

Decision No. 35029

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)	
OF THE PATTERSON WAREHOUSE CO.,)	
a corporation, and W. E. LYONS,)	Application No. 24666
FOR AN ORDER AUTHORIZING SALE)	
OF WAREHOUSE PROPERTIES AND)	
TRANSFER OF LEASE.)	

BY THE COMMISSION:

O P I N I O N

This is an application to the Railroad Commission for an order authorizing The Patterson Warehouse Company, Incorporated, to sell warehouse properties to W. E. Lyons, and authorizing W. E. Lyons to enter into a lease with Southern Pacific Company.

The Patterson Warehouse Company, Incorporated, is the owner of an iron-clad warehouse building and equipment located in Patterson upon land leased from Southern Pacific Company upon an annual basis at an annual rental of \$126. The premises are used primarily for the storage and cleaning of beans.

The application indicates that The Patterson Warehouse Company, Incorporated, has entered into an agreement to sell its warehouse building and equipment to W. E. Lyons for the sum of \$17,500, payable \$9,092.44 in cash and \$8,407.56 through the assumption by the purchaser of an indebtedness, represented by a note and

mortgage of chattels, to The Anglo California National Bank. Upon acquiring the properties, W. E. Lyons proposes to enter into a new lease agreement with Southern Pacific Company. He may do so without authorization from the Commission.

There has been filed in this proceeding a copy of the note and mortgage of chattels both dated April 28, 1938, executed by The Patterson Warehouse Company, Incorporated, providing for the payment of an original indebtedness of \$15,000, with interest at the rate of 6% per annum, in monthly installments of \$225 on account of principal and interest, beginning May 1, 1938, and continuing to April 28, 1941, at which time the remaining unpaid balance would be due and payable. Of the principal amount there remains, as stated, a balance due of \$8,407.56.

The Commission did not authorize The Patterson Warehouse Company, Incorporated, to execute the aforesaid note and mortgage of chattels. The order herein will authorize W. E. Lyons to agree to pay the unpaid balance or, if he so desires, to execute a new mortgage of chattels and note for the unpaid balance.

O R D E R

Application having been made to the Railroad Commission for an order authorizing The Patterson Warehouse Company, Incorporated, to sell warehouse properties and W. E. Lyons to enter into a lease, and the Commission having considered the matter and being of the opinion that a public hearing is not necessary and that the requests

of applicants should be granted as provided herein,

IT IS HEREBY ORDERED as follows:

1. The Patterson Warehouse Company, Incorporated, may sell to W. E. Lyons, on or before April 15, 1942, for \$17,500 its warehouse building and equipment referred to and described in this application.

2. W. E. Lyons in part payment for said warehouse building and equipment may assume and agree to pay the indebtedness of \$8,407.56 due The Anglo California National Bank or, if he so desires, may execute a new note and mortgage of chattels, in, or substantially in, the same form as the note and mortgage of chattels dated April 28, 1938, and filed in this proceeding, providing for the repayment of said \$8,407.56.

3. Tariffs on file with the Commission naming rates, rules and regulations for storage in the aforesaid warehouse shall be supplemented or reissued by The Patterson Warehouse Company, Incorporated, and W. E. Lyons, immediately upon the transfer of said warehouse property, to show that the former has withdrawn from or canceled and that the latter has concurrently adopted or established as his own said rates, rules and regulations; and that the tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

4. On or before April 30, 1942, W. E. Lyons shall advise the Commission, in writing, of the action taken by applicants under the authority herein granted.

5. The authority herein granted shall become effective when W. E. Lyons 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 17th day of February, 1942.

Justice J. C. ...
Ray & ...
M. ...
Francis R. ...
Richard ...

Commissioners

5-25-42
RAILROAD COMMISSION
STATE OF CALIFORNIA
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24666
A. Macdonald
SECRETARY