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BCARS
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W.P.R. 1/45

S. C.

Duncan

vs.

Nagano.

PRÆCIPE

—FOR—

Appointment.

Rose Sutherland

Solicitor for

Plaintiff

No. 1 45

IN THE SUPREME COURT.

Mortgagee & Purchasers Relief Act

Duncan

Plaintiff,

AND

Nagano Arendek

Defendant.

REQUIRED

Appointment for enquiries

under Mortgagees & Purchasers

Relief Act 1934

Dated this 18 day of October, 1945

Solicitor for Plaintiff

★ 10M (100)-444-8830

S. C. B. C.

IN THE MATTER OF THE "MORTGAGORS AND PURCHASERS RELIEF ACT", S.B. C, 1934, Ch. 34, and amending Acts.

-and-

IN THE MATTER OF A MORTGAGE DATED FEBRUARY 6TH, 1925, made by Mantaro Nagano as Mortgagor, to Kenneth Forrest Duncan, Trustee of the estate of William Chalmers Duncan, as Mortgagee.

AFFIDAVIT OF P.J.McINTYRE

P. J. McINTYRE.

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE "MORTGAGORS AND PURCHASERS RELIEF ACT", Statutes of British Columbia, 1934, Chapter 34, and amending Acts.

-and-

IN THE MATTER OF A MORTGAGE DATED FEBRUARY 6TH, 1925, made by Mantaro Nagano as Mortgagor, to Kenneth Forrest Duncan, Trustee of the estate of William Chalmers Duncan, as Mortgagee.

I, Pius J. McIntyre, Barrister & Solicitor, of 523 Birks Building, 718 Granville Street, Vancouver, British Columbia, make oath and say as follows:

1. I am solicitor for Kenneth Forrest Duncan, who is making an application herein for leave to proceed with the foreclosure of the mortgage mentioned above.

2. Mantaro Nagano, the Mortgagor in the said mortgage and the registered owner of the lands, and a necessary party to any action for the foreclosure of the said mortgage on any of the covenants contained therein, is a Japanese, who has been evacuated by the Dominion of Canada to Slocan, in the Province of British Columbia, and is now settled at Bay Farms, Slocan, British Columbia. This place is about 40 miles from Nelson, British Columbia, and I have been informed by M. E. Harper, Sheriff of Kootenay that in order to make service of any document on anybody at Slocan, it is necessary that he do it personally and he has to travel to Slocan from Nelson, B.C., the said distance of 40 miles as he can find no person in Slocan to act as his deputy for serving documents. The appointment giving notice of the time and place of taking the investigations herein before James Frederick Mather, the District Registrar of this Court at Vancouver, was served personally on the said Mortgagor, Mantaro Nagano by Sheriff Harper and it cost the sum of $12.00 to serve him.

3. I verily believe that if a notice of the time and place of the hearing of the application for confirming the report of the District Registrar herein and giving leave to commence and prosecute an action against the said Mortgagor, Mantaro Nagano for the foreclosure of the mortgage mentioned above and for a

Receiver and possession of the property and other incidental relief including personal judgment against the said Mantaro Nagano, were mailed in a double registered nevelope addressed to Mantaro Nagano at Bay Farms, Slocan, British Columbia, which would come into the hands of the said Mantaro Nagano in due course of mail.

SWORN before me at Vancouver,)
in the County of Vancouver, in (
the Province of British Colum-)
bia, this 7th day of November, (
A. D. 1945.)
(
)
A Commissioner for taking affi- (
davits within British Columbia.

SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

AFFIDAVIT OF KENNETH F. DUNCAN

P. J. McINTYRE.

44/45

IN THE SUPREME COURT OF BRITISH COLUMBIA

In the Matter of The Mortgagors & Purchasers Relief Act of the Province of British Columbia 1934 Ch. 49 and Amending Acts

IN THE MATTER OF AN INTENDED ACTION

BRITISH COLUMBIA LAW STAMP 10 CENTS 10

VANCOUVER REGISTRY OCT 17 1945

TWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

I, KENNETH FORREST DUNCAN, of Duncan, Vancouver Island, Province of British Columbia, Broker, make oath and say as follows:

1. I am the abovenamed Intended Plaintiff herein and am the Trustee of the estate of William Chalmers Duncan, late of Duncan, British Columbia, deceased.

2. By an indenture of mortgage dated February 6th, 1925, Mantaro Nagano, the abovenamed Intended Defendant mortgaged to the said Kenneth Forrest Duncan, the abovenamed Intended Plaintiff as Trustee of the estate of William Chalmers Duncan, deceased, all and singular those certain parcels or tracts of land and premises situate lying and being in the City of Duncan, Province of British Columbia, and more particularly described as follows: Lots 1 to 16 both inclusive, of Section 18, Range 6, Quamichan District, Plan 1546, and Block 9 of Section 18, Range 6, Quamichan District, Plan 798"A", except that part thereof subdivided by Plan 1546, registered in the Land Registry Office at Victoria , British Columbia, to secure the repayment to me of the sum of $1200.00 of lawful money of Canada with interest at 8% per annum; the principal sum to be repaid on the 6th day of February, 1928 and interest to be payable half yearly on February 6th and August 6th in each year, and the said sum of $1200.00 was on the said date of February 6th, 1925 loaned by me as such Trustee to the said Mantaro Nagano on the security of the said mortgage and by covenant contained in the said mortgage, the said Mortgagor, Mantaro Nagano covenanted to

pay to me the said mortgage money and interest as and when the same became due.

3. Since the making of the said mortgage, Lots 1, 2, 3, 4 & 16 of Section 18, Range 6, Quamichan District, Plan 1546 were sold by the said Mantaro Nagano, the Intended Defendant, and were realized by me from the said mortgage, and the remainder of the said lands described in the said mortgage are still subject thereto.

4. There is now owing to me, the abovenamed Kenneth Forrest Duncan, Trustee of the estate of William Chalmers Duncan, the Mortgagee of the said lands and the Intended Plaintiff herein, on the said mortgage, the said sum of $1200.00 for principal and $1607.92 for expenses in connection with the said property and arrears of interest to August 6th, 1945, together with interest on the said principal sum of $1200.00 at 8% from August 6th, 1945 to date of the swearing of this affidavit, amounting to $17.80, making in all a total of $2825.72.

5. In addition to the said sum of $2825.72 owing on the said mortgage for principal, interest and expenditures, taxes are owing on the said lands to the City of Duncan since the year 1942 amounting to $251.36, together with accrued interest.

6. The following is a statement of the account of the said indebtedness to me on the said mortgage:

Feb.	6/31	Arrears of interest	$ 359.75	
Feb.	6/33	Two years interest to Feb.6/33	192.00	
		Paid on account		$ 84.00
Feb.	6/42	Nine years interest to Feb.6/42	874.00	
Feb.	6/43	One years interest to Feb.6/43	96.00	
Mar.	16/43	Received rent from Miss Denny net		95.00
		Paid on account of taxes, City of Duncan	95.00	
Sep.	7/43	Paid for fire insurance	4.50	
Feb.	6/44	One years interest	96.00	
		Received in rent 5 months to Dec. 22, net		47.50
Dec.	5/44	Paid for new water connection	49.17	
Aug.	6/45	8 months rent to Aug. 22.		76.00
		Int. months to Aug. 6/45, 18 mo.	144.00	
		To Int. from Aug.6/45 to Oct.13/45	17.80	
		Amount of principal	1200.00	
			$3128.22	$ 302.50
			302.50	
		Balance.....	$2825.72	

7. The said Mantaro Nagano, Mortgagor and Intended Defendant, is a Japanese who has been evacuated from the district where he

resided, by the Government of Canada and is now settled at Bay Farms, Slocan, in the Province of British Columbia, and is not now occupying the said lands nor any part thereof, and the interest of the said Mantaro Nagano in the said lands is now vested in the Custodian of Enemy Property.

8. From information that I have received from R. G. Bell, of the Administration Department of the Custodian of Enemy Property at Vancouver, British Columbia and which I verily believe, the said mortgaged lands were advertised for sale by the Custodian and the value placed on the lands by an independent appraiser employed by the said Administration Department was $1000.00 for the abovenamed lots 5 to 15 inclusive and $900.00 for Block 9 described above, and that in spite of their advertisement and efforts of real estate agents employed by them, no bid for the purchase of the property was received by them near the approximate value placed on the parcels by such Appraiser.

9. I have had over thirty-four K.7D.Fwh years experience in dealing with lands in the locality where the lands mentioned in Paragraph 2 are situate and in valuing such lands, and I verily believe that the market value of the said lands on which the said mortgage is now a charge is not more than $2500.00 K.7D.Fwh.

10. I verily believe that the Mortgagor, Mantaro Nagano, the abovenamed Intended Defendant, has no equity of any value in the said lands and that the said lands do not amount in value to anything near the amount owing by the registered owner thereof on the said mortgage for principal, interest, expenses and taxes.

11. I, as Mortgagee am desirous of getting leave to bring an action in this Court against the abovenamed Intended Defendant and to prosecute the same for the foreclosure of the mortgage mentioned in Paragraph 2 hereof and for a Receiver and for possession of the said property and for other remedies incidental to the said foreclosure proceedings including a claim for personal judgment against the said Mantaro Nagano on his covenants contained in the said mortgage.

12. Produced herewith and marked "A" as an exhibit to this affidavit is a duplicate of the said mortgage.

SWORN before me at Duncan,)
in the County of Nanaimo, (
in the Province of British)
Columbia, this 15th day of (Kenneth Forrest Duncan.
October, A. D. 1945.)
(Fredric W. Galloway)

~~A Notary Public in and for the~~ Province of British Columbia. (Commissioner for taking affidavits within British Columbia.

A Commissioner for taking affidavits within British Columbia.

MPR 1/42

M.S.C.R.A.

Nagano

vs.

Dancer

PRÆCIPE

—FOR—

Chamberlain

Issued

Solicitor for

Plaintiff

ENTERED ON CHAMBER LIST

No.....

IN THE SUPREME COURT.

Mortgage and Purchase Co. Ltd.

Plaintiff,

AND

Le Duncan

Nagano.

Defendant.

REQUIRED

Please enter chambers list on
Friday Nov 16 1945
Application for leave to proceed.

VANCOUVER REGISTRY NOV 15 1945

Dated this 15th day of November, 19 45

P. McSultz
Solicitor for
Applicant. Duncan

★ 10M (100)-1040-7526

MP12 x x5

S. C.

Re M. P. R. A.

~~Applicant~~ vs.

Duncan Nagano

PRÆCIPE

—FOR—

Chambers Entry

THE PROTHONOTARY OF THE COURT.

Solicitor for

Applicant.

ENTERED ON CHAMBER LIST

No.....

IN THE SUPREME COURT.

In The Matter of The Mortgagors & Purchasers Relief Act and In The Matter of Mortgage from Manlaio Nagano and Kenneth Forrest Duncan

Plaintiff,

AND

Defendant.

REQUIRED Chambers List for Nov. 8 for Order for substituted service of Notice of Application to Confirm Registrars Report.

VANCOUVER REGISTRY NOV 7 1945

Dated this 7th day of November, 1945.

R. S. W. Fulton

Solicitor for Mortgagee Applicant

★ 10M (100)-1040-7526

S. C. B. C.

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

AFFIDAVIT OF SERVICE

P. J. McINTYRE.

SUPREME COURT OF BRITISH COLUMBIA
This Affidavit is filed for the Defendant
by Affidavits
British Columbia

4/45

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

I, **Montague E Harper**

of ~~Slocan~~ **Nelson** ~~xxxxx~~, in the Province of British Columbia,

make oath and say:

1. That I did on **Tuesday** the **23rd** day of October, A.D. 1945, at the hour of **12-03** o'clock in the **after** noon, serve the abovenamed Mantaro Nagano at Bay Farms, Slocan, British Columbia, with a true copy of the Appointment and Affidavit, both of which are exhibited hereto and marked "A" and "B" respectively to this affidavit, by delivering the said copies to the said Mantaro Nagano at the said place.

2. That I actually and necessarily travelled 40 Miles to serve said Defendant.

SWORN before me at **Nelson**)
in the County of **Kootenay** (
in the Province of British Colum-)
bia, this **25th** day of October, (
1945.)
(

)

A Commissioner for taking affi-
davits within British Columbia. (

S. C. B. C.

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

MANTARO NAGANO,

Intended Defendant:

A P P O I N T M E N T

P. J. McINTYRE.

IN THE SUPREME COURT OF BRITISH COLUMBIA
In the Matter of the Mortgagors and Purchasers Relief Act, Statutes of

S.C.B.C.
Mortgagors Purchasers Relief Act
Duncan v. Nagano.
This is Exhibit A
referred to in the affidavit of
Montague E. Harper.
Sworn to before me at
Vancouver this 25th day of October
A.D. 1945
A Commissioner for taking affidavits
within British Columbia

In The Matter of The Mortgagors and Purchasers Relief Act Statutes of British Columbia 1934. Ch 49 and amending Acts

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

VANCOUVER OCT 17 1945 REGISTRY

Personal Service - 3 days
B.C.

Appointment

I HEREBY APPOINT Wednesday the 31 day of October, 1945, at the hour of 10.30 o'clock in the fore noon at my office at the Court House, Georgia Street, Vancouver, British Columbia, as the time and place for making enquiries under the Mortgagors and Purchasers Relief Act, 1934, Chapter 49, Statutes of British Columbia, 1934, and amending Acts, on the application of the abovenamed Intended Plaintiff for leave to commence and prosecute an action against the abovenamed Intended Defendant for foreclosure of a mortgage dated February 6th, 1925, made by the abovenamed Intended Defendant to the abovenamed Intended Plaintiff of all those certain parcels and tracts of land and premises situate lying and being in the City of Duncan, and more particularly described as Lots 5 to 15 inclusive of Section 18 Range 6, Quamichan District, Plan 1546, and Block 9, of Section 18, Range 6, Quamichan District, Plan 798"A" except that part thereof subdivided by plan 1546, registered in the Land Registry Office at the City of Victoria, Province of British Columbia, and for possession of the said lands and for personal judgment against the Intended Defendant, Mantaro Nagano, upon the covenants contained therein.

DATED Vancouver, British Columbia, this 17th day of October, 1945.

D. E. MATHER

DISTRICT REGISTRAR.

TO: Mantaro Nagano,
Bay Farms,
Slocan, British Columbia

TAKE NOTICE of the above appointment

JON

D. W. Sutherland

Room 523 Birks Building 718 Granville Street Vancouver BC
~~Solicitor for Intended Plaintiff~~

SUPREME COURT OF BRITISH COLUMBI

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

AFFIDAVIT OF KENNETH F. DUNCAN

P. J. McINTYRE.

IN THE SUPREME COURT OF BRITISH COLUMBIA

In the Matter of the Mortgagors and Purchasers Relief Act, Statutes of British Columbia, 1934, Ch. 49 and amending Acts.

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

S.C.B.C.
Mortgagor's Purchasers
Relief Act
This is Exhibit "B" to Nagano.
referred to in the affidavit of
Montague R. Harper
Sworn to before me at
B. C., this 25th day of October 1945
A commissioner for taking affidavits
within British Columbia

KENNETH FORREST DUNCAN,

Intended Plaintiff:

-and-

MANTARO NAGANO,

Intended Defendant:

I, KENNETH FORREST DUNCAN, of Duncan, Vancouver Island, Province of British Columbia, Broker, make oath and say as follows:

1. I am the abovenamed Intended Plaintiff herein and am the Trustee of the estate of William Chalmers Duncan, late of Duncan, British Columbia, deceased.

2. By an indenture of mortgage dated February 6th, 1925, Mantaro Nagano, the abovenamed Intended Defendant mortgaged to the said Kenneth Forrest Duncan, the abovenamed Intended Plaintiff as Trustee of the estate of William Chalmers Duncan, deceased, all and singular those certain parcels or tracts of land and premises situate lying and being in the City of Duncan, Province of British Columbia, and more particularly described as follows: Lots 1 to 16 both inclusive, of Section 18, Range 6, Quamichan District, Plan 1546, and Block 9 of Section 18, Range 6, Quamichan District, Plan 798"A", except that part thereof subdivided by Plan 1546, registered in the Land Registry Office at Victoria, British Columbia, to secure the repayment to me of the sum of $1200.00 of lawful money of Canada with interest at 8% per annum; the principal sum to be repaid on the 6th day of February, 1928 and interest to be payable half yearly on February 6th and August 6th in each year, and the said sum of $1200.00 was on the said date of February 6th, 1925 loaned by me as such Trustee to the said Mantaro Nagano on the security of the said mortgage and by covenant contained in the said mortgage, the said Mortgagor, Mantaro Nagano covenanted to

pay to me the said mortgage money and interest as and when the same became due.

3. Since the making of the said mortgage, Lots 1, 2, 3, 4 & 16 of Section 18, Range 6, Quamichan District, Plan 1546 were sold by the said Mantaro Nagano, the Intended Defendant, and were ~~realized~~ released by me from the said mortgage, and the remainder of the said lands described in the said mortgage are still subject thereto.

4. There is now owing to me, the abovenamed Kenneth Forrest Duncan, Trustee of the estate of William Chalmers Duncan, the Mortgagee of the said lands and the Intended Plaintiff herein, on the said mortgage, the said sum of $1200.00 for principal and $1607.92 for expenses in connection with the said property and arrears of interest to August 6th, 1945, together with interest on the said principal sum of $1200.00 at 8% from August 6th, 1945 to date of the swearing of this affidavit, amounting to $17.80, making in all a total of $2825.72.

5. In addition to the said sum of $2825.72 owing on the said mortgage for principal, interest and expenditures, taxes are owing on the said lands to the City of Duncan since the year 1942 amounting to $251.36, together with accrued interest.

6. The following is a statement of the account of the said indebtedness to me on the said mortgage:

Feb.	6/31	Arrears of interest	$ 359.75	
Feb.	6/33	Two years interest to Feb.6/33	192.00	
		Paid on account		$ 84.00
Feb.	6/42	Nine years interest to Feb.6/42	874.00	
Feb.	6/43	One years interest to Feb.6/43	96.00	
Mar.	16/43	Received rent from Miss Denny net		95.00
		Paid on account of taxes, City of Duncan	95.00	
Sep.	7/43	Paid for fire insurance	4.50	
Feb.	6/44	One years interest	96.00	
		Received in rent 5 months to Dec. 22, net		47.50
Dec.	5/44	Paid for new water connection	49.17	
Aug.	6/45	8 months rent to Aug. 22.		76.00
		Int. months to Aug. 6/45, 18 mo.	144.00	
		To Int. from Aug.6/45 to Oct.13/45	17.80	
		Amount of principal	1200.00	
			$3128.22	$ 302.50
			302.50	
		Balance.....	$2825.72	

7. The said Mantaro Nagano, Mortgagor and Intended Defendant, is a Japanese who has been evacuated from the district where he

resided, by the Government of Canada and is now settled at Bay Farms, Slocan, in the Province of British Columbia, and is not now occupying the said lands nor any part thereof, and the interest of the said Mantaro Nagano in the said lands is now vested in the Custodian of Enemy Property.

8. From information that I have received from R. G. Bell, of the Administration Department of the Custodian of Enemy Property at Vancouver, British Columbia and which I verily believe, the said mortgaged lands were advertised for sale by the Custodian and the value placed on the lands by an independent appraiser employed by the said Administration Department was $1000.00 for the abovenamed lots 5 to 15 inclusive and $900.00 for Block 9 described above, and that in spite of their advertisement and efforts of real estate agents employed by them, no bid for the purchase of the property was received by them near the approximate value placed on the parcels by such Appraiser.

9. I have had over thirty years experience in dealing with lands in the locality where the lands mentioned in Paragraph 2 are situate and in valuing such lands, and I verily believe that the market value of the said lands on which the said mortgage is now a charge is not more than $7500.00

10. I verily believe that the Mortgagor, Mantaro Nagano, the abovenamed Intended Defendant, has no equity of any value in the said lands and that the said lands do not amount in value to anything near the amount owing by the registered owner thereof on the said mortgage for principal, interest, expenses and taxes.

11. I, as Mortgagee am desirous of getting leave to bring an action in this Court against the abovenamed Intended Defendant and to prosecute the same for the foreclosure of the mortgage mentioned in Paragraph 2 hereof and for a Receiver and for possession of the said property and for other remedies incidental to the said foreclosure proceedings including a claim for personal judgment against the said Mantaro Nagano on his covenants contained in the said mortgage.

12. Produced herewith and marked "A" as an exhibit to this affidavit is a duplicate of the said mortgage.

SWORN before me at Duncan, in the County of Nanaimo, in the Province of British Columbia, this 15th day of October, A. D. 1945.

Kenneth Forrest Duncan

Frederick D. Galloway
A Notary Public in and for the Province of British Columbia.
~~Commissioner for taking affidavits within~~

S. C. B. C.

IN THE MATTER OF THE "MORTGAGORS AND PURCHASERS RELIEF ACT", S.B.C. 1934, Ch. 34, and amending Acts.

-and-

IN THE MATTER OF A MORTGAGE DATED FEBRUARY 6TH, 1925, made by Mantaro Nagano as Mortgagor, to Kenneth Forrest Duncan, Trustee of the estate of William Chalmers Duncan, as Mortgagee.

REPORT OF DISTRICT REGISTRAR

P. J. McINTYRE,
Barrister etc.,
Vancouver, B.C.

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE "MORTGAGORS AND PURCHASERS RELIEF ACT", Statutes of British Columbia, 1934, Chapter 34, and amending Acts.

-and-

IN THE MATTER OF A MORTGAGE DATED FEBRUARY 6TH, 1925, made by Mantaro Nagano as Mortgagor, to Kenneth Forrest Duncan, Trustee of the estate of William Chalmers Duncan, as Mortgagee.

I, JAMES FREDERICK MATHER, District Registrar of this Court at Vancouver, British Columbia, report the result of my investigations in this matter made on October 31st, 1945, pursuant to appointment as follows:

1. The said Mantaro Nagano mortgaged all and singular those certain parcels or tracts of lands and premises situate lying and being in the City of Duncan, Province of British Columbia, and more particularly known and described as follows: Lots One (1) to Sixteen (16) both inclusive, of Section Eighteen (18), Range Six (6), Quamichan District, Plan 1546, and Block Nine (9) of Section Eighteen (18), Range Six (6), Quamichan District, Plan 798"A", except that part thereof subdivided by Plan 1546, registered in the Land Registry Office at Victoria, British Columbia, on February 6th, 1925 to Kenneth Forrest Duncan of Duncan, British Columbia, Trustee of the estate of William Chalmers Duncan, deceased, to secure the repayment to the said Kenneth Forrest Duncan on February 6th, 1928 of the sum of Twelve hundred dollars ($1200.00) loaned at that time by the said Kenneth Forrest Duncan to the said Mantaro Nagano with interest at Eight per cent (8%) per annum payable half yearly on February 6th and August 6th in each year, commencing February 6th, 1929.

2. Since the making of the said mortgage Lots 1, 2, 3, 4 and 16 of Section 18, Range 6, Quamichan District, Plan 1546, were released by the said Kenneth Forrest Duncan from the said Mortgage and the remainder of the said lands are still subject thereto.

3. The said Mantaro Nagano was at that time residing

at Duncan, British Columbia, but has now been evacuated from that district by the Government of Canada, and is settled at Bay Farms, Slocan, in the Province of British Columbia, and neither he nor any of his family is now occupying the said lands nor any part thereof.

4. The interest of the said Mantaro Nagano in the said lands subject to the said mortgage, was at one time vested in the Custodian of Enemy Property for the Dominion of Canada, but I find that on October 10th, 1945, the said Custodian vacated his interest in the said lands by a Certificate deposited in the Land Registry Office at Victoria, British Columbia.

5. I find that the principal sum of $1200.00 secured by the said mortgage is still unpaid and is now overdue and that there is also overdue to the Mortgagee for interest to October 13th, 1945, and taxes paid by him and fire insurance paid by him, the sum of $1625.72.

6. I also find that there is owing on the said lands to the City of Duncan for taxes since the year 1942 the sum of $251.36 with accrued interest.

7. I further find that the market value of the mortgaged lands is not more than $2500.00 and that the value of the equity of the said Mantaro Nagano in the said lands is nothing.

8. The following is a statement of the mortgage account and of the taxes and fire insurance and charges against the said property as of this date:

Feb.	6/31	Arrears of interest	$ 359.75	
Feb.	6/33	Two years interest to Feb.6/33	192.00	
		Paid on account		$ 84.00
Feb.	6/42	Nine years interest to Feb.6/42	874.00	
Feb.	6/43	One years interest to Feb.6/43	96.00	
Mar.	16/43	Received rent from Miss Denny net		95.00
		Paid on account of taxes, City of Duncan	95.00	
Sep.	7/43	Paid for fire insurance	4.50	
Feb.	6/44	One years interest	96.00	
		Received in rent 5 months to Dec. 22, net		47.50
Dec.	5/44	Paid for new water connection	49.17	
Aug.	6/45	8 months rent to Aug. 22.		76.00
		Int. months to Aug. 6/45, 18 mo.	144.00	
		To Int. from Aug.6/45 to Oct.13/45	17.80	
		Amount owing to Duncan for taxes	251.36	
		Amount of principal	1200.00	
			~~$3379.28~~ 302.50	~~$ 302.50~~
		Balance.....	$3077.08	

VANCOUVER
OCT 17 1945
REGISTRY

9. The evidence taken before me on the said investigation consists of the affidavit of Kenneth Forrest Duncan, sworn herein October 15th, 1945, and ~~-~~

I THEREFORE RECOMMEND that leave be given to the said Kenneth Forrest Duncan to commence and prosecute an action against the said Mortgagor, Mantaro Nagano for the foreclosure of the mortgage mentioned in Paragraph 1 hereof and for a Receiver and for possession of the said property and other remedies incidental to the said foreclosure proceedings and for personal judgment against the said Mantaro Nagano on the covenants contained in the said mortgage.

DATED Vancouver, British Columbia, this 31st day of October, A. D. 1945.

DISTRICT REGISTRAR.

VANCOUVER REGISTRY 17-1945