

Decision No. 36832

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application

-of-

FRANK L. JUNEX, for Order, author-
ization and permission to execute
a deed of trust.

ORIGINAL

Application No. 25972

BY THE COMMISSION:

O P I N I O N

Frank L. Juney is engaged in the business of farm-
ing; conducting a warehouse for the storage of rice, grain
and farm products, and in operating a rice drier. His ware-
house and rice drier are located on the Southern Pacific
Railroad siding and tracks about four miles south of the
City of Willows, Glenn County, California. The warehouse
consists of two adjacent buildings 50 x 625 feet and 60 x 300
feet, corrugated iron roof and sides, cement floor, scales,
railroad siding and rice drier.

The Commission by Decision No. 30341, dated May 9,
1938, in Application No. 21921, authorized applicant to issue
his note for the sum of not exceeding \$25,000 for the purpose
of paying notes of about \$11,000 and provide himself with
funds to conduct his utility and non-utility business. Since
then applicant has incurred other indebtedness for similar
purposes.

For the purpose of refunding an indebtedness of \$35,113.62 payable to C. S. Morse, A. A. Morse, N. B. Morse, C. G. Morse, and Gertrude Morse, copartners doing business as the Capital Rice Mills, applicant asks permission to issue to said copartners his 6% installment note for the sum of \$35,113.62. He further asks permission to execute a deed of trust to secure the payment of said note. The deed of trust will be a lien on land and warehouse located on the following property:

"That portion of the Northwest Quarter of the Northwest Quarter of Section Thirty-four (34), Township Nineteen (19) North, Range Three (3) West, M. D. E. & M., described as follows:

"BEGINNING at the point of intersection of the easterly right of way line of the Southern Pacific Railroad and the North line of said Section Thirty-four (34), said point being South 89° 32' East 130.0 feet from the Northwest corner of said Section; thence along the said North line South 89° 32' East 293.6 feet; thence South 25° 26' West 110.8 feet; thence South 10° 11' West 551.0 feet; thence South 25° 17' West 348.5 feet to a point on the said easterly right of way line; thence along said easterly right of way line North 0° 01' East 960.0 feet to the place of beginning and containing 3.62 acres, more or less, together with the improvements thereon known as the 'Juley Warehouse at Riz.'"

The note by its terms provides that \$5,000 is payable on or before January 1, 1944; \$5,000 and interest on or before September 1, 1944, and \$5,000 and interest on or before the first day of each and every September thereafter until said principal and interest have been fully paid. In the event applicant pays \$25,000, together with interest, on the unpaid balances on or before the times, in the amounts and in the manner provided in the note, and performs the covenants and agreements contained in the deed of trust, Capital Rice Mills, its heirs, successors or assigns will by way of bonus or

premium surrender the note to applicant or to his successors or assigns and satisfy and discharge the note and the deed of trust.

It is of record that through the issue of the note, the interest rate on the indebtedness now due Capital Rice Mills is reduced from 7% to 6% per annum; that the term of the payment of the indebtedness is extended, and that the amount due Capital Rice Mills is agreed upon and litigation avoided.

A copy of applicant's proposed deed of trust and note are on file in this application.

O R D E R

The Commission has considered the above-entitled application and is of the opinion that this is not a matter on which a hearing is necessary; that the money, property or labor to be procured or paid for by Frank L. Juney through the issue of the note herein authorized is reasonably required by him for the purpose of refunding indebtedness, and that this application should be granted subject to the provisions of this order, therefore

IT IS HEREBY ORDERED that Frank L. Juney and Mayme L. Juney, his wife, be, and they are hereby, authorized to execute after the effective date hereof, and on or before April 1, 1944, a deed of trust and to issue their 6% installment note in the sum of \$35,113.62 for the purpose of refunding outstanding indebtedness, said deed of trust and said

note to be in substantially the same form as the deed of trust and the note on file in this application, provided 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 said deed of trust may be subject.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective when Frank L. Juney has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-five (\$25.00) Dollars.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the execution of said deed of trust, Frank L. Juney shall file with the Railroad Commission a true and correct copy of the deed of trust executed under the authority herein granted, together with a statement showing the purposes for which he has used the proceeds realized through the issue of the note herein authorized.

Dated at San Francisco, California, this 25th day of January, 1944.

Richard R. Backe

Justus F. Casewell
Frank R. Havenner

Commissioners.

