

Decision No. 20785

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FARNETTA DAVIS JOHNSON,)	
doing business as "Melrose Boulevard)	
Tract Water System" for an order)	
authorizing and permitting petitioner)	Application No. 21860
to refinance \$2,500.00 loan.)	

Wm. F. Rose, for applicant.

BY THE COMMISSION:

OPINION AND ORDER

ORIGINAL

The Railroad Commission by Decision No. 24911, dated June 27, 1932, as amended by Decision No. 25188, dated September 19, 1932, authorized George Kerry to sell to Farnetta Davis Johnson a public utility water plant known as the Melrose Boulevard Tract Water System and authorized Farnetta Davis Johnson to issue a two year 7% note for \$2,000.00 to pay for improvements to the properties.

The \$2,000.00 note is still outstanding and is past due. In the above entitled application Farnetta Davis Johnson reports that she has made arrangements to borrow from Community Federal Savings and Loan Association of Berkeley the sum of \$2,500.00 in order to pay the existing indebtedness and to finance the cost of improvements. Said sum of \$2,500.00 will be evidenced by a note payable in monthly installments of \$25.00 commencing May 20, 1938, with interest at the rate of 6-1/2% per annum and will be secured by a deed of trust which will be a lien on that certain real property in the City of Oakland, County of Alameda, State of California, described as follows:-

PARCEL 1: LOTS 74 and 75, as said lots are shown on that map "Melrose Boulevard Tract, Brooklyn Twp. Alameda County, Cal., 1909" filed November 26, 1909, in book 25 of Maps, page 16, in the office of the County Recorder of Alameda County.

PARCEL 2: AN EASEMENT AND RIGHT OF WAY with the privilege of maintaining the existing water supply pipe line and for no other purpose, with the right of ingress, egress and regress to inspect, repair and replace the same, over the northwestern 2 feet of lots 82, 42 and 35, as said lots are shown on the map of "Melrose Boulevard Tract, Brooklyn Twp., Alameda County, Cal., 1909"-filed November 26, 1909, in Book 25 of Maps, page 16, in the office of the County Recorder of Alameda County; conveyed by Fred E. Brown et al., to Charles Olsen, by deed dated April 29, 1911, recorded January 31, 1912 in book 2043 of Official Records of Alameda County at page 49.

Applicant alleges that the cost of the real property and improvements, including the pumping plant and a dwelling house, was in excess of \$8,000.00 and that the present value is more than \$5,000.00. In her annual reports to the Commission she reports net revenues from operations at \$914.00 for 1937; \$430.00 for 1936; and \$770.00 for 1935.

The Commission has considered applicant's request for permission to execute the deed of trust and issue the note and is of the opinion that this is not a matter in which a public hearing is necessary, that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for is reasonably required by applicant for the purposes specified herein, therefore,

IT IS HEREBY ORDERED that Farnetta Davis Johnson be, and she hereby is, authorized to execute a deed of trust and to issue a note for \$2,500.00 in or substantially in the same form as the deed of trust and note filed in this proceeding on April 5, 1938 and to use the proceeds to be received to pay outstanding indebtedness of \$2,000.00 and to finance the cost of improvements, provided,

1. That the authority herein granted to execute a deed of trust is for the purpose of this proceeding only and is granted only insofar as this Commission has jurisdiction under the Public Utilities Act and is not intended as an approval of said deed of trust as to such other legal requirements to which it may be subject; and

2. That within thirty(30) days after the issue of the note herein authorized applicant shall advise this Commission in writing of that fact; and
3. That the authority herein granted will become effective when applicant has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is Twenty-five(\$25.00) Dollars.

DATED at San Francisco, California, this 11th day of April, 1938.

[Handwritten signatures of five commissioners]
Commissioners.

