

ORIGINAL

Decision No. 44316

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the joint application of)
 :
 1. Eckhart A. Thompson, as trustee in bank-)
 ruptcy for H. S. Breitigam, an individual,)
 George S. Breitigam, an individual, and)
 Lemoore Grain and Feed Co., a copartnership)
 consisting of H. S. Breitigam and George S.)
 Breitigam, bankrupts, hereinafter referred)
 to as Lessor, for an order authorizing the)
 leasing of public utilities properties; and)
 of)
 2. W. J. Smith and Carl R. Schulz, as joint)
 tenants (and not as partners) hereinafter)
 referred to as Lessee, for an order author-)
 izing them to lease the said public utilities)
 properties and for authority to assign such)
 lease to Kings County Elevator Co., a Calif-)
 ornia corporation; and of)
 3. Kings County Elevator Co. for an order)
 authorizing it to accept the assignment of)
 said lease and to issue capital stock.)
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Application
No. 31350
(First Supplemental)

FIRST SUPPLEMENTAL ORDER

By Decision No. 44144, dated May 9, 1950, the Commission, among other things, authorized Eckhart A. Thompson, as trustee in bankruptcy for H. S. Breitigam, an individual, George S. Breitigam, an individual, and Lemoore Grain and Feed Co., a copartnership consisting of H. S. Breitigam and George S. Breitigam, bankrupts, and W. J. Smith and Carl R. Schulz, to execute a lease and to assign said lease to Kings County Elevator Co., a corporation, pursuant to the provisions of an assignment and agreement filed as Exhibit C with the original application.

In a first supplemental application filed in this proceeding on June 7, 1950, it is reported that the form of assignment heretofore filed as Exhibit C provides that the lease rental to be

paid by Kings County Elevator Co. to W. J. Smith and Carl R. Schulz shall be 50% of the profits to each, and that the parties desire to change this feature so as to provide that 30% of the profits shall be paid to each individual. Applicants have filed a copy of a revised form of Assignment of Lease and Agreement as Exhibit A attached to their first supplemental application, and have requested the Commission to authorize the execution of the same.

The Commission has considered this matter and is of the opinion that the request of applicants should be granted; therefore,

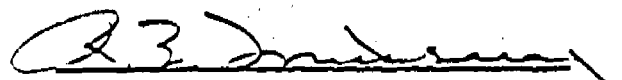
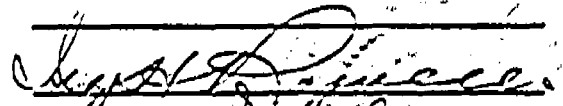
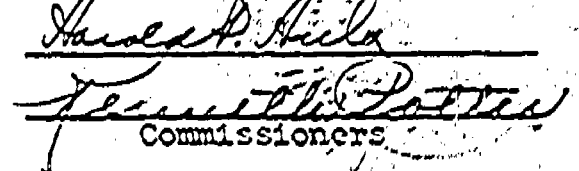
IT IS HEREBY ORDERED as follows:

1. Eckhart A. Thompson, as trustee in bankruptcy, W. J. Smith and Carl R. Schulz, and Kings County Elevator Co. may execute an Assignment of Lease and Agreement, in substantially the same form as that filed as Exhibit A with the first supplemental application herein, in lieu of the assignment and agreement filed with the original application as Exhibit C.

2. The order in Decision No. 44144, dated May 9, 1950, shall remain in full force and effect except as modified by this first supplemental order.

3. The authority granted by this first supplemental order is effective upon the date hereof.

Dated at San Francisco, California, this 20th day of June, 1950.




Commissioners