

Decision No. 31748.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
ED. J. LYNG WAREHOUSE)
and EDMUND J. LYNG and)
SARAH C. LYNG, his wife,)
for order authorizing execution and)
issuing of promissory note and deed of)
trust.)

Application No. 22551

BY THE COMMISSION:

OPINION AND ORDER

This is an application by Edmund J. Lyng and Sarah C. Lyng for an order approving the execution of a deed of trust and note in the principal amount of \$43,000.00.

It appears that applicants, doing business under the firm name and style of Ed. J. Lyng Warehouse, are engaged in the operation of a public warehouse in Modesto. For 1938 they report storage revenue of \$13,039.46.

During 1938 applicants constructed at a cost of \$40,382.29 a concrete warehouse with cement floors, iron doors, fire walls and fire doors, on land costing \$20,750.00. The warehouse has a floor space of 36,400 sq. ft. and a capacity of 582,400 cu. ft.

In order to finance in part the cost of the properties applicants arranged to borrow from Anglo California National Bank, Modesto Branch, the sum of \$43,000.00 to be represented by a note dated December 15, 1938 re-payable in monthly installments of \$400.00, with interest at the rate of six per cent. per annum, payment to be secured by a deed of trust.

Applicants did not obtain from this Commission authority to execute the deed of trust and note but it clearly appears that their failure to do so was through inadvertence and with no intent to evade

the provisions of the Public Utilities Act. When the necessity of obtaining such permission was called to their attention they filed the pending application forthwith.

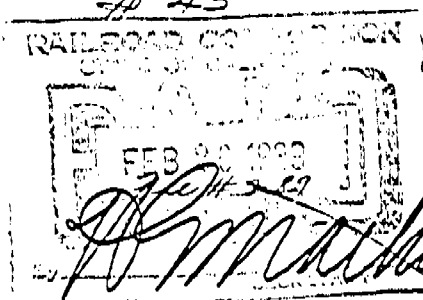
The Commission has considered the matter and is of the opinion that a public hearing is not necessary, that the money, property or labor to be procured or paid for through the issue of the note is reasonably required for the purpose specified herein and that the expenditures for such purpose are not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED that Edmund J. Lyng and Sarah C. Lyng be, and they hereby are, authorized to execute a deed of trust in or substantially in the same form as that filed with the application herein, and to issue a promissory note in the principal amount of \$43,000.00 payable in monthly installments of \$400.00 or more, with interest at six per cent. per annum, for the purpose of financing in part the cost of the warehouse property referred to herein, 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 terms of 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 the authority herein granted will become effective when applicants have paid the fee prescribed by Section 57 of the Public Utilities Act, which fee is Forty-three (\$43.00) Dollars.

DATED at San Francisco, California, this 14th day of February, 1939.



Barbara J. Lyng
Edmund J. Lyng
Sarah C. Lyng
Justice D. Cameron

COMMISSIONERS