

Decision No. 30085

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
JOSEPH C. HORNALL,
doing business under the name and
style of Arbuckle Warehouse, for an
order granting permission to encum-
ber public utility property.

Application No. 21430

In the Matter of the Application of
JOSEPH C. HORNALL and L.P.HENIGAN,
doing business under the name and
style of Robbins Warehouse, for an
order granting permission to encum-
ber public utility property.

Application No. 21431

In the Matter of the Application of
C. H. STRAUB and E.B.MARSHALL,
transacting business under the firm
name and style of Robbins Warehouse
Company, for an order authorizing
the sale of the whole of its assets
and property.

Application No. 21435

Brown & Ford for Joseph C. Hornall and L.P.Henigan
Rich, Weiz & Carlin for C.H.Straub and E.B.Marshall.

BY THE COMMISSION:

OPINION AND ORDER

These three applications relate to one transaction, to-wit, the sale and transfer by C.H.Straub and E.B.Marshall of certain public utility warehouse properties known as the Robbins Warehouse located at Robbins, Sutter County.

The properties to be transferred include two parcels of land on one of which is situated a corrugated iron warehouse, 80 feet by 400 feet in dimensions, and on the other the scales and scalehouse used in connection with the warehouse, together with equipment and other personal property including two piling machines, hand trucks and office furniture. Application No. 21435 shows that the construction of the building was commenced during April, 1937, and

has but recently been completed, that the cost of the building and site was \$30,000., that \$6,000. has been paid for the purchase of equipment and that indebtedness is outstanding against the equipment in the sum of \$5,000., making a total cost to the present owners of \$41,000.

Application No. 21435 further shows that on August 12, 1937 C.E.Straub and H.B.Marshall entered into an agreement to sell and transfer the properties referred to herein to J.C.Hornall for a consideration equal to their actual cost plus \$5,000., of which \$5,000. has been paid and the balance, \$41,000. is payable upon delivery of the deed and bill of sale. A copy of the agreement is attached to said application and marked "Exhibit A".

Application No. 21431 shows that the Robbins Warehouse will be acquired and operated by Joseph C. Hornall (J.C.Hornall) and L.P. Henigan. In order to finance ^{in part} the balance of the purchase price it appears that they have made arrangements to borrow from Bank of America National Trust and Savings Association, Arbuckle Branch, the sum of \$21,000. to be evidenced by a six per cent note, payable in semi-annual installments of \$1,050. commencing May 1, 1938, secured by a deed of trust on the Robbins properties, and to borrow the further sum of \$25,000. to be secured by a deed of trust covering other properties now owned by Joseph C.Hornall, known as the Arbuckle Warehouse, and to be evidenced by a six per cent note payable in semi-annual installments of \$1,250. commencing May 1, 1938. Of the latter sum \$10,000. will be used to pay a mortgage indebtedness of \$10,000. now resting against the Arbuckle properties. (Decision No. 26404, dated October 9, 1933, in Application No. 19115).

Copies of the proposed notes and deeds of trust have been filed with the Commission.

It appears to the Commission that these are not matters in which public hearings are necessary, that the requests of applicants

should be granted, as herein provided, that the money, property or labor to be procured or paid for through the issues of the notes is reasonably required for the purposes specified herein, 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. C. E. Straub and H.B.Marshall, doing business under the firm name and style of Robbins Warehouse Company, bc, and they hereby are, authorized to sell and transfer to Joseph C. Hornall, or Joseph C. Hornall and L.P.Henigan, the warehouse properties and equipment referred to and described in Application No. 21435 and in the agreement of August 12, 1937 attached to said application and marked "Exhibit A", said sale and transfer to be in accordance with the terms and conditions of said agreement.

2. Joseph C. Hornall, doing business under the firm name and style of Arbuckle Warehouse, be, and he hereby is, authorized to execute a deed of trust in or substantially in the same form as that filed with Application No. 21430 and to issue a six per cent note in the principal amount of \$25,000. payable in semi-annual installments of \$1,250., commencing May 1, 1938, and to use \$15,000. of the moneys realized on said note to pay in part the purchase price of the properties to be acquired from C.E.Straub and H.B.Marshall under the authority herein granted and to use the remaining \$10,000. to pay mortgage indebtedness to Mrs. R.C.Gates now outstanding against said Arbuckle Warehouse.

3. Joseph C. Hornall and L.P. Henigan, doing business under the firm name and style of Robbins Warehouse, be, and they hereby are, authorized to execute a deed of trust in or substantially in the same form as that filed with Application No. 21431 and to issue a six per cent note in the principal amount of \$21,000. payable in

semi-annual installments of \$1,050. commencing May 1, 1938, and to use the moneys realized on said note to pay in part the purchase price of the properties to be acquired from C.H. Straub and H.B. Marshall under the authority herein granted.

4. The authority herein granted to execute deeds 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 deeds of trust as to such other legal requirements to which they may be subject.

5. The authority herein granted shall not be construed as a determination or finding of value of the properties herein authorized to be transferred.

6. Applicants shall join immediately in common supplement to the tariffs now on file with the Commission naming rates for storage at the Robbins Warehouse, applicants C.H. Straub and H.B. Marshall on the one hand withdrawing and applicants Joseph C. Hornall and L.P. Henigan on the other hand adopting such tariffs and all effective supplements thereto.

7. Within thirty(30) days after issue of the notes herein authorized Joseph C. Hornall and L.P. Henigan shall file with the Commission a copy of each note and a copy of each deed conveying to them the properties herein authorized to be transferred.

8. The authority herein granted to issue notes and execute deeds of trust shall become effective when Joseph C. Hornall and L.P. Henigan have paid the fee prescribed by Section 57 of the Public Utilities Act, which fee is Thirty-six(\$36.) Dollars. In other

respects the authority shall become effective upon the date hereof.

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

[Handwritten Signature]
Leon Whittell

Ray L. Riley

Commissioners.

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RAILROAD COMMISSION
STATE OF CALIFORNIA
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By *W. J. Mathewson* SECRETARY
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