

ORIGINAL

Decision No. 38205

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
)
 CHRISTIAN BLAKEMORE and MARY E.)
 BLAKEMORE, his wife, BUEFORD C.)
 MOORE and IRIS MOORE, his wife,)
 and E. L. WADSWORTH and BERTHA)
 FLORENCE WADSWORTH, his wife,)
)
 for an Order Authorizing the Sale and)
 mortgage of "Libfarms Warehouse".)
)

Application No: 26914

BY THE COMMISSION:

O P I N I O N

Christian Blakemore and Mary E. Blakemore, his wife, are engaged in operating a public utility warehouse known as the Libfarms Warehouse, situated at Libfarms Station on the Sacramento Northern Railway, Solano County, California. They ask permission to sell to E. L. Wadsworth and Bertha Florence Wadsworth, his wife, an undivided one-half interest as joint tenants in said warehouse properties and to Bueford C. Moore and Iris Moore, his wife, an undivided one-half interest as joint tenants.

The real property on which the warehouse is situated is described as follows:

"Commencing at a point on the Northerly line of County Road #73, which point is 50 feet distant Northwesterly at right angles from the Northwesterly line of the right of way of the San Francisco and Sacramento Railroad; running thence Northeasterly parallel with and 50 feet Northwesterly from the Northwesterly line of said right of way, 360 feet; thence Northwesterly, at right angles to the last described course, 110 feet; thence Southwesterly parallel to the first described course about 435 feet to the Northerly line of County Road #73; thence Easterly along said Northerly line of County Road #73 to point of beginning, containing one (1) acre, more or less, and being a fraction of the Southeast 1/4 of Section 35, Township 7 North, Range 2 East, M.D.B. & M."

The personal property which is being sold is described in Exhibit "B", and in general consists of warehouse equipment, grain cleaning machinery, a spur track, and electric motors.

Purchasers have agreed to pay for the properties \$20,000. They will transfer to Sellers a lot and house at 1440 Beach Street, Vallejo, said to have a market value of \$9,900, and issue to them their installment 5% note for \$15,000. The petition shows that the property at 1440 Beach Street is encumbered with a deed of trust and that the balance due on such deed of trust is \$4,900. The Sellers will assume the payment of the \$4,900. The principal of the note is payable in annual installments of \$2,500, the first installment being due July 1, 1948. The interest on the deferred payments is payable annually. The payment of the note will be secured by a deed of trust which will be a lien on the real property being sold and by a mortgage of chattels which will be a lien on the personal property covered by the agreement of sale. A copy of the proposed deed of trust and a copy of the proposed mortgage of chattels are filed in this application as Exhibits "C" and "E" respectively.

Applicants' petition shows that Christian Blakemore desires to withdraw from the warehouse business because of his

age and condition of health. Petitioners will continue to conduct the warehouse business at the rates which Christian Blakemore now has on file with the Commission and applicable to the Libfarms Warehouse.

O R D E R

The Commission has considered applicants' request 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 the issue of the note herein authorized is reasonably required by Bueford C. Moore and Iris Moore, his wife, and E. L. Wadsworth and Bertha Florence Wadsworth, his wife, and that the expenditures for said purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income, and that this application should be granted subject to the provisions in this order, therefore,

IT IS HEREBY ORDERED as follows:

1. Christian Blakemore and Mary E. Blakemore, his wife, may, after the effective date hereof and on or before November 1, 1945, sell to Bueford C. Moore and Iris Moore, his wife, and to E. L. Wadsworth and Bertha Florence Wadsworth, his wife, the properties described in the deed and bill of sale filed in this application respectively as Exhibits "A" and "B", said sale to be made pursuant to the terms and conditions of said deed and bill of sale and the agreement on file in this application as Exhibit "F".

2. E. L. Wadsworth and Bertha Florence Wadsworth, his wife, and Bueford C. Moore and Iris Moore, his wife, may, after the effective date hereof and on or before November 1, 1945, issue to Christian Blakemore and Mary E. Blakemore, his wife, their promissory note for the principal sum of \$15,000 and execute a deed of trust and a mortgage of chattels to secure the payment of said note, said deed of trust, said note and said mortgage of chattels to be in substantially the same form as Exhibits "C", "D" and "E" respectively, on file in this application.

3. Immediately upon the transfer of the property involved, Christian Blakemore and Mary E. Blakemore, his wife, Sellers, and Bueford C. Moore and Iris Moore, his wife, and E.L. Wadsworth and Bertha Florence Wadsworth, his wife, Purchasers, shall, on not less than five (5) days' notice to the Commission and to the public, supplement or reissue the tariffs on file with the Commission in so far as they name rates, rules and regulations governing warehouse operations of Sellers at Libfarms, Solano County, to show that they have withdrawn or cancelled and that Purchasers have concurrently adopted or established as their own said rates, rules and regulations, and that the tariff filings made pursuant to this order shall in all other respects comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

4. The authority herein granted will become effective when said Purchasers have paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-five (\$25.00) Dollars.

5. Within thirty (30) days after the execution of said note, deed of trust and mortgage of chattels, said Purchasers shall file with the Railroad Commission a true and complete copy of said instruments as executed, or in the alternative, an affidavit reciting that the instruments, as executed, are in the same form as Exhibits "C", "D" and "E", on file in this application.

6. The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

Dated at San Francisco, California, this 12th day of September, 1945.

Harold Culbertson
Justin J. Calver

Frank O. Carr
Harry Russell
Commissioners

