

Decision No. 29527

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLIAM BARR and DOUGLAS DUGGAN)
for an order authorizing the renewal)
of note and chattel mortgage.)

Application No. 21001

BY THE COMMISSION:

ORIGINAL

OPINION AND ORDER

This is an application for an order authorizing William Barr and Douglas Duggan to execute a chattel mortgage and to issue a note in the principal amount of not exceeding \$2,500. payable in monthly installments of \$200. beginning on the 15th day of February, 1937, and continuing on the 15th day of each and every month until the total amount is fully repaid, together with interest on deferred payments at the rate of seven per cent per annum, payable monthly, for the purpose of paying or renewing a note of like amount now outstanding.

Applicants have been engaged in the business of transporting passengers in Marin County between Tiburon, Belvedere and Tamalpais High School Station on the line of the Northwestern Pacific Railroad Company, and in the non-public utility garage business in Tiburon. The gross revenues from the operation of the business are reported at \$24,223.26 for 1934, at \$21,539.17 for 1935 and at \$23,753.20 for 1936, and the net profit, after paying interest, at \$1,775.53 for 1934, at \$1,704.56 for 1935 and at \$1,221.62 for 1936.

It appears that in order to provide the cost of tools and equipment, applicants, under authority granted by Decision No. 22430, dated May 14, 1930, executed a demand note dated August 1, 1932 in the total amount of \$3,750., on which there remains an unpaid balance of \$2,500. This note is past due and the payee thereof, Byron W. Haines,

has consented to accept a renewal note, secured by chattel mortgage covering two buses, one tow car, six sedans, together with miscellaneous equipment, stock on hand, furniture and fixtures and book accounts receivable. The value of the collateral is estimated by Mr. Barr at \$5,245.19.

A copy of the proposed chattel mortgage is attached to the application. It appears to be in satisfactory form and accordingly the Commission is of the opinion that a public hearing is not necessary in this matter, that the request should be granted, as herein provided, 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 and that the expenditure for such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED that William Barr and Douglas Duggan be, and they hereby are, authorized to execute a chattel mortgage in or substantially in the same form as that filed with the application, and to issue a promissory note in the principal amount of not exceeding \$2,500. payable as set forth herein, for the purpose of paying or renewing an indebtedness of like amount now outstanding, provided,

1. That 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 chattel mortgage as to such other legal requirements to which it may be subject; and
2. That within thirty (30) days after the execution of the chattel mortgage and the issue of the note under the authority herein granted, applicant shall advise

the Commission of that fact in writing; and
3. That the authority herein granted will become effective upon
the date hereof.

DATED at San Francisco, California, this 7th day of
February, 1937.

Arthur J. Mac
Leon Whitley
James R. Helm
Robert A. ...
Ray Z. Kelly
Commissioners.