICA NATIONAL TRUST AND)
SAVINGS ASSOCIATION, a national bank-)
ing association, as Trustee under that)
certain Declaration of Trust executed)
by and between A. K. DETWILER and)
WILLIAM J. G. LAMBERT as Trustors, and)
BANK OF ITALY, a corporation, as Trus-)
tee, dated March 7, 1925, for the ap-)
proval of the transfer of TAHOE PARK)
WATER SYSTEM to WILLIAM J. G. LAMBERT.)

Application No. 19784

BY THE COMMISSION:

O P I N I O N

This is an application for an order authorizing Bank of America National Trust and Savings Association, as trustee, to transfer to William J. G. Lambert a public utility water system known as the Tahoe Park Water System.

It appears that at one time William J. G. Lambert and one A. K. Detwiler each owned an undivided one-half interest in a tract of land containing some 640 acres situated on the shores of Lake Tahoe and that during 1908 a water system was installed to facilitate the subdivision and sale thereof. On March 7, 1925 the two owners conveyed their interest in the real property to Bank of Italy to be held in trust. Later, on July 26, 1927, said William J. G. Lambert sold and assigned to said A. K. Detwiler his one-half beneficial interest in the trust, receiving a note from the purchaser in the amount of \$67,500.00, secured by said beneficial interest.

Thereafter, as shown in this application, on October 17, 1929, A. K. Detwiler died, leaving a balance due on the note to William J. G. Lambert, of \$66,120.82.

It is reported that the executor of the will of A. K. Detwiler has advised the trustee that the estate is insufficient to pay the claim of \$66,120.82. Accordingly, arrangements have been made, in settlement, for the conveyance of certain real property and the water system to William J. G. Lambert. It is recited that under the trust agreement made by said William J. G. Lambert and said A. K. Detwiler, the trustee (now Bank of America National Trust and Savings Association as successor to Bank of Italy) is fully empowered in the event of the death of either trustor to manage, control and dispose of the property in the trust as it in its discretion shall deem to be to the best interest of the trust estate. The trustee reports that it considers the proposed settlement to be to the best interest of all parties and accordingly has caused this application to be filed for the necessary authority to effect the conveyance of the public utility properties.

Heretofore the Commission has had before it the matter of the operations of the properties of the Tahoe Park Water System. On December 7, 1929, by Decision No. 21879 (34 C.R.C. 67) it found the system to be a public utility and directed Bank of Italy to file its schedule of rates, rules and regulations. This filing subsequently was done and annual reports thereafter were filed showing the extent of the operations of the utility. In 1933 gross revenues were reported at \$455.85 and net revenues at \$307.33, while in 1932 the gross were stated at \$340.32 and the net at \$177.76. In the present application the value of the water system is estimated at approximately \$5,000.00.

It appears to the Commission that the application should be granted as provided in the order following this decision.

O R D E R

Application having been made to the Railroad Commission for an order authorizing the transfer of the Tahoe Park Water System, and the Commission being of the opinion that this is not a matter in which a public hearing is necessary and that the application should be granted, as herein provided,

IT IS HEREBY ORDERED that Bank of America National Trust and Savings Association, as trustee, be, and it hereby is, authorized to transfer to William J. G. Lambert the properties comprising the Tahoe Park Water System, and William J. G. Lambert be, and he hereby is, authorized to acquire and operate such properties under the rates, rules and regulations now on file with the Commission applicable to said Tahoe Park Water System.

IT IS HEREBY FURTHER ORDERED that Bank of America National Trust and Savings Association be, and it hereby is, released from all obligations regarding the operation of said Tahoe Park Water System upon the consummation of the transfer of said Tahoe Park Water System to said William J. G. Lambert.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following conditions:-

1. William J. G. Lambert shall file with the Commission a certified statement showing the exact date he acquired and commenced operating the Tahoe Park Water System under the authority herein granted, said filing to be made within thirty (30) days after said date.
2. Bank of America National Trust and Savings Association shall file a copy of the deed, or deeds, conveying said

water system to William J. G. Lambert.

3. The authority herein granted will become effective twenty (20) days after the date hereof.

DATED at San Francisco, California, this 28th day of January, 1935.

Leon Whelan

W. J. G. Lambert

W. B. Harris

W. H. Moore

W. H. Moore

Commissioners.