

Decision No. 31857

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BIRCH-SMITH STORAGE COMPANY,
a corporation, for authority to execute trust deed as additional security for an existing loan.

Application No. 22602

BY THE COMMISSION:

ORIGINAL

O P I N I O N

This is an application by Birch-Smith Storage Company, a corporation, for an order authorizing it to execute a deed of trust and to extend for a period of three years the time for payment of a \$60,000. note now outstanding.

Birch-Smith Storage Company is engaged among other things in the business of operating a public warehouse for the storage of household goods in Los Angeles. As of August 26, 1936, it executed a deed of trust covering certain real properties located in Los Angeles and issued its promissory note in the principal amount of \$60,000. payable on August 26, 1939 with interest at the rate of six per cent. per annum, for the purpose of refinancing indebtedness then outstanding. (Decision No. 29077, dated August 24, 1936, in Application No. 20708).

The \$60,000. note remains outstanding in its full amount. It is reported that the holder thereof, Citizens National Trust & Savings Bank of Los Angeles, has offered to extend the time for payment for a period of three years, with a provision for monthly payments of principal and interest in the amount of \$900., provided the company execute, as additional security, a deed of trust covering certain property not now subject to the deed of trust of August 26, 1936.

The property to be subjected to the lien of the new deed of trust is described as follows:-

Part of Lot (4) four in Block three (3) of Hancock's survey, in the city of Los Angeles, County of Los Angeles, State of California, described as follows:

Beginning at a point on the Westerly line of Grand Avenue on the South line of the right of way of the Los Angeles and Independence Railroad; running thence Southerly on the Westerly line of said Avenue 93 feet to a point; thence Westerly at right angles, 150 feet to a point; thence Northerly at right angles 8 feet, to the Southerly line of said right of way; thence Easterly along said right of way 172.54 feet to the point of beginning, together with the alley adjoining said property on the Southwest.

Such property is adjacent to applicant's warehouse building and is occupied by a railroad spur track and a one-story landing shed.

A copy of the proposed deed of trust is attached to the present application and marked "Exhibit D". It appears to be in satisfactory form and an order authorizing its execution, and the extension of the maturity date of the note accordingly will be entered.

O R D E R

Birch-Smith Storage Company, having applied to the Railroad Commission for an order authorizing the execution of a deed of trust and the extension of the maturity date of its outstanding note indebtedness of \$60,000. 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, therefore,

IT IS HEREBY ORDERED that Birch-Smith Storage Company be, and it hereby is authorized to execute on or before September 30, 1939, a deed of trust in, or substantially in, the same form as that filed with the application and marked "Exhibit D", provided that the authority herein granted is for the purpose of this proceeding only and is given 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.

IT IS HEREBY FURTHER ORDERED that Birch-Smith Storage Company be, and it hereby is authorized to extend for a period of not exceeding three years, the time for the payment of its outstanding six per cent. note for \$60,000. due on August 26, 1939.

IT IS HEREBY FURTHER ORDERED that Birch-Smith Storage Company shall file with the Commission on or before October 15, 1939, a written statement showing its action, if any, under the authorization herein granted.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 20th day of March, 1939.

Robert W. ...
Francis ...
Ray ...
H. ...
Justice J. ...
COMMISSIONERS