

4796

✓
INFORMATION FROM R.C.M.P.

Date

Mar. 11/43

Our File No. 4796

Full Name

NOBUTO, Fuyu (Mrs. Kasuta)

(Surname in Block Letters)

Registration No. 13847

Male - Female
(check) ✓

Age

Dec. 28, 1897

Former Address

R.R.#1 24th Avenue B.C. 90 D. Bell

Park Lawn Rd., New Toronto, Ont

Date Evacuated

Sept. 16/42.

Naturalized - Canadian-Born - National
(check) ✓

Present Address

New. Denver, B.C.

✓
Married - Single
(check)

Name of Wife

Name of Husband

Kazuta #13490

Name of Mother

(nee) (WATANABE) Tatsi
(decd)

Name of Father

MURO YAMA, Kisekichi
(In Japan)

Names of Children under 16

See husband's file

Requested by

J. Spratt

Registered with Custodian

yes
(Yes or No)

Additional Information

Cannery Worker

Owner of 1/2 acre & 1 house (in joint name)

1 car in husband's name #149523

✓

HANEY B.C.
OFFICE OF THE CUSTODIAN
JAPANESE SECTION

FILE NO. 4796

To be completed by persons of the Japanese race having no property in any protected area.

NAME: NOBUTO (Fuyu) Mrs. Kazuta

HOME ADDRESS: R.R.#1, (3rd Rd.) Whonnock, B. C.

SEX: F

AGE: 43

REGISTRATION No. 13047

OCCUPATION AND EMPLOYER: Cannery worker, Berryland---now Housewife.

MARRIED? yes

NAME OF WIFE OR HUSBAND: Kazuta 4832

ADDRESS: same address

NAMES OF LIVING CHILDREN: James, (M) 15

ADDRESS:

Eric (M) 14

ADDRESS:

Kimiko (F) 13

ADDRESS:

I certify that the above information is true and complete and state that I have no property of any kind whatsoever in any protected area in British Columbia.

Dated this 20th day of April

1942.

WITNESS:

J. H. Williams

(Signature)

F. Nobuto

LIST OF LIABILITIES:

None

HOW DO YOU PROPOSE TO PAY THESE OFF?

FOR DEPARTMENTAL USE:

REAL PROPERTY SUMMARY

Files 4796, 4832.

JAPANESE NAMES: Fuyu NOBUTO - Reg. No. 13847.
Kasuta NOBUTO - Reg. No. 13490.

Not sold by the Custodian. *Not administered*

PROPERTY ADDRESS: 3rd Road, Whonnock, B. C.

LEGAL DESCRIPTION: Lot 37 of Lot 432 Group 1 Map 1208 Municipality of Maple Ridge
in the District of New Westminster.

TITLE: In the names of Andrew William Smith and Dorothy Elizabeth Smith

On the 23rd March 1936, the registered owner, Marie MAZEROLLE, gave an Agreement of Sale covering this parcel of land at a price of \$1000.00 to Kasuta NOBUTO and Fuyu NOBUTO. The purchasers having defaulted in this Agreement, a judgment of \$622.50 was obtained in the Supreme Court, New Westminster, and registered against the defendants in the action on the 9th July 1942.

On the 29th July 1942, Hal Mensies advised the Custodian that he had purchased on the 27th of that month the equity of Kasuta and Fuyu NOBUTO in the land for the sum of \$200.00. As the two NOBUTO'S at that date had not been evacuated, Mr. Mensies was informed that the Custodian had no objection to the sale being made, and the \$200.00 was paid into the credit of the joint account of Kasuta and Fuyu NOBUTO with the Custodian. Title to the land passed to the registered owners above named.

The above summary is certified to be in accordance with the information on file and on record by accounting department.

DATED May 10th, 1946.

IN:ML

Julius A. Harrison

PERSONAL PROPERTY SUMMARY

File No. 4796

21st May, 1947.

Re: Fuyu NOBUTO (Mrs. Kazuto) Reg. No. 13847

The above Japanese declared no personal property assets of any kind when registering with this office. However as joint owner of property with her husband, she received half of the funds credited to their joint account from sale of this property.

There also appears on this file the fact that the Maple Ridge Co-operative Exchange cancelled 5 shares in their Co-operative under the name of F. NOBUTO. However according to the Auditors report on this Co-operative, the shares were in the name of K. NOBUTO, and would appear to belong to her husband, and his remaining 86 shares will be dealt with on his file, when distribution of the assets of this Co-operative is made.

This file reveals no other personal property assets.

The above summary is certified to be in accordance with the information on file.

HA

W. Hanson
.....

FILE INSURANCE SUMMARY

File # 4736 4332.

Re: Fugu NOBUTO
Kasuo NOBUTO

Reg. No. 13847.
" " 13890.

As the Custodian was not and is not interested in
this property, there is no insurance record.

This summary is certified to
be in accordance with the
information on file.

[Signature]
DATED May 10th, 1946.

INCL.

LIABILITY SUMMARY

File No. 4796

21st May, 1947

Re: Fumiko NOBUTO (Mrs. Kasuta) Reg. No. 13847

A number of claims were filed against this woman's husband, Kasuta NOBUTO, File No. 4832, and as their property was registered in their joint names, there is considerable correspondence on this file regarding these claims. However they have been paid and dealt with on her husband's file.

The only claim that appears to be against this Japanese, was that of the Maple Ridge Co-operative Exchange for \$4.50. This Co-operative sent to this office the sum of 50¢ in favour of F. NOBUTO, being balance of funds after they had cancelled 5 shares in their Exchange, in order to pay off an outstanding account of \$4.50 against F. Nobuto. This sum of 50¢ was credited to Mrs. NOBUTO's account but was later transferred to the joint account, in order to help pay off her husband's debts.

This file reveals no other liabilities.

The above summary is certified to be in accordance with the information on file.

.....
W. E. Carson

HA

25.12
Files 4790, 4832.

LIABILITY SUMMARY

Re: Fuyu NOBUTO
Kasuta NOBUTO

Reg. No. 13847.
" " 13490.

There is to the credit in the Joint Account of Fuyu and Kasuta NOBUTO, the sum of \$200.00 received as consideration of the sale of their equity in Lot 37 of Lot 432, Group 1 Map 1208 Municipality of Maple Ridge, B.C.W.

Claims filed and disposed of:-

Honey Gazette - \$3.00 - Denied and no further action.

Maple Ridge Co-operative Union - \$98.27 - settled on the 24th July 1942.

B.C. Electric Railway Co., \$1.96 - Debtor claims that this account is a liability of the tenant of the property.

Claims filed of which debtors have been notified but no confirmation yet received:-

Dr. G. Morse - \$78.00. *OK*

Dr. J.F. Sparling - \$10.00. *OK*

Claims filed and liability confirmed by debtors:-

Royal Columbian Hospital	\$73.66.
M. Nishiguchi Co.,	\$41.77.
Shotaro NAKAMURA	\$28.66
Isamu UJIMOTO	\$15.17
I. YAMAGA	\$128.20.

Total amount of claims confirmed - \$287.46.

Total amount of claims unconfirmed - \$89.96.

This summary is certified to be in accordance with the information on file.

Shullman
DATED May 10th, 1946.

IM:ML

D. W. F. McDONALD

**BARRISTER, SOLICITOR
NOTARY PUBLIC**

TELEPHONES: OFFICE, MARINE 2889
RESIDENCE, FAIRMONT 6101
HIGH 3314
OFFICES: 41-42-43 FLACK BLOCK
CORNER CAMBIE AND HASTINGS STREETS
BRANCH OFFICE: CLOVERDALE, B.C.

VANCOUVER, B.C.
CANADA

July 2, 1942.

*Indent is under warrant of May 29th
of whom is delinquent wife is
a property.*

Custodian of Alien Property,
(Japanese Evacuation Section)
Royal Bank Bldg.,
Vancouver, B.C.

RECEIVED
JUL 6 1942
JAPANESE SECTION
OFFICE OF THE CUSTODIAN

Dear Sir:

Vs
re: Marie Mazerolle ~~and~~ Kazuto Nabuto
and Fuyu Nabuto (C.O.)

This is a foreclosure action by the Plaintiff for cancellation of an Agreement of Sale for default in payment of principal and interest and taxes by the defendants, Japanese.

4796
4832
The Registrar of the County Court at New Westminster has picked Tuesday the 7th day of July, 1942 at the hour of 10:00 o'clock in the forenoon at his Chambers in the Court House in New Westminster as the time and place for the taking of accounts and enquiries pursuant to the Order of the Court. His Honour Judge Whiteside has directed that Notice of the Hearing be served upon the Custodian, Japanese Section, and this letter is notice to you.

I beg to enclose the following documents:-

- (a) Interlocutory Judgment enter the 22nd day of June, 1942.
- (b) Order Nisi confirming Interlocutory Judgment
- (c) Affidavit & Statement of Accounts
- (d) Appointment to take Accounts.
- (e) Notice of Adjourned Hearing to take Accounts
- (f) Bill of Costs and Appointment to tax.
- (g) Notice of Adjourned hearing of Appointment to tax.

Yours Sincerely,

Encls.

[Handwritten signature]

IN THE COUNTY COURT IN THE COUNTY OF
WESTMINSTER

Holden at New Westminster, B.C.

BETWEEN:-

MARIE MAZEROLLE

Plaintiff

AND:-

KAZUTO HABUTO and FUYU HABUTO

Defendants

Notice of Adjourned hearing

TAKE NOTICE that the appointment for taxation of costs between party and party has been adjourned until Tuesday the 7th day of July A.D., 1942 at the hour of 10:00 o'clock in the forenoon at the Court House, in the City of New Westminster, British Columbia.

DATED AT VANCOUVER, B.C., this the 30th day of June A.D., 1942.


SOLICITOR FOR THE PLAINTIFF,
Ste. 41-43 Flank Block,
163 W. Hastings St.,
Vancouver, B.C.

TO: The Defendants, KAZUTO HABUTO and FUYU HABUTO
Whonnock, B.C.

AND TO: The Custodian of Alien Property,
(Japanese Evacuation Section)
506 Royal Bank Bldg.,
Vancouver, B.C.

IN THE COUNTY COURT IN THE COUNTY OF
WESTMINSTER
Holden at New Westminster, B.C.

BETWEEN:

MARIE MAZEROLLE,

Plaintiff

AND

KAZUTO NABUTO and
FUYU NABUTO

Defendants.

INTERLOCUTORY JUDGMENT

The 22nd day of June, A.D., 1942

No Dispute Note having been entered by the Defendants in this action, it is this day adjudged that an account be taken before the Registrar of this Court at New Westminster, British Columbia, of what is due to the Plaintiff under and virtue of a certain agreement for sale of land, dated the 23rd day of March, A.D., 1936 and described in paragraph 4 of the Plaint herein, and with respect to the Plaintiff's costs of this action to be taxed.

AND IT IS further adjudged that the Defendants shall pay to the Plaintiff what shall be so certified by the Registrar to be due to the Plaintiff upon the taking of the said account, within 30 days after the Registrar shall have made this certificate, and in default of the Defendants paying to the Plaintiff what shall be so certified by the Registrar as of foresaid within 30 days as of foresaid, the Defendants, and all persons claiming from or under the Defendants, or either of them, do stand absolutely debarred and foreclosed of and from all estate, right title and interest in and to all lands and premises mentioned in the said Agreement for Sale, that is to say that certain parcel or tract of land and premises situate in the Municipality of Maple Ridge in the Province of British Columbia and more particularly known and described as Lot Thirty-seven (37), in the Subdivision of District Lot Four Hundred and Thirty-two (432) and the North half of Section two (2), Township Twelve (12), Group One (1), in the District of New Westminster, British Columbia, according to the registered map or plan of the said Subdivision, deposited in the Land Registry office at the city of New Westminster, in the Province of British Columbia and numbered 1208.

AND IT IS further adjudged that, in the case of default as aforesaid, the said articles of Agreement for Sale be deemed to be cancelled, and the sale shall thereafter be null and void and of no effect, and that the Plaintiff recover possession of the said lands and premises, and that the monies paid under the said articles of Agreement be forfeited to the Plaintiff, and that any registration of the said Agreement for Sale appearing in the Land Registry office be cancelled.

BY THE COURT.

U.A. Menendes

Registrar.

"SEAL"

"New WESTMINSTER
June 26th
REGISTRY"

No. 138-1942

No. 138-1942

IN THE COUNTY COURT FOR THE COUNTY OF WESTMINSTER
HOLDEN AT NEW WESTMINSTER B.C.

BETWEEN :

MARIE MAKEROLLE

PLAINTIFF

AND

KAZUTO HABUTO and FUYU HABUTO

DEFENDANTS

APPOINTMENT TO TAX

I HEREBY APPOINT Tuesday the 30th day of June A.D. 1942
at my Chambers in the Court House at the City of New Westminster
British Columbia, at the hour of two o'clock in the forenoon
as the time and place for the taxation of the within Bill of
Costs.

Dated at New Westminster, B.C. this the 25th day of
June 1942

L.A. Monendes

Registrar

Take notice of the above appointment

D.W.F. McDonald
Solicitor for the Plaintiff
whose place of business and address
for service is 163 West Hastings
Street, Vancouver, B.C.

No. 138/1942

IN THE COUNTY COURT IN THE COUNT OF
WESTMINSTER
Held at New Westminster, B.C.

BETWEEN:

MARIE MAZYROLLE

Plaintiff

AND:

KAZUTO HABUTO and FUYU HABUTO

Defendants.

BILL OF COSTS

1942. May 6	Ltr. before action	\$.50	
	Instructions to sue	2.00	
7	Drawing Summons and Plaint	3.00	
	Attendance issuing and paid	.75	\$ 1.00
	Ltr. to the Registrar of Titles for Certificate of Incumbrance and pd.	.50	1.00
12	Attendance handing to Process Server for service	.75	
	Drawing lis pendens and copy	.75	
	Dg. Application to register in the L.R.O.	.75	
	On swearing and paid	.50	.50
	Attendance registering lis pendens & pd.	.75	2.50
	Pd. fee serving		4.00
	Pd. travelling expenses of process server		1.85
	Attendance swearing affat. of service & Pd.	.75	.50
	Ltr. to the Custodian of Japanese Property	.50	
	Attendance searching Dispute Note & Pd.	.75	.20
19	Dg. Interlocutory Judgment and copies	1.00	
22	Attendance entering Judgment & Pd.	.75	1.00
	Dg. application to the Court to confirm Interlocutory Judgment	.50	
	Attendance filing and Pd.	.75	.50
	Counsel fee in Court when order made		5.00
	Dg. final order and copies	1.00	
	Attendance having signed by Judge	.75	
	Attendance entering and Pd.	.75	1.00
	Dg. Affat. of Accounts and copies	1.00	
	On swearing and pd. Commissioner	.75	.50
		19.50	19.55

	Carried Forward	\$ 19.50	19.55
May 22	Attendance filing Affd of account and paid.	.75	.10
	Dg. appointment to take accts. & copies	.50	
	Attendance for appointment & paid	.50	1.00
	Attendance service appointment on the Custodian of Alien Property	.75	
	Dg. Affdt. of Service	.75	
	Attendance on swearing affdt.	.75	.50
	Attendance filing affdt. of service	.75	.10
	Counsel fee on reference		5.00
	Dg. Registrar Certificate & copies	1.00	
	Attendance on signature	.75	
	Attendance filing Registrars report and paid	.75	.10
	Attendance service	.75	
	Attendance filing Interlocutory Judgment Judgment Confirming, Appointment to take account, Appointment to tax Bill of Costs, Affidavit of Accounts, Notice of Entry Adjourned appointment, and paid. For service on defendant K. Nabuta.	.50	.70
	Ditto. for service on Fuyu Nabuto	.50	.70
	Copies of the above for filing	1.00	
	Attde. serving above documents on defendant K. Nabuto by registered mail and paid	.50	.15
	Ditto. serving defendant Fuyu Nabuto by registered mail	.50	.15
	Lettr. to Custodian of Alien Property enclosing copies of all documents and appointment for taking of accts. etc.	.50	
	Drawing Bill of Costs and copy	1.00	
	Attde. for Appointment to Tax and paid	.75	1.00
	Attde. on Taxation	1.00	
		<u>35.75</u>	<u>38.95</u>
	To Fees to Disbursements	<u>38.95</u>	
		72.7 0	
	Presented at		
	Taxed off		
	Allowed AT.		

IN THE COUNTY COURT IN THE COUNTY OF
WESTMINSTER

Held at New Westminster, B.C.

BETWEEN:-

MARIE MAZEROLLE

Plaintiff

AND:-

KAZUTO HABUTO and FUYU HABUTO

Defendants

Notice of Adjourned hearing

TAKE NOTICE that the appointment and reference for the taking of accounts in this action has been adjourned until Tuesday the 7th day of July A.D. 1942 at the hour of 10:00 o'clock in the forenoon at the Court House, in the City of New Westminster, British Columbia.

DATED AT VANCOUVER, B.C., this the 30th day of June
A.D., 1942



Solicitor for the Plaintiff
Ste. 41-42 Black Block,
163 W. Hastings St.,
Vancouver, B.C.

TO: The Defendants, KAZUTO HABUTO and FUYU HABUTO
Whomock, B.C.,

AND TO: The Custodian of Alien Property,
(Japanese Evacuation Section)
506 Royal Bank Bldg.,
Vancouver, B.C.

No. 138-1942

IN THE COUNTY COURT FOR THE COUNTY OF WESTMINSTER
HOLDEN AT NEW WESTMINSTER B.C.

BETWEEN :

MARIE MAZEROLLE

PLAINTIFF

AND

KAZUTO NABUTO AND FUYU NABUTO

DEFENDANTS

APPOINTMENT TO TAKE ACCOUNTS

TAKE NOTICE that pursuant to the judgment herein of date the 22nd day of June 1942 I hereby appoint Tuesday the 30th day of June 1942 at the hour of ten o'clock in the forenoon at my Chambers in the Court House in the City of New Westminster in the Province of British Columbia, as the time and place for the taking of the said account and enquiries pursuant to the judgment of this Honourable Court herein.

Dated at New Westminster, B.C. the 25th day of June
A.D. 1942

L.A. Monendez
Registrar

Take notice of the above appointment

D.W.F. McDonald
Solicitor for the Plaintiff.

To the Defendants
Kazuto Nabuto and Fuyu Nabuto
and to the Custodian of Alien Enemy Property

B.C.
L.S.
1.00

New Westminster
June 25th. 1942.
Registry

IN THE COUNTY COURT OF WESTMINSTER
Held at New Westminster, B.C.

BETWEEN:

MARIE MAZEROLLE,

Plaintiff

AND:

KAZUTO HABUTO and FUYU HABUTO

Defendants

I, PAUL MAZEROLLE, residing at 2425 Dundas Street, in the City of Vancouver, in the Province of British Columbia, logger, MAKE OATH AND SAY:

1. I am agent for the Plaintiff Marie Mazerolle and have personal knowledge of the facts herein deposed to, and as agent for the Plaintiff, I have had the conduct of collection of the principal and interest payable to the plaintiff by the defendants, under the agreement of sale, dated the 23d. of March, 1936. the subject matter of this action.

2. I have in the account marked "A" now produced and shown to me, according to the best of my knowledge, information and belief, set forth an account of the said matters which are to be enquired into pursuant to the Interlocutory Judgement herein.

3. I have in the said account marked "A" set forth a full, true and particular account of all sums of money due to the plaintiff under and by virtue of the Agreement of Sale used upon herein and dated the 23d of March 1936. I have also in the said account set forth a full, true and particular account of all monies which have come into the hands of the Plaintiff or any person or persons on behalf of the plaintiffs herein.

4. I, speaking absolutely for myself and to the best of my knowledge, information and belief as to other persons, say, save and except as appears in the said account marked "A" the Plaintiffs have not, nor has any other person or persons on behalf of the Plaintiffs, received or got any monies in respect of the said Agreement for Sale.

SWORN BEFORE me at the City of Vancouver
in the Province of British Columbia,
this the 9th day of JUNE A.D. 1942.

"PAUL MAZEROLLE"

"Elizabeth W. Grant"

Commissioner for taking Affidavits within British Columbia.

No. 138/1942

IN THE COUNTY COURT OF WESTMINSTER
Held at New Westminster, B.C.

BETWEEN:

MARIE MASEROLLE

Plaintiff

AND:

KASUTO HABUTO and FUYU HABUTO

Defendants

STATEMENT OF ACCOUNT

1936		To principal	\$ 1000.00	
March 23rd		Rec'd. on account		200.00
March 23		To interest due	40.00	
1937		Rec'd acct. principal		
1937		and interest		50.00
1938		To interest due	39.50	
1938		Rec'd acct principal		
		and interest		50.00
1939		To interest due	37.50	
		Rec'd on acct. principal		
		and interest		105.00
1940		To interest due	37.00	
1940		Rec'd on acct principal		
		and interest		90.00
1941		To interest due	35.00	
1941		Rec'd on acct principal		
		and interest		140.00
1942	Jan. 1st to June 1st 1942 - Interest	15.00		
	March 8th 1942 On account principal			
	and interest			15.00
			\$ 1204.00	650.00
		Balance principal & interest	<u>650.00</u>	
		Balance principal & Interest	554.00	

This is the account marked "A" referred to in the
Affidavit of Paul Maserolle sworn herein the 9th day of
June 1942.

"Elizabeth W. Grant"
A Commissioner for taking Affidavits
within British Columbia.

No. 138-1942.

IN THE COUNTY COURT OF THE COUNTY OF WESTMINSTER
HOLDEN AT NEW Westminster, B.C.

BETWEEN :-

AND MARIE MAZEROLLE

PLAINTIFF

KAZUTO NABUTO and FUYU NABUTO

DEFENDANTS.

IN COURT
BEFORE HIS HONOR
JUDGE WHITESIDE

}
} MONDAY 22nd. June A.D. 1942.

UPON READING the plaint and summons issued in this action, the affidavit of Edward White, of personal service upon the Defendants and each of them, sworn herein the 15th day of May 1942 and filed, the other proceedings had and taken in this action and filed, the Interlocutory Judgment herein, and the notice of motion, and upon hearing Mr. D.W.F. McDonald, of Counsel for the Plaintiff.

IT IS ORDERED that the accounts herein be taken before the Registrar of this Court at the City of New Westminster, according to the usual practise of his office for taking accounts in foreclosure actions, and that an affidavit of the Plaintiff, or her agent Mr. Paul Mazerolle, duly verifying the accounts be taken as prima facie evidence of the truth of the matter stated therein, subject to the Defendants, right to cross examine on the said said affidavit, and to take such objections thereto as he may be advised, and that the book of account in which the accounts have been kept shall be taken as prima facie evidence of the truth of the matter therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

AND IT IS FURTHER ORDERED that the time limited for redemption by the Defendants shall be one month after the Registrar shall have made his certificate, and the said Interlocutory Judgment is hereby confirmed as to the fixing of the said one month as the time for redemption.

AND IT IS FURTHER ORDERED THAT notice of the time and place appointed by the Registrar of this Court for the taking of the said accounts be served upon the Custodian of Alien Enemy Property (Japanese Evacuation Section) at the City of Vancouver in the Province of British Columbia.

AND IT IS FURTHER ORDERED that the costs of these proceedings be costs in the cause.

By the Court

L.A. Monendez
Registrar.

Entered the 25th June 1942

L.A. Monendez
Registrar

L.A.M.
R.
D.W.
C.C.J.

(New Westminster
June 25th. 1942.
Registry)

4796 & 4832

8th July, 1942.

D. W. F. McDonald, Esq.,
Barrister and Solicitor,
163 West Hastings Street,
Vancouver, B. C.

Dear Sir:

Re: Marie Mazerolle vs Kazuto
Nobuto and Fuyu Nobuto

This will confirm our telephone conversation yesterday regarding your letter dated July 2nd which reached us on July 6th.

We received confirmation on the 6th inst. from the Royal Canadian Mounted Police that the entire Nobuto family are still on their property at Whonock. The Custodian's office is therefore of the opinion that notice should not have been served on this office. The Custodian's office does not object to the proceedings contemplated in this instance at this time but desires to be informed in due course of the result of the foreclosure action in question. Our records indicate that there are a number of claims either declared by Mr. Nobuto or filed with us otherwise in addition to the unpaid taxes on the land and the principal and interest due to Marie Mazerolle. The claims in question are as follows:

- \$ 3.00 claimed by "The Gazette", Haney.
- \$ 98.27 claimed by the Maple Ridge Co-operative Produce Exchange. *See file*
- \$128.20 claimed by Mr. Yamaga of Haney, B. C.
- \$ 73.66 claimed by the Royal Columbian Hospital, New Westminster, B. C.
- \$229.45 claimed by the United Farmers Ltd., Haney, B. C. *See*

Yours truly,

R. P. Alexander
Manager

RPA:LF

- C O P Y -

We KAZUTA NABUTO and FUYU NABUTO of Haney aforesaid
Hereby agree to accept from Halbert Menzies also of Haney
the sum of Two Hundred Dollars (\$200.00) in full settlement
of all our equity and interest in the property known as,
Lot 37 of a subdivision of Lot 432 and the North Half of
Section 2 Township 12 in the municipality of Maple Ridge in
the District of New Westminster according to Map No 1208.
said \$200.00 to be paid as directed by the Custodian of
Alien Properties.

Signed "K. NOBUTO"

"F. NOBUTO"

Witness "O. Humphrey"

(Files #4832 & #4796 - original in #4832)

4832
4796

June 5th, 1943.

Mr. Kazuta NOBUTO,
Registration No. 13490,
New Denver, B. C.

Dear Sir:

We thank you for yours of the 23rd of May, 1943, verifying the claims which we sent you with the exception of the Gazette and the B. C. Electric Railway Company. We are writing to these two firms informing them as to what you say.

We note that you wish us to pay all the other claims from funds held in this office. You have at present two accounts with the Custodian, one is a personal account and in that account you have a credit balance of \$163.00. This represents a payment from the Maple Ridge Co-op. Produce Exchange of \$115.21, and the proceeds from the sale of your car of \$47.79. You have also got a joint account with Mrs. Nobuto showing a credit of \$200.00. This is the money paid to your account by Mr. Menzies on the sale of your property. The two accounts total \$363.00 and are more than sufficient to pay the claims against you, but in order that we may use the funds in the Joint account we will require a letter from you signed by Mrs. Nobuto and yourself authorizing us to use these funds for this purpose. To simplify your account it would be easier to put all the funds into a joint account in the names of yourself and your wife. If you do this please write us a letter asking the Custodian to arrange this and at the same time to pay all the claims which you have already instructed us to pay. This letter would also require to be signed by both yourself and your wife.

Thanking you in advance for your earliest attention.

Yours truly,

AMAND

A. McAlister,
Claims Department.



SOLDIER SETTLEMENT AND VETERANS' LAND ACT

YOUR FILE NO. 4796

PLEASE QUOTE J.L.157

1231 Haro Street,
Vancouver, B.C.
November 19th, 1948.

Mr. J.W.G. Hunter,
Crown Counsel,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B.C.

Dear Sir:

Re: K. & F. Nabuto

Replying to your letter of the 13th instant in regard to the above case, I beg to advise as follows:

- (1) Mr. H. Mensies obtained title from Marie Maserolle by Deed - C/T 152668-E and not by Agreement for Sale.
- (2) William Smith and Dorothy Elizabeth Smith also obtained title from Mensies by Deed - C/T 152669-E and not by Agreement for Sale.
- (3) The property was resold by Smiths in September, 1943, to Henry and Susie Barman, C/T 163271-E registered 25th September, 1943, consideration \$1500.00. Application for Registration dated September 20th, 1943 - Declared Value \$1500.00.

When interviewed recently at their home in Burnaby, Mr. and Mrs. Smith informed me that the increase in price of \$500.00 in conjunction with the rise in prices between the date of purchase in August, 1942, and sale in September, 1943, just about covered their outlay for improvements effected to the property and buildings in the year they were on the place and that they considered they were very fortunate in selling at no loss.

In this connection, I think you are already impressed with the fact that of the twelve Japanese properties sold privately in the early summer of 1942, seven were in the Municipality of Maple Ridge and one in Pitt Meadows and that nearly all of these were sold by Mr. Mensies who had been in the real estate business in these areas for years. In other words, Mr. Mensies was in a strategic position to pursue this business aggressively under the somewhat unusual conditions prevailing at that time.

Yours truly,

J.D. Patterson
J.D. Patterson
Appraiser.

JDP/W

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

13th November 1948.

Mr. G. J. Hefley,
Appraiser,
Veterans' Land Act,
D.F.A.,
1231 Ruse Street,
Yamouville, B.C.

Dear Mr. Hefley,

Re: E. A. F. Latute
V.L.A. Ref. No. J.L.157

We have reviewed Mr. Patterson's brief in connection with the above case.

The transactions by which title to the property in question was acquired by William Smith and Dorothy Elizabeth Smith as joint tenants are not entirely clear to us from Mr. Patterson's brief. We surmise, but would like to know definitely that Mr. H. Menzies obtained title under a Deed rather than an agreement for sale from Marie Macerolle and that he then gave a Deed rather than an agreement for sale to the Smiths. We should like to have specific information regarding this.

We gather from Mr. Patterson's first paragraph on Page 2 that Mr. and Mrs. Smith sold the property in September 1943 at no loss and we gather from this that they received a price of \$1000 or higher. However, we think that the price obtained in September 1943 by the Smiths is significant and we therefore require exact particulars of this sale and a certified copy of the Deed or of the agreement for sale, as the case may have been.

Yours very truly,

"J. W. G. Hunter"



SOLDIER SETTLEMENT AND VETERANS' LAND ACT

1251 Haro St.,
Vancouver, B.C.
November 12th, 1948.

YOUR FILE NO.

PLEASE QUOTE

Mr. J.W.G. Hunter,
Crown Counsel,
Office of the Custodian,
Vancouver, B.C.

Dear Sir:

Re: K. & F. Nabute - J.L. 157
Cust. file 4796

Attached please find Brief on the above mentioned case which has been submitted by Mr. J.D. Patterson. This is one of the twelve properties sold by the owner before P.C. 5523 came into effect.

Yours truly,

/GW
Encl.

J. C. Watson
for G. T. McKay

Brief to Crown Counsel

Dist. File #4796
VLA Ref. File J.L.157

Appraiser J.D. Patterson,
Vancouver, B. C.
November 10th, 1947

Re: K. & F. Nabuto (Japanese property sold in 1942)
Lot 27 of DL 422, Q.C.1, May 1908, N.W.D.

The following is submitted in regard to request for a report as to the difference between my valuation of the above described property at \$466.35 dated 26th May 1942 and its sale as alleged in July of that year at \$1,000 to Andrew William Smith and Dorothy Elizabeth Smith, joint tenants.

As detailed in aforesaid appraisal, the property was and still is poorly situated on a dead-end road in a hilly, sparsely settled location about two miles West of Whonnock, adjoining or adjacent to several other similar Japanese holdings, most of which have already been covered in the Brief submitted on K. & T. Hidaka, case No. 1063, (lying at at Nabuto's S.E. corner). It is suggested this Brief should be referred to in this regard.

A search at the Land Registry Office shows that the above described property was acquired in bush by people named Mazerolle in 1914 (for \$500), who logged it and adjacent property shortly thereafter and built the old pole or log house. In 1936, Marie Mazerolle, the then registered owner (C/T 112129E) sold it under joint tenancy agreement dated 23rd March 1936 (drawn by Halbert Mensies, Real Estate Agent, Naney, B.C.) to Karuta Nabuto and Fuyu Nabuto for \$1,000; on terms of \$200 down and balance as follows: \$110 on 15th August 1937, \$115 on 15th August 1938, \$120 on 15th August 1939, \$130 on 15th August 1940, \$160 on 15th August 1941, \$165 on 15th February 1942, together with interest on the balance owing from time to time under this agreement at the rate of 5% per annum, payable every six months beginning the 15th day of September 1936 and thereafter on the 15th day of February and September in each and every year until paid in full.

On account of arrears of \$554.10 (including \$6.25 costs) Certificate of Lis Pendens No. 35872C was filed 8th May 1942 and Release No. 33982 obtained by Court Order in June 1942, also a Quit Claim Deed given 22nd July 1942 by the aforesaid K. & F. Nabuto in favour of Marie Mazerolle and which was registered August 21st, 1942. On the latter date the aforesaid Halbert Mensies, Real Estate Agent, applied for the registration of the said property to himself and it was registered in his name September 8th, 1942 - C/T 152668E. A similar application by him - C/T 152669E - on the same date (August 21st 1942) on behalf of Andrew William Smith and Dorothy Elizabeth Smith of 3324 Olive Street, Burnaby, also was registered in their names as joint tenants on September 8th, 1942.

An Agreement to Purchase filed under the afore-mentioned C/T 152668E shows that on August 7th 1942 Mensies arranged to buy the said property for \$1,000 from Marie Mazerolle, and a certificate attached by her solicitor, D.W.F. McDonald, 41-43 Flack Block, 163 West Hastings, Vancouver, certifies payment of the purchase price of \$1,000 to the grantor, Marie Mazerolle, as sworn to on September 21st, 1942.

Mr. and Mrs. Smith were interviewed recently in regard to sale of the afore-described property registered under C/T 152669E. Smith is a \$20 a month disability pensioner of World War I, who was a prisoner of war in Germany for over three years. For some thirteen years prior to purchasing the said property at Whonnock he had been driving a milk wagon for Associated Dairies in Vancouver. His health was failing and he and his wife decided this would be benefited by getting away from the city on to a small farm, resulting in their buying through Mr. Mensies as afore-mentioned. This pretty well exhausted their small capital and they very quickly discovered that the land was run down and too poor to begin providing a living for

for the two of them (they had no family) let alone replace the old house and other buildings necessary. While they maintained the property and improved the old buildings as much as possible, in order to live Smith was forced to return to employment in Vancouver in less than a year, where easier, well paid War work suitable to his condition had become available, and on the rising real estate market they re-sold the property in September 1943 at no loss. Although Mr. and Mrs. Smith seem to think that in their situation the property was worth about the price of \$1,000 paid, they are very decidedly of the opinion the land was run out and too poor to provide a living and that they were very fortunate in being able to sell owing to the rising market at no loss. While it may appear Smith might not make a favourable witness, I believe cross-examination would perhaps bring forth more favourable features than is apparent from the foregoing.

His address is 2750 Franklin Street, Burnaby, New Westminster, B.C., telephone Dexter 2012-F, and where he and his wife bought a lot and modest home on selling out and returning from Whonnock in 1943.

I also interviewed Helmont Herbert Dirks (brother of Walter Dirks referred to in my earlier Brief on Hidaka, Case No. 1063). He now owns the 4.35 acres adjoining at S.E. (acquired in 1943 by Ernest J. Roberts - see last paragraph page 2 of Hidaka Brief) described as Lot 36 of D.L. 432, Sp.1 and the N.½ of Sec.2, Tp.12, Map 1208, save and except the North 8 chains thereof. Dirks knows the former Nabuto property well and gave it as his considered opinion it was worth \$600 when evacuated in 1942. He is prepared to give evidence to that effect and his address is R.R.1, Whonnock, B.C. In conjunction with his brother Walter and Ernest J. Roberts, his evidence also would probably be helpful in regard to the buildings on the Hidaka property since he is a skilled carpenter and small contractor who has built quite a number of small houses locally and in the Municipality. He is also well acquainted with small fruit production and marketing over a period of years.

Mr. Walter Dirks' address also is R.R.1 Whonnock B.C., Telephone: Haney 155W and Helmont, his brother can also be reached through the same telephone.

J. H. H. H.
Affiant