

ORIGINAL

Decision No. 45442

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
EUGENIA MARIA CLARK (sole heir of)
Lawrence Allen Clark) and FRED L.)
CLARK to sell, and EUGENE D'AMBROSIO)
to purchase the Tremont Warehouse)
situated in Solano County, State of)
California.)
-----)

Application
No. 32153

O P I N I O N

Eugenia Maria Clark (sole heir of Lawrence Allen Clark) and Fred L. Clark, doing business as Tremont Warehouse, ask permission to sell to Eugene D'Ambrosio for \$15,000 their warehouse business and certain related property. Eugene D'Ambrosio, brother of Eugenia Maria Clark, asks permission to acquire the warehouse property and business, and to assume the obligation of the sellers to pay the outstanding balance due on the \$10,000 note issued under the authority of Decision No. 40079, dated March 25, 1947, in Application No. 28239.

Under the authority of Decision No. 40079, Fred L. Clark and L. A. Clark acquired "Tremont Warehouse" from Nettie B. Sublette for \$15,000, payable \$5,000 in cash, with the balance of \$10,000 represented by a note dated April 18, 1947, in favor of Nettie B. Sublette, secured by a deed of trust on the land acquired. The principal of the note is payable in installments of \$1,000 or more on February 1 of each of the years 1948 to 1952, inclusive, and \$5,000, or such other amount as may then remain unpaid, on February 1, 1953; the deferred balances bear interest at the rate of 5% per annum,

payable annually. Applicants report that payments required by the note up to the present time have been made, and Eugene D'Ambrosio is assuming the unpaid balance, having already paid in full to sellers the balance of the \$15,000 selling price.

On December 27, 1947, L. A. Clark died, and pursuant to a court decree dated March 28, 1949, all of his estate and property, including his interest in "Tremont Warehouse", was distributed to his widow, Eugenia Maria Clark.

The Commission has reviewed this matter and is of the opinion that the proposed sale and assumption of an obligation will not be adverse to the public interest. Accordingly, an order will be entered authorizing said sale and assumption.

O R D E R

The Commission having considered this application, and being of the opinion that a public hearing thereon is not necessary, and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. Eugenia Maria Clark and Fred L. Clark, after the effective date hereof and on or before June 30, 1951, may sell to Eugene D'Ambrosio their public utility warehouse properties at Tremont, Solano County, California.
2. Eugene D'Ambrosio, after the effective date hereof and on or before June 30, 1951, may acquire said properties and assume, as partial payment therefor, the unpaid balance due on the note issued under the authority of this Commission's Decision No. 40079, dated March 25, 1947, in Application No. 28239.
3. The authority herein granted shall not be construed to be a finding of the value of the properties herein authorized to

be transferred.

4. On not less than five (5) days' notice to the Commission and to the public, the tariffs now on file with the Commission, insofar as they name rates, rules and regulations governing warehouse operations of sellers, shall be supplemented or reissued to show that the present owners have withdrawn and that Eugene D'Ambrosio has adopted or established as his own said rates, rules and regulations. The tariff filings made pursuant to this order in all respects shall comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

5. The authority herein granted will become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 16th day of March, 1951.

R. J. Dwyer
Justice J. C. Cramer
Harold P. Hula
Lawrence K. Potter
John L. McCall
Commissioners