

and had perfected their claims, were completed by August, 1967. The Commission then directed the trustee (Decision No. 73194 herein, dated October 10, 1967) to disburse the balance remaining in the trust, amounting to \$13,484.58 (not including accrued interest), in accordance with provisions of the Unclaimed Property Act (Code of Civil Procedure, Title 10, Part 3). Petitioners allege misdirection, nondelivery and postal return to Dyke of their refund notices. They request modification of Decision No. 73194 to permit payment of their certified and documented claims, plus interest, and they also allege that the remaining balance of \$13,484.58 was still available and on deposit with the trustee on December 31, 1968.

A copy of the petition was served on Farmers & Merchants Trust Company of Long Beach on January 20, 1969. The bank has not objected to the sought relief.

We find, after consideration of the petition herein and of pertinent decisions, cited above, of which, as requested by petitioners, we take official notice, that petitioners are entitled to be paid now the respective amounts of the 42 refund claims, in a total amount of not to exceed \$7,250.51 plus accumulated interest since October 1, 1967, as set forth in their respective certified statements of right to refund included in said petition.

Decision No. 73194 should and will be modified to effect the required refunds. The trustee should require proper identification of refund recipients to avoid possible duplication of refund payments heretofore made.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Ordering paragraph 2 of Decision No. 73194 herein is modified to the extent only that Farmers & Merchants Trust Company of Long Beach is hereby authorized and directed forthwith to pay to petitioners, from the balance of funds now remaining on deposit with said Trust Company (or otherwise on deposit and identifiable as such funds) in the Dyke Water Company Contributions Refund Trust, No. 1772, the amounts of the 42 refunds identified in the petition herein and in Exhibit A attached thereto, in the total sum of not to exceed \$7,250.51 plus accumulated interest since October 1, 1967.

2. Said Trust Company further is directed to advise the Commission in writing, within 30 days after completion of the refund payments herein authorized, the total number and amount of refunds so paid, together with the balance thereafter remaining on deposit, either in refund Trust No. 1772 or in an account derived therefrom with which said balance can be identified; said remaining balance shall thereafter be subject to the existing provision of said ordering paragraph 2 of said Decision No. 73194 in respect of its disbursement in accordance with Title 10, Part 3 of the Code of Civil Procedure, as amended, which decision, except as hereby modified, is otherwise continued in full force and effect.

The Secretary of the Commission is directed to cause service of a certified copy of this order upon Farmers & Merchants Trust Company of Long Beach, 302 Pine Avenue, Long Beach, California

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90812, and upon petitioners' attorney, Richard T. Olson, Esquire,
12511 Brookhurst Street, Garden Grove, California 92640.

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

Dated at Los Angeles, California, this 18th
day of FEBRUARY, 1969.

William J. Lyons, Jr. President
Augusta
Fred P. Monnelly
O. M. [unclear]
Commissioners

Commissioner Thomas Moran, being
necessarily absent, did not participate
in the disposition of this proceeding.