

ORIGINAL

Decision No. 47945

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ECKHART A. THOMPSON, as Trustee)
in Bankruptcy for H. S. BRIETIGAM,)
a Bankrupt, GEORGE S. BRIETIGAM,)
a Bankrupt, and LEMOORE GRAIN & FEED)
CO., a Partnership, a Bankrupt.)
-----)

Application
No. 33828

OPINION AND ORDER

In this application, the Commission is asked to make an order authorizing Eckhart A. Thompson, as trustee in bankruptcy for H. S. Brietigam, a bankrupt, George S. Brietigam, a bankrupt, and Lemoore Grain & Feed Co., a partnership, a bankrupt, to transfer certain real and personal property to The Anglo California National Bank of San Francisco.

The property to be transferred includes certain warehouses formerly operated by H. S. Brietigam as a public warehouseman in the City of Lemoore, together with personal property used in and about the premises. Information on file with the Commission shows that the trustee came into possession of the properties in February, 1949, and that since that time said properties have been operated by Kings County Elevator Co., a corporation, and others, for a portion of the period although presently they are not being operated for public warehouse purposes.

It is set forth in the present application that The Anglo California National Bank of San Francisco claimed to hold a note issued by H. S. Brietigam in the amount of \$120,000 and claimed as security for said note a deed of trust on the warehouse properties

and equipment, but that applicant claimed the note and documents securing its payment were void by reason of failure on the part of H. S. Brietigam to secure authorization of the Commission. It appears, however, that the disputes by and between the bank and the trustee have been settled and that on October 14, 1952, an Amended Order Approving Compromise was issued in the District Court of the United States, Southern District of California, Northern Division, whereby, among other things, the trustee was authorized and required to transfer to the bank the real property upon which are located the warehouses and the personal property and equipment and the bank was required to pay to the trustee the sum of \$25,000 and to withdraw its claims and to release the trustee and the estates of each of said bankrupts from any and all claims or demands.

The Commission has considered this matter and is of the opinion that the proposed transfer will not be adverse to the public interest and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. Eckhart A. Thompson, as trustee in bankruptcy for H. S. Brietigam, a bankrupt, George S. Brietigam, a bankrupt, and Lemoore Grain & Feed Co., a partnership, a bankrupt, may transfer the real and personal property referred to in this proceeding to The Anglo California National Bank of San Francisco on the terms and conditions set forth in the Amended Order Approving Compromise filed in this proceeding.
2. Within sixty (60) days after the date of this order, Eckhart A. Thompson, as trustee, shall advise the Commission in writing of the action taken by him under the authority herein granted.

3. The action taken herein shall not be construed to be a finding of the value of the properties referred to herein.

4. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this 25th day of April, 1952.

[Signature]
President

[Signature]
[Signature]

[Signature]
[Signature]
Commissioners