

Decision No. 70143

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the matter of a proposed sale and transfer by DYKE WATER COMPANY, a corporation, of a portion of its property to the City of Anaheim.

Case No. 7586

FOURTH SUPPLEMENTAL ORDER AUTHORIZING DISBURSEMENT OF FUNDS FROM ANAHEIM ADVANCES TRUST

Dyke Water Company (Dyke), by a written request filed August 30, 1965, seeks authority to refund certain construction advances from the Anaheim Advances Trust established by escrow in this proceeding pursuant to Decision No. 65860 and various supplemental orders.

The staff, as it has done previously, has reviewed the current request in a Memorandum Financial Report, dated October 25, 1965. The report is included herein as Exhibit 45.

Exhibit 45 sets forth an accounting of the Anaheim Advances Trust as follows:

Original Trust Amount.....	\$200,000.00
Authorized 1st Supplemental Order...\$78,883.73	
Tracts 2145, 2239 and 2418	
Paid from Escrow and duplicated	
in above.....	<u>895.52</u>
Decision No. 66425 as paid.....	\$77,988.21
Decision No. 68378 as paid.....	57,187.26
Decision No. 69299 as paid.....	<u>36,500.00</u>
	<u>171,675.47</u>
Balance in Trust 9/30/65.....	<u>\$ 28,324.53</u>

The review indicates that \$33,803.21, as requested by Dyke, is required to pay 1965 refunds due holders of construction advance contracts in the Anaheim area. As there is only \$28,324.53 remaining

in the Anaheim Advances Trust, and since upon depletion of that trust refunds are to be paid from the Construction Advances Trust established in connection with the sale of Dyke's Garden Grove system (Decision No. 69075, Table pp. 5, 6; Application No. 46889, par. 2), it will be necessary to pay the remaining balance of \$5,478.68 from the Garden Grove Construction Advances Trust.

The requested payment of refunds will be authorized herein to the extent of \$28,324.53 and by a concurrent resolution authorizing release of \$5,478.68 from the Garden Grove Construction Advances Trust to Dyke Water Company, for payment of refunds totaling \$33,803.21 to holders of construction advance contracts named in Exhibit "A" attached to the company's request.

The decision herein is expressly without prejudice to our consideration, in connection with a pending Petition for Rehearing of Decision No. 69075, in Application No. 46889 (the Garden Grove transfer proceeding), of the right of Dyke Water Company to a disbursement of trust funds on account of the difference of \$13,360.88 between the discount purchase price of \$36,500 authorized by Decision No. 69299 herein and the amount of \$49,860.88 alleged by Dyke to have been on deposit in the Anaheim Advances Trust for the seven contracts for which Shannon Van Druff, the contract holders' representative, was therein authorized to receive the discounted purchase price of \$36,500.

IT IS ORDERED that this Commission consents to the disbursement from the Anaheim Advances Trust of the sum of \$28,324.53 to pay construction advance contract refunds due and payable by Dyke Water Company for 1965 to those listed in Appendix A attached hereto, and Farmers and Merchants Bank of Long Beach, as trustee, is authorized and instructed to withdraw from the Anaheim Advances Trust the amount of \$28,324.53 and to place said amount in a separate commercial

account of Dyke Water Company, so that payments listed in said Appendix A may be paid from said account by checks of Dyke Water Company drawn to said payees. Without further order of this Commission, no payments from said separate commercial account may be made except by checks drawn in the amounts shown and in favor of those listed in said Appendix A.

The Secretary of the Commission is directed to mail a certified copy of this order to Farmers and Merchants Bank of Long Beach.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21st day of DECEMBER, 1965.

Frederick B. Holshoff
 President

George L. Hoover

Augusta

Commissioners

I dissent to this
 procedure and I
 have signed on my
 original dissenting
 opinion.
 Willard D. Wood

APPENDIX A
Page 1 of 31965 Refunds in Aid of ConstructionAnaheim Area

<u>Tract No.</u>	<u>Name</u>	<u>Refunds Payable</u>
1446	Robt. D. Moore, Jr.	\$ 392.21
1567	William Lyon, Agent Anaheim Terrace	628.52) 695.56)
2013	Howard Morf	84.18
2062	Aubrey Reynolds	702.28
2080	Elmer E. & Lillian B. Wright	97.10
2081	Financial Placements, Inc.	1,772.54
2111	Dale E. & Frances R. Turner	463.02
2145	Robertson Investment Company	288.36
2180	Ernest A. Wilson	288.69
2181	Ernest A. Wilson	723.63
2183	Howard Morf	512.41
2243	Gilbert Land Corp. Fairday Building Corp.	207.27) 207.27)
2271	William Lyon, et al.	81.94
2272	William Lyon, et al.	91.56
2273	William Lyon, et al.	132.52
2274	William Lyon, et al.	105.93
2275	William Lyon, et al.	99.97
2294	Howard Morf	149.68
2309	Sunny Homes, Inc. C. B. Robertson	1,118.80) 538.68)
2319	The Gamble Company	636.81
2342	Robert D. Moore, Jr.	1,385.75
2379	Jack Rosenberg, et al.	402.64
2400	Irving & Sylvia Cassell	998.34
2410	Al Barker Harold Grimes, Jr. Fritz Goossens Russ Boorey Sunny Homes, Inc.	72.80) 36.40) 28.31) 28.31) 643.02)

(Continued)

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<u>Tract No.</u>	<u>Name</u>	<u>Refunds Payable</u>
2418	Robertson Investment Company	\$ 186.05
2470	Al Barker	74.66)
	Harold Grimes, Jr.	37.33)
	Fritz Goossens	29.03)
	Russ Boorey	29.03)
	Sunny Homes, Inc.	659.46)
2520	Harbor Homes	1,237.95
2527	Jack Rosenberg, et al.	325.05
2529	Aubrey Reynolds	904.21
2563	Moore Built Homes #10, Inc. (Serv. Sta. and Lots 38-60)	307.17
2563	Gil-Ball Corporation - (medical center)	68.13
2563-B	Robt. D. Moore, Jr. (Lots 1-37)	198.11
2611	Irving & Sylvia Cassell	1,145.03
2653	Howard Morf	2,006.31
2654	Howard Morf	2,356.94
2655	Leonard Mathes	1,650.84
2683	Reb-Jet, Inc.	299.85
2689	Robt. D. Moore, Jr.	547.76
2705	Stanley E. Nash	268.77
2715	Moore Built Homes #18 and #20, Inc.	536.06
2722	Robert H. Grant	723.36
2737	Moore Built Homes #11, Inc.	336.55
2738	Robert H. Grant	340.72
2742	Robt. D. Moore, Jr.	411.51
2748	Vernon Stuewe	153.47
2766	L. H. Perry, Inc.	329.05
2773	Lawrence Homes, Inc., & Hamden Homes, Inc.	586.81
2794	A. F. Barker	529.46
2849	Royal C. Marten, et ux	84.23
2864	Doyle & Shields Const. Co.	329.05
2937	Alert Builders, Inc.	252.10
3016	Alert Builders, Inc.	161.52
3147	Sunny Homes, Inc.	355.11
3148	Moore Built Homes #13, Inc.	477.53

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<u>Tract No.</u>	<u>Name</u>	<u>Refunds Payable</u>
3177	G. A. Condra & Lillian Condra	\$ 42.11
3178	Harbor Homes	155.96
3247	Moore Built Homes #10, & Moore Construction Company	593.87
3349	Moore Built Homes #11, et al.	389.73
3602	John A. Kosha & E. E. Strickler	255.52
2159	Elmer E. Wright & Lillian B. Wright	477.36
2691	Jim A. Long	<u>335.95</u>
		\$33,803.21

(End of Appendix A)