11493

FILE No. 11493

REAL ESTATE

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: Futa, George Masahide ~~HXH~~ Arthur,
(brothers) Futa, Frank Shoji,
Futa, Bu Yoi John

HOME ADDRESS: 154 Van Horn St. N.
Cranbrook, B.C.

REGISTRATION NUMBER 13026 13017 13025 SEX: males AGE 29,27,25

OCCUPATION: Merchants, above named in Partnership, Futa's Grocery Cranbrook, B.C. G. Futa as Manager.

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Own Selves

MARRIED? All Single.

NAME OF WIFE OR HUSBAND:

ADDRESS OF WIFE OR HUSBAND:

NAMES OF ANY LIVING CHILDREN:

ADDRESS OF CHILDREN:

AGE OF CHILDREN:

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION:
Block "G" in townsite plan no. 669 Cranbrook B.C.
Block 92 lot 4 and South half of 5. Cranbrook B.C. (Futa)

2. BUILDINGS AND OTHER IMPROVEMENTS:
Store and Living Quarters 2 storey Frame Bldg. and Union Oil Service Station on Block "G"
One Storey Frame & Metal double Garage On Lot ~~HX~~ 4, Blk ~~HX~~ 92

3. INSURANCE (Give particulars; state where policies are) Fire Insurance on Blk "G"
Guardian $300.00, Caledonian $1500.00, Travellers $1500.00
Union $1000.00

4. TAXES (Amount and where payable) Beale & Elwell Cranbrook Dec 31 1942
Taxes on LOTS 4, s½5. to City of Cranbrook 139.50

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)
Mortgage on Blk "G" held by Beale & Elwell Cranbrook, B.C. $53.37
Note held by J. Molleur $300.00

6. OCCUPANCY AND LEASES (If vacant so state)
Block "G" occupied by ourselves, using store building and living quarters valued at $75.00 per month. Balance of block used by Union Oil Co. Ltd.
Lots 4& s½5 are not occupied.

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: Land Registry Office, Nelson,B Beale & Elwell, Cranbrook, B.C.

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: Beale & Elwell Cranbrook

9. IF FARM LAND STATE CROPS SOWN

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION:

2. LANDLORD'S NAME AND ADDRESS:

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID:

4. STATE WHEREABOUTS OF LEASE:

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid)

Union Oil Co Of Canada Ltd, 402 Pender St. W. Vancouver, B.C.
Rent paid in full to Dec. 31 1942. Ten (10) year lease at
$60.00 per month, expires August 31 ~~XXXXX~~ ~~XXXX~~ 1950

6. IF FARM LAND, PARTICULARS OF CROPS SOWN:

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

Inventory of furniture & fixtures attatched. Small personal effects will likely be packed and stored with Jostad & Nelson, Cranbrook Cartage Co., Cranbrook, B.C.
Business Equipment will be left with the store building. These to be rented with business.

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS

3 yellow cats

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY

FORM "JP" FILE No.

4. INSURANCE CARRIED ON ABOVE PROPERTY:

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS:

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)

Statement Attached. Provided tha t any payments made before Evacuation be deleted from the list.

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)

8. BANK ACCOUNTS:

9. LIFE INSURANCE: George Futa with Sun Life Assurance Co. $1000.00 Policy No.642,853. This assigned to Imperial Bank of Canada, Cranbrook, B.C.

10. INTEREST IN ANY ESTATES OR TRUSTS.

11. SAFETY DEPOSIT BOX: Beale & Elwell, Cranbrook, B.C.

LIABILITIES:

1. PERSONAL DEBTS: note to Imperial Bank of Canada, Cranbrook, B.C. $650.00

2. TRADE DEBTS: Statement attached as at April 1st 1942. Provided that Payments made up until time of evacuation be deleted from the list.

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 25th day of July 1942.

John E Kennedy
Witness

(Signature) George Futa Jnr.

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

DATE 2/6/43

Our File No. 11493

Full Name FUTA, Buaye (John)
(Surname in Block Letters)

Registration No. 13017 Male - Female (Check) Age Dec. 10, 1914

Former Address P.O. Box 301, Cranbrook, B. C.

Date Evacuated ? Naturalized - Canadian-Born - National (Check)

Present Address Invermere, B. C.

Married - Single (Check)

Name of Wife

Name of Husband

Name of Mother Tsaneko #13022 Name of Father Rikuzo #13021

Names of Children under 16

Requested by VCD Registered with Custodian (Yes or No)

Additional Information Clerk

1/3 owner in 2 Real Properties.
See File 11495 for full particulars.
W.H.

Catalogue No. 554

File Nos. 11493
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FUTA, Busye John
FUTA, Frank Shoji
FUTA, George

Reg. Nos. 13017
13025
13026

Civic Address: Fronting on Van Horne Street, Louis Street and Clark Avenue.

Legal Description: Block "C", Cranbrook City, Plan 669.

Classifications: Store bldg. (with rooms) store fixtures and equipment.

.....

SEE "REAL PROPERTY" FILE NO. 11495.

Catalogue No. 555

File Nos. 11493
11494
11495

FUTA, Busye John
FUTA, Frank Shoji
FUTA, George

Reg. Nos. 13017
13025
13026

Civic Address: Clark Avenue

Legal Description: Lot 4 and that part of Lot 5 lying South of a line which bisects the Easterly and Westerly boundaries of the said Lot, in Block 92, Cranbrook City, Plan 669.

Classification: Frame and metal garage.

.....

SEE "REAL PROPERTY" FILE NO. 11495.

File No. 11423 August 23, 1967.

SUMMARY OF LIABILITIES

Re: Roger John PUTA
Registration No. 13917

The above-mentioned deponse did not declare any assets but states in which he shared in his relationship as a partner in Puta Brothers Grocery will be found in a General Summary of Liabilities dated August 23, 1967, copy of which is on this file.

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

.....
Identification Department.

RJJ/mrf

File Nos. 11493
11494
11495

August 21, 1947.

SUMMARY OF LIABILITIES

Re: Tsugo John FUTA,
Reg. No. 13227, File No. 11493
Frank Shoji FUTA,
Reg. No. 13225, File No. 11494
George Masahide Arthur FUTA
Reg. No. 13226, File No. 11495

The following liabilities were declared by the above or filed against them, according to information on file No. 11493(the master file):

(1) In JP Form signed by George FUTA, on behalf of himself and his two brothers, Frank Shoji FUTA and Tsugo John FUTA, he declared owing the Imperial Bank of Canada, Cranbrook, B. C., the sum of $650.00, which was secured by a Promissory Note in favour of said bank.
In this connection we were advised by the Imperial Bank that the loan was amply secured by the surrender value of Mr. Futa's Life Insurance Policy, which had been hypothecated to the Bank.
At the request of Mr. Futa we forwarded the Bank the sum of $100.00 on account, with our letter dated August 9, 1943.
Further, we received a letter from the Imperial Bank dated February 21, 1944, which reads in part as follows:
"I acknowledge yours of February 18th. We received from the Sun Life Assurance Co. of Canada $1146. Mr. Futa's note for $570. was paid in full and balance $476 was transferred to his credit to our Invermere Branch."

(2) The following letter dated April 1, 1942, was received from the Commercial Credit Corporation, Calgary, Alberta:
"On the 6th day of November, 1940, Mr. George Futa, Japanese, purchased a new 1940 Dodge sedan, serial number 30770000, motor number D14-16979, from Rundll's Garage Co. Ltd., Cranbrook, B.C. On this, there was a deferred balance of $745.74 covered by conditional sale agreement which we discounted for the dealer.

"There is a balance still owing us on this car of $124.29, and we understand that the car has been taken from Mr. Futa. Owing to the uncertainty of conditions, and not knowing when he will have the car returned to him, Mr. Futa does not wish to pay out our balance. As we are not familiar with the procedure to be taken in this case, we would appreciate hearing from you at your convenience."
We wrote the above Company on May 9, 1944, in connection with this matter and received the following reply dated May 12, 1944:
"Our claim as advised in our letters of April 1942, of $124.29 on the subject account was liquidated well over a year ago. As a matter of fact the exact date was July 20th, 1942."

P.T.O.

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11495

September 20, 1947.

Mr. R. E. Reed, B. A., B. Com.,
Barrister and Solicitor,
Haworth Block,
Cranbrook, B. C.

Dear Sir:

Re: Block 77, Cranbrook City, Plan 662

We are in receipt of your letter of the 13th instant, with enclosures, and wish to advise you we have now completed the matters referred to therein.

We wrote Mr. Marcellus on August 21, 1947, and forwarded North West Fire Insurance Policy No. 212556, with an Endorsement relinquishing the interest of the Custodian in same. The Transfer and Consent form relating to the Mortgagee, British American Oil Company Limited, which you enclosed with your letter, has been completed by Messrs. McGregor, Johnston and Thomas Limited, agent for said Insurance Company, and we have forwarded same to Mr. Marcellus today to be attached to the above Policy.

We have also relinquished our interest in Great American Insurance Policy No. 314663 and have had the Transfer and Consent Form signed in a similar manner as effecting the British American Oil Company Limited. We have also forwarded said Great American Insurance Policy to Mr. Marcellus today with Endorsements attached thereto.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MMS

11493
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11495

September 20, 1947.

REGISTERED

Mr. C. W. Marcellus,
Union "76" Service,
Cranbrook, B. C.

Dear Sirs

Re: Block "C", Cranbrook City, Plan 669

We have received a letter dated September 13, 1947, from Mr. R. E. Read, Barrister and Solicitor, enclosing Transfer and Consent Form relating to North West Fire Insurance Policy No. 212596, signed by you. We have had this form completed by Messrs. McGregor, Johnston and Thomas Limited and are forwarding same herewith to be attached to relative Policy, which we enclosed with our letter to you dated August 21, 1947.

Mr. Read also forwarded Great American Insurance Policy No. 314663 with his letter, together with relative Transfer and Consent Form signed by you. You will note that said Form has been completed by the Insurance Company and that the Custodian has relinquished his interest in the Policy, which is enclosed herewith.

We have advised Mr. Read in our letter to him of even date, that we forwarded the above-mentioned to you today.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/EMS
Enc. (2)

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September 8, 1947.

The British American Oil Co. Ltd.,
Law Department,
320 C.P.R.Station,
Vancouver, B. C.

Dear Sirs: **Attention: Mr. J. A. Wright (P.E.B.)**

Lot Block "C", Cranbrook City, Plan 669.

We are in receipt of your letter of the 6th instant, enclosing Certificate of Incumbrance No. 16702, together with relative information regarding registration of Title and Mortgage in connection with the above-mentioned property.

Kindly accept our thanks for your attention to this matter.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN.

WJJ/MED

File # 11493

COPY

The British American Oil Company Limited

Law Department - 320 C.P.R. Station - Vancouver, B.C.

September 6, 1947.

Your file - 11493
11494
11495

W. J. Johnston, Esq.,
Office of the Custodian,
Department of the Secretary of State,
506 Royal Bank Building,
Hastings and Granville,
VANCOUVER, B. C.

Dear Sir:

Re: Block "C", Cranbrook City, Plan 669
Charles Wilmer Marcellus

I am obliged to you for your letter of 22nd ult., and as requested, I enclose for your records Certificate of Encumbrance No. 16502 showing Marcellus as the registered owner, Indefeasible Title No. 70480-I subject to mortgage in favor of this company registered under 30432-D.

For your information, the applications to register the title and the mortgage were made on June 25th and registrations were completed on July 4th.

Yours truly,

"J. A. Wright"
"D"

FED

Encl.

Signature File #11495

File # 11493.

George Arthur Hambide FUTA

File No. 11495
Rem. No. 13026

Date		Particulars	Debit	Credit	Balance
1947	January 6	Balance as per last statement sent		$7,345.04	
	February 8	Cheque forwarded to Mr. George Arthur FUTA	$300.00		
	February 21	Cheque forwarded to Mr. George Arthur FUTA	7,000.00		
	August 22	Balance of payment under Agreement for Sale re Blk."C", Cranbrook City, Plan 669, Principal-$5,250.00 Interest -$ 155.24		5,405.24	
	August 25	Cheque forwarded to Mr.George Arthur FUTA	5,450.28		
			$12,750.28	$12,750.28	

CR. BAL.

11495
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August 25, 1947.

REGISTERED

The Manager,
Imperial Bank of Canada,
Invermere, B. C.

Dear Sirs

We are enclosing herewith our cheque for the sum of $5,430.26 for credit of the account of George Masahide Arthur FUTA, Registration No. 13026, in your Bank.

These funds are being sent at the request of Messrs. George M. A. FUTA, Sango John FUTA and Frank Shoji FUTA, and we have notified them that this remittance has been forwarded.

Kindly acknowledge receipt in due course.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

735/1822
Enc. (1)

11493
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11495.

August 25, 1947.

Messrs. George Masahide FUTA,
Sunye John FUTA & Frank Shoji FUTA,
Reg. Nos. 13026, 13017 & 13025,
Invermere, B. C.

Dear Sirs:

Please be advised that we have, in accordance with your request, forwarded our cheque for the sum of $5,450.28, representing all funds on hand to your credit in this Office, to the Imperial Bank of Canada, Invermere, B. C.

We would appreciate receiving an acknowledgment from you that these funds have been credited to your account in said Bank.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MMB

11493
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August 22, 1947.

The British American Oil Co. Ltd.,
Law Department,
320 C. P. R. Station,
Vancouver, B. C.

Dear Sirs: Attention: Mr. J. A. Bright (V.E.D.)
Re: Block "C", Cranbrook City, Plan 660.

We are in receipt of your letter of the 15th instant, enclosing copy of letter dated August 9, 1947, received by you from Messrs. Wragge and Hamilton, Barristers and Solicitors, Nelson, B. C. We note that Title to the above property has issued to Mr. C. W. Marcellus, subject to your Mortgage, and we have, accordingly, deposited your cheque for the sum of $5,405.24 in our bank account. Our official receipt No. 15576 for a similar amount is enclosed herewith.

As stated during our conversation yesterday, we have forwarded North West Fire Insurance Policy No. 212556 to Mr. Marcellus, with an Endorsement relinquishing all interest of the Custodian in same, duly completed. This is the only policy in our possession in connection with the above property.

In order to complete our records we would appreciate receiving a Certificate of Encumbrance, as suggested by Messrs. Wragge and Hamilton in the above-mentioned letter.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/EMS
Enc.

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August 21, 1947.

REGISTERED

Mr. C. W. Marcellus,
Union "76" Service,
Cranbrook, B. C.

Dear Sirs

Re: Block "C", Cranbrook City, Plan 569, and
North West Fire Ins. Policy No. 212556.

With further reference to our letter of the 16th instant, we wish to advise you that we were in communication with the British American Oil Company Law Department today, and they have advised us they will communicate with you direct regarding the Transfer and Consent Form in connection with the above-mentioned fire insurance Policy, which we are enclosing herewith. You will note that the Endorsement relinquishing the interest of the Custodian in this Policy, has been attached thereto.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/HMS
Enc. (1)

File Nos. 11470
11484
11470/A

January 31, 1947.

[redacted]

Re: Mr. A. Gaul
[redacted] Mr. W. F. Johnston

Tax Catalogue No. 556.
Block 6F, Crestwood City, Plat 6B.
Fronting on Van Horne Street, Louis
Ninth and Sixth Avenue, Cunningham Add.

The sale of the above-mentioned property has been completed by issuance of Title to the purchaser, Mr. Charles Wilson Hawkins, and it will, therefore, be in order to release the sum of $5,409.54, presently held in Property Suspense Account, to the credit of George Hamblin Fund, Registration No. 13086, File No. 11470.

WGJ/mm

11492, 11493,
11494 & 11295.

August 16th, 1947.

Mr. C. H. Marcelline,
Union Oil Station,
Cranbrook, B. C.

Dear Sir:

Re Block 49, Cranbrook City, Plan 669, and
North West Fire Ins. Policy No. 232556.

We wish to advise you that the British American Oil Company Limited Law Department have forwarded us a copy of a letter which was received from Messrs. Bragge & Hamilton, Barristers and Solicitors, Nelson, B. C., which states that title to the above property has been registered in your name, but that Certificate of Title will remain on file subject to the Mortgage of the above-mentioned Company.

We are, therefore, arranging to have the above Policy transferred to your name and as soon as this has been completed, the said policy will be forwarded to you. This policy is also subject to the Mortgage of The British American Oil Company and the enclosed Transfer and Consent form should be signed by you and returned to us by return mail. Kindly have this form dated and your signature witnessed. Your attention to this matter will be appreciated.

The above is the only insurance policy in connection with this property, apart from the Union Oil Company Service Station buildings and covers $1800.00 on the store building and $1,000.00 on the contents. This policy expires on the 11th December, 1947.

Yours truly,

W. J. Johnston,
Office of the Custodian.

WJJ/P.
Encl.

11492, 11493,
11494 & 11495.

August 4th, 1947.

The British American Oil Co. Ltd.,
Law Department,
320 C. P. R. Station,
Vancouver, B. C.

Dear Sirs:

Re: Block "C", Cranbrook City, Plan 669, and
North West Fire Ins. policy No. 212556.

With reference to our letter of June 11th and your reply of July 2nd, 1947, will you kindly advise us if title has issued to Mr. C. W. Marcellus in order that we may complete transfer of above fire insurance policy to him, subject to your Mortgage.

Yours very truly,

W. J. Johnston,
Office of the Custodian.

WJJ/fp.

11493 11494, 11495

July 4, 1967.

Messrs. McGregor, Johnston & Thomas Ltd.,
414 West Pender Street,
Vancouver, B. C.

Dear Sirs:

Re: North West Fire Insurance Policy No. [illegible]556.

This policy covers a property in Cranbrook, B. C., the assured being Charles Wilmer Marcellus.

The British American Oil Company Limited (Law Department, 340 C.P.R. Station, Vancouver, B. C.) are in the process of filing a mortgage charge against this property with the consent of Mr. Marcellus, and we confirm our request to you to keep the British American Oil Company Limited covered "as their interest may appear" until the transaction is completed. It is expected that Certificate of Title will issue to Mr. Marcellus in a few weeks, subject to the British American Oil Company mortgage, at which time the interest of the Secretary of State of Canada will be released.

Will you kindly confirm that protection is being given as requested.

Yours very truly,

ACM/AC

A. C. McArthur,
Office of the Custodian.

cc. Chas. R. Ward, Agent,
Cranbrook, B. C.

11493
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11495/1

July 4, 1947.

Messrs. Busyo John FUTA and
Shoji Francis FUTA,
Reg. Nos. 13017, & 13025,
Invermere, B. C.

Dear Sirs:

We wish to thank you for your letter of the 17th ultimo confirming instructions received previously from Mr. George Arthur FUTA.

The balance of funds owing under the Agreement for Sale should be available within the next thirty days and will be forwarded to the Imperial Bank of Canada, Invermere, B. C., as soon as possible.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/HMS

11493
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11495/1

July 2, 1947.

The Manager,
Imperial Bank of Canada,
Invermere, B. C.

Dear Sirs

We are in receipt of your letter of the 26th ultimo and wish to advise you that we have been requested by the Futa Brothers to forward to your Bank the balance of their funds held by the Custodian for the purpose of purchasing Dominion of Canada Savings Bonds and these funds totalling approximately $5,450.00, should be available in a very short time.

We have been advised that Mr. George Arthur FUTA holds a Power of Attorney for his two brothers, Shoji Francis FUTA and Bunye John FUTA.

We trust the above information answers your inquiry.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN.

WJJ/HMS

File #11493

C
O
P
Y

IMPERIAL BANK OF CANADA

Invermere, B. C. June 26th 1947.

The Custodian,
Dep't Secretary of State,
Japanese Evacuation Section,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir:-

Re: No. 13026, Geo. A. Futa.
Futa Brothers.

The above person and firm are entering into some financial transactions with us and have advised that there will be a property at Cranbrook, B. C. The amount we understand is around $5000. and is expected to be available in a month or so. Mr. Busye Futa acting for the firm has suggested that we write you for confirmation of the above. If you are not able to give us this confirmation we would be glad if you would write the Futa Bros so that we may obtain information from them.

Thanking you,

Yours faithfully,

"A. Ashworth"

Manager.

Original in File # 11495

H.L. # 11493

COPY

Invermere, B. C.,
June 17th, 1947.

Mr. W. J. Johnston,
OFFICE OF THE CUSTODIAN,
506 Royal Bank Bldg.,
Vancouver, B. C.

Dear Mr. Johnston:

In confirmation of our 'phone conversation today, we are writing to thank you again for the courtesy and promptness with which our request for available funds to invest in Dominion of Canada Bonds was met. On receipt of the $7,000.00 at the bank, it was invested in 9th Victory Loan Bonds, and Dominion of Canada Bonds which we are glad to state were still available.

This letter will also serve to re-affirm the power of attorney vested in George Futa by both the undersigned and which was filed in your office, regarding transactions through there. It is our understanding that he has requested the balance of the funds due, whenever they become available, be placed to his credit in the Imperial Bank of Canada here in Invermere, for the purpose of further investments in Canadian Government bonds. This fully meets our approval and we trust this will be done with the same coutesy and dispatch which we have received in the past.

It has also been brough to our attention that the B-A Oil Co. have taken over the payments and have arranged full payment, with all interests to date of settlement, to be made at once. This also is satisfactory to us, and no doubt is just as satisfactory to you, as it is our desire to have the whole affair brought to a close as expeditiously as possible. We therefor trust that as soon as the funds become available, they will be transferred to the bank here, where we have left instructions to purchase Dominion of Canada bonds for us when ever the funds are received from your office.

Thanking you again and in expectations of an early settlement of our affairs through your office,

we remain,

Yours respectfully,

"B. J. Futa"
B. J. Futa.

"F. Futa"
& F. Futa.

Original re H.L. # 11495.

File Nos. 11490
11491
11492/A.

June 13th, 1947.

MEMORANDUM

TO: File.

FROM: Mr. W. J. Johnston.

Our Catalogue No. 954
Fronting on Van Horne St., Louis St. and
Eleith Ave., Crombrooke E. C.
Block 7??, Crombrooke City, Plan 640.

By special arrangement between the purchaser of the above-mentioned property, Mr. C. V. Marcellus, and the British-American Oil Company Limited, the full amount of the balance owing under the Agreement for Sale, including interest at 5% to May 15, 1947, viz.: $5,405.24, has been received by us from said Oil Company. In consideration of this payment, Mr. Marcellus has given the Oil Company a Mortgage against the above property for a similar amount, which they propose to register against the Title at the same time as the Deed in his favour is registered.

At the suggestion of Mrs. Mairthur, the British-American Oil Company obtained from Mr. Marcellus a signed Authorization and Direction permitting the Custodian to deliver Deed of Land to Mr. J. A. Wright of the Law Department of said Company, in order that the above arrangement might be completed by them.

We now have on file the above Authorization and Direction; and Deed of Land, together with 1947 Tax Certificate, has been forwarded to Mr. J. A. Wright with Mrs. Mairthur's letter dated June 11, 1947, having received his assurance in letter dated June 10, 1947, that he would give us his undertaking to register it.

When the Agreement for Sale was filed on November 23, 1946, the Transmission covering transfer of above property to the Secretary of State of Canada acting in his capacity as Custodian, was also registered. In this connection, the following charges were incurred:

Registration of Transmission.....	$19.00
Registration of Agreement for Sale....	6.50
	$25.50

Mr. Marcellus, the purchaser, was debited with the sum of $20.00 for Registration fees as shown in the Statement of Adjustments dated December 11, 1946, the original of which was mailed to him with our letter dated December 12, 1946, and cheque in his favour for $56.25 was also enclosed.

P.E.O.

File Nos. 11493
11494
11495/A.

June 13, 1947.

The British-American Oil Company have agreed to pay the registration fees amounting to $21.00 in connection with the Deed forwarded with our letter of June 11, 1947, and this will be a matter for settlement between them and Mr. Marcellus.

Our cheque for $21.00 which was withheld pending completion of the above arrangement, has been re-credited to the account of Mr. George H. Fuhr, Registration No. 13026, File No. 11495. Please see notation on Mr. Cramer's letter dated May 29, 1947, which was also withheld for the same reason and remains on file for record purposes.

.....
Examination Department.

WJJ/MMB

Copy for Mrs. McArthur.

11493, 11495

June 11, 1947.

The British American Oil Company Limited,
Law Department,
320 C. P. R. Station,
Vancouver, B. C.

Dear Sirs: ATTENTION: MR. J. A. WRIGHT

Re: Block "C", Cranbrook City, Plan 669.

We acknowledge your letter of June 10, enclosing authorisation and direction signed by Charles Wilmer Marcellus permitting delivery to you of deed to him from the Secretary of State of Canada Acting in his capacity as Custodian.

We are, accordingly, attaching hereto the deed, together with Tax Certificate, and will be pleased to receive your undertaking regarding registration of this document and be advised when title has issued to Mr. Marcellus, subject to your mortgage.

Yours very truly,

A. G. McArthur,
Office of the Custodian.

ACM/AC
Attach. Deed
Tax Cert.

11295
11294
11293 ✓

May 29, 1947.

REGISTERED

The British American Oil Company Limited,
320 C. P. R. Station,
Vancouver, B. C.

Attention: Mr. J. A. Wright (F.E.D.),
Law Department.

Dear Sirs: Re: Block "C" Cranbrook City, Plan 669.
Sale Date to Marcellus.

We are in receipt of your letter of the 28th instant and wish to advise you that the contents are definitely not in accordance with the writers understanding of our telephone conversation of yesterday morning.

We advised you that in all cases the purchase price must be received by this Office and deposited in our bank account before a Deed conveying Real Property to a purchaser may be registered. We did agree, however, to make an exception in this case and stated we would wait until we had been notified by the Land Registry Office that the Deed had actually been registered. The writer stated that depositing your cheque in our bank account was not contingent upon the acceptance of your Mortgage by the Land Registry Office and that you were responsible for having . at document in order. Further, the writer was under the impression, when our conversation was completed, that this was understood by you.

In similar cases our Office has co-operated with the Mortgagee and has arranged to have the Mortgage filed concurrently with the Deed and arrangements might still be made to have this done. Or, you might be able to further protect your interest by exchange of letters with the Mortgagor, covering the situation.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MES

11495
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May 28, 1947.

The British American Oil Company Limited,
Law Department,
320 C. P. R. Station,
Vancouver, B. C.

Attention: Mr. J. A. Bright (P.E.P.)

Dear Sirs: Re: Block "C" Cranbrook City, Plan 669
Sale Lots to Marcellus.

With reference to our conversation this morning we wish to confirm that we are having your cheque for the sum of $5,405.24 certified, and as agreed, will not deposit same in our bank account until we are notified by the Land Registry Office, Nelson, B. C., that Deed of Land conveying the above property to Mr. C. W. Marcellus has been accepted by them.

In the event that said Deed is not accepted by the Land Registry Office we hereby undertake to return your cheque to you.

Yours very truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN.

WJJ/MMS

May 19th, 1947.

REAL PROPERTY MEMORANDUM

FILE NOS. 11493, 11494 and 11495.

NAMES: Bunye John FUTA, Frank Shoje FUTA and George FUTA.

CATALOGUE NO: 554

RE: Fronting on Van Horne St. & Louis Street & Clark Avenue, Cranbrook, B. C.
- Store building (with rooms) and equipment.

CERTIFICATE OF INCUMBRANCE:

Description of Property: Block "C", Cranbrook City, Plan 669.

Encumbrances: Nil.

Taxes: Paid by purchaser.

Vested: No. 17296.

VALUATION BY APPRAISERS: $5300.00 - Real property (Kennedy)
$6150.00 - Real property (Rosling)

AMOUNT OF BID: $10,000.00 - Real Property

APPROVED BY ADVISORY COMMITTEE: October 9th, 1946.

AMOUNT RECEIVED BY CUSTODIAN: $10,000.00 - now paid in full.
(Agt. Our Sale paid in full.)

NAME OF PURCHASER: Charles Milner Marcellus.

Prepared by: [signature]

Approved by: [signature]

DAC:le

11493
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11495

May 19, 1947.

Mr. C. V. Marcellus,
Union "76" Service,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 554
Fronting on Van Horne St., Louis St. and
Clark Ave., Cranbrook, B. C.
Block "C", Cranbrook City, Plan 669.

We are in receipt of your letter of the 15th instant and in reply wish to advise you that we have now received a cheque from the British American Oil Company Limited for the full amount of principal owing under Agreement for Sale in connection with the purchase by you of the above-mentioned property, together with interest at 5% computed as at May 15, 1947.

We are forwarding Deed to the above property, in your name, to Ottawa for signature and when same has been returned it will be registered at the Land Registry Office, Nelson, B. C.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/HMS

11295/1/11493

May 16th, 1947.

The British American Oil Company Limited,
Law Department,
320 C.P.R. Station,
Vancouver, B.C.

Attention Mr. J.A. Wright(F.E.D.)

Dear Sir:- Re:- Block "C" Cranbrook City, Plan 669
Sale Puts to Marcellus

We are in receipt of your letter of the 14th instant enclosing your cheque for the sum of $5,405.24 in payment of balance of principal owing in connection with the sale of the above mentioned property to Mr. C.W. Marcellus, including interest at 5% to May 15th, 1947, for which please accept our thanks.

We are forwarding Deed of Land immediately to Ottawa for execution by the Secretary of State for Canada in favour of Mr. Marcellus, and as soon as it has been returned to us we will advise you. In the meantime we will hold your cheque until said Deed has been returned to us.

Yours truly,

WJJ/DD.

W.J. JOHNSTON
OFFICE OF THE CUSTODIAN.

[redacted] 11493 ✓
11494
11495

[redacted] May 14, 1947.

[redacted]

704 Mr. D. Gaul

[redacted] Mrs. V. J. Johnston

Tax Catalogue No. 554
Fronting on Van Horne Sts, Lorne Sts and
Clark Ave., Cowansville, P. Q.
Block 322, Cowansville Civic Plan 4th.

Attached hereto please find copy of letter dated May 14, 1947, received from the British American Oil Company Limited, together with their cheque for the sum of $5,405.24, which represents the balance of principal owing in connection with the sale of the above-mentioned property to Mr. C. V. Hervelius, including interest at 5% to May 15, 1947.

As requested by the above-mentioned Oil Company, kindly hold the attached cheque until the Deed has been returned from Ottawa.

.....
Administration Department.

VGH/mmm
Attach. (2)

Hult 11493

COPY

THE BRITISH AMERICAN OIL COMPANY LIMITED

Law Department - 320 C.P.R. Station - Vancouver, B. C.

May 14, 1947.

The Custodian of Enemy Property,
675 West Hastings St.,
Vancouver, B. C.

Dear Sirs Attention: Mr. M. J. Johnston.

Re: Sale Futa to Marcellus, Cranbrook
-Your files 11493-11495-

Referring to our telephone conversation of 12th instant.

I enclose herewith British American Oil Company cheque payable to the Custodian of Enemy Property in the sum of $5,405.24 which I understand is the amount, computed to 15th instant, owing by Marcellus to you.

I should be pleased if you would kindly take immediate steps to have the Secretary of State execute deed on behalf of Mrs. Futa in favour of Mr. Marcellus, and forward to me in due course. Meantime, kindly hold the enclosed cheque pending receipt by me and registration of deed.

Yours truly,

"J. A. Wright.
D

FED
Enclos

Inquiries re File # 11493-9.

11497
11494
11495

May 9, 1947.

Mr. C. W. Marvellus,
Union "76" Service,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 554
Fronting on Van Horne St., Louis St. and
Clark Ave., Cranbrook, B. C.
Block "C", Cranbrook City, Plan 669.

Kindly advise us when we may expect to receive the full amount of the balance owing under the Agreement for Sale to be paid by the British American Oil Company.

The payment due April 1, 1947, should be forwarded to this Office if there is to be a delay in completing the transaction referred to in your letter of March 31, 1947.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/mms

11493 ✓
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11495

April 9, 1947.

Futa Bros.,
c/o Mr. George Arthur FUTA,
Registration No. 13026,
Invermere, B. C.

Dear Sirs:

Re: Catalogue No. 554
Fronting on Van Horne St., Louis St. and
Clark Ave., Cranbrook, B. C.
Block "C", Cranbrook City, Plan 669.

We wish to advise you at this time that Mr. C.T. Marcellus has informed us by letter dated March 31, 1947, that he has made arrangements with the British American Oil Company Limited to liquidate the balance owing under Agreement for Sale in connection with the purchase by him of the above-mentioned property.

Mr. Marcellus has requested that payment of $750.00, due April 1, 1947, be delayed for a short time and we have agreed to this on the understanding that interest in full will be paid to date of payment by the Oil Company.

We will advise you further in due course.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/HMB

11493 ✓
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11495

April 8, 1947.

Mr. C. V. Marcellus,
Union "76" Service,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 554
Fronting on Van Horne St., Louis St. and
Clark Ave., Cranbrook, B. C.
Block "C", Cranbrook City, Plan 669.

We are in receipt of your letter of the 31st ultimo and note that you have made arrangements with the British American Oil Company to liquidate the balance owing under Agreement for Sale relating to the above-mentioned property.

Under the circumstances we have no objection to payment of the quarterly instalment due April 1, 1947, being delayed for a short time, but we will expect interest in full to be paid up to the date full payment is made by the above Company.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/BHB

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February 20, 1947.

REGISTERED

The Manager,
Imperial Bank of Canada,
Invermere, B. C.

Dear Sir:

Re: George Arthur (Masahide) FUTA
Registration No. 13026

We are enclosing herewith our cheque for the sum of $7,000.00, for the credit of the account of the above-mentioned in your Bank.

Kindly acknowledge receipt of this cheque at your early convenience.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MMS
Enc. (1)

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February 20, 1947.

Futa Bros.,
c/o Mr. George Arthur FUTA,
Registration No. 13026,
Invermere, B. C.

Dear Sirs:

We are in receipt of your letter of the 17th instant and in accordance with your request we wish to advise you that we are today forwarding our cheque for the sum of $7,000.00 to the Imperial Bank of Canada, Invermere, B. C. This will leave us a small balance of $43.04 in this Office which we will retain to keep your account open.

We note that it is your intention to purchase Dominion of Canada Savings Bonds with these funds and have arranged to do likewise with the balance of the purchase price as payments under the Agreement for Sale fall due. We will make a note of this matter and forward our cheque to the above Bank as funds become available.

For our records, it would be appreciated if you would have your two brothers confirm the above arrangement by letter addressed to this Office.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MMB

C
O
P
Y

FUTA BROS.

Invermere, B. C.

File # 11495

Feb. 17 1947.

Mr. W. J. Johnston,
Office of the Custodian,
506 Royal Bank Bldg.
Vancouver, B. C.

Dear Sir:

re file 11495

This is to acknowledge receipt of your statement of our account as well as cheque for $300.00 on this account.

We have today placed an order with the manager of the Imperial Bank of Canada, here, for $6000.00 worth of Canada Savings Bonds ($2000.00 for each of us) and would like you to send this amount together with the balance of our money to the Imperial Bank, here, so that the transaction will be completed. As there is a chance that sale of these bonds may be stopped shortly, your immediate attention to this would be greatly appreciated.

Also we have instructed the Bank to purchase Dominion of Canada Bonds with the amount over and above the $6000.00 and for amounts of monies due us according to the terms of the sale of property as it comes in. Therefore we would like to have you pay to the Imperial Bank of Canada all sums of monies as it is collected till the termination of our connections with you.

For verification of this arrangement with the Bank we have the manager's permission for enquiries by you.

Thanking you for your kind services, we remain,

Yours truly,
Futa Bros.

Per George Futa

"G. Futa" 13026

Signature File # 11495.

11493
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11495

February 6, 1947.

Mr. George Arthur FUTA,
Registration No. 13326,
Invermere, B. C.

Dear Sir:

Re: Catalogue No. 554
Fronting on Van Horne St., Louis St. and
Clark Ave., Cranbrook, B. C.
Block "C", Cranbrook City, Plan 669

Please be informed that the above property has been sold as of October 24, 1946, for the sum of $10,000.00. An independent appraisal of this property has been obtained and the sale approved by the Advisory Committee.

Rents, less expenses, up to the mentioned date, have been credited to your account and adjustments of assessed taxes and insurance premiums have also been credited to you.

The net result of this sale appears on an attached statement and the proceeds from the down payment of $4,000.00 have been credited to your account. The balance of $6,000.00 is to be paid in eight quarterly payment of $750.00, plus interest at 5% per annum, these payments coming due on the first of January, April, July and October during the years 1947 and 1948.

We are also enclosing a general statement of your account up to date which includes the net figure to which reference has already been made.

The sum of $2,000.00, received for the equipment in the store, has been credited to your account as shown in the statement enclosed herewith.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

Statement of account
File # 11495

WJJ/HEE
Enc. (2)

c.c. Department of Labour, Japanese Division.

STATEMENT RE SALE OF: Name: FUZA, George Arthur Hamilton

Catalogue No: 954 File No: 11495
Reg. No: 13026

Street Address: Fronting on Van Horne, Louis Sts. & Clark Ave., Cranbrook, B.C.

Legal Descriptions: Block "C", Cranbrook City, Plan 669.

Date of Sale and Adjustments: October 24, 1966.

Sale Price $10,000.00 (Agreement $6,000.00) Cash $ 4,000.00

Real Estate Agents Commission	$	
Charge for Valuation	69.10	
Charge for Advertising	4.00	
Land Registry Office Transmission Fee	5.50	
Adjustments:		
Fire Insurance		4.65
Taxes		11.35
	78.60	4,016.00
Net Proceeds credited to your account		3,937.40

Date: February 6, 1967.

Compiled by: Mr. B. Good

11493 ✓
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11495

[redacted]

January 16, 1947.

Mr. Charles Wilmer Marcellus,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 934
Fronting on Van Horne St.,
Louis St. & Clark Ave.,
Cranbrook, Blk. 20, Map 662

Enclosed please find copy of Agreement for Sale between the Honourable the Secretary of State of Canada and Charles Wilmer Marcellus, covering the above property, together with the North West Fire Insurance Co., Policy No. [illegible]476.

We are also enclosing a Bill of Sale absolute, in duplicate, covering equipment purchased by you.

Yours truly,

George Peters,
Office of the Custodian.

GP/EL
Enc. (4) - Agreement for Sale (copy)
Insurance Policy (copy)
Bill of Sale (in duplicate)

95 file 1493

File Nos. 11492, 11494
and 11495.
Catalogue No. 554.

January 13th, 1947.

MEMORANDUM

TO: Mr. George Peters

FROM: Mr. D. A. Cramer

George ZUTA, Sonya John ZUTA
and Frank Shoje ZUTA
Blk. 107, Cranbrook City, Plan 660.

With reference to the above property which was recorded in the Nelson Land Registry Office, November 23rd, 1946, we attach herewith the following documents in connection therewith.

1. Copy of application number 67938 dated November 21st, 1946, registering the property in the name of the Custodian (Transmission).

2. Copy of application number 29766 dated November 21st, 1946, registering the property in the name of Charles Wilmer Sarcelius (Agreement for Sale).

3. Duplicate of Transmission dated November 12th, 1946.

4. Duplicates (2) of Agreement for Sale dated November 12th, 1946 - Secretary of State to Charles Wilmer Sarcelius.

5. Post card acknowledgment dated January 4th, 1947, stating registration of the above documents has been completed and Title being held subject to Agreement for Sale No. 297665 in favour of Charles Wilmer Sarcelius.

DAC:JH
Encl. - See above.

D. A. Cramer

Files Nos. 11493, 11494 & 11495

[redacted] — ACCOUNTING DEPARTMENT December 12, 1946.

Please release funds derived through sale of Catalogue No. 554 - Fronting on Van Horne St., Louis St. & Clark Ave., Cranbrook, to the account of George masuhide FUJII - mtg. No. 13026 - File No. 11493 - and hold until allotment of funds is settled.

GF/EL

Gross sales proceeds: $12,000.00 - $2,000.00 - Bill of Sale Absolute
$4,000.00 - Down payment under A/S
$6,000.00 - Balance under A/S

re to MR. [redacted]

Kindly re-check the above immediately and make sure these funds are released to the proper person.

11493
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December 12, 1946.

F. D. Burgess, Esq.,
Collector,
City Hall,
Cranbrook, B. C.

Dear Sir:

re: Catalogue No. 394
Fronting on Van Horne St.,
Louis St. & Clark Avenue,
Cranbrook, Wik. "C" Map 669

Please be informed that the above property has been sold to Mr. Charles Milner Marcellus, Cranbrook, B. C. Please send all assessment notices, tax statements and water bills to the new owner instead of to this office.

Yours truly,

George Peters,
Office of the Custodian.

GP/ML

File Nos. 11493, 11494 & 11495

[redacted] — [redacted] December 12, 1946.

Re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Avenue,
Saskatoon, Sik. [redacted]

Please be informed that adjustments on sale of the above property count rent as being paid to November 30th, 1946, by the British American Oil Co., and to October 31st, 1946, by Paul Skypitha. Mr. Skypitha, however, is in arrears of rent from April 30th, 1946, in the amount of $240.00, and Mr. Johnston has asked him for the payment of this amount.

Rents which may be received by you for any period after the above dates should be sent to the new owner of this property, Mr. Charles Wilmer Marvelius, Cranbrook, B. C.

GF/EL

11493 ✓
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December 12, 1946.

Mr. Charles Wilmer Marcellus,
Creelbrook, B. C.

Dear Sir:

Re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Avenue,
Creelbrook, Blk."C", Map 669

Agreement for Sale to the above described property has now been registered in your name and we are ready to deliver control to you. When a copy of the Agreement has been received by us from the Land Registry Office it will be sent by registered mail to you or to any person designated by you.

Adjustments as of October 2nd, 1946, as shown on the enclosed sheet, have been calculated and a balance of $96.25 appears to your credit. A cheque for this amount is enclosed.

Please return to us the attached control receipt, duly signed.

Yours truly,

George Peters,
Office of the Custodian.

GP/EL
Enc. (3) - Statement of Adjustments
Cheque for $96.25
Control receipt

Catalogue No. 554
Files Nos. 11493, 11494 & 11495
Fronting on Van Horne St., Louis St.,
& Clark Avenue, Cranbrook, B. C.
Blk. "C", Map 669

December 11, 1946.

CHARLES WILMER MARCELLUS
(purchaser)

In account with The Custodian of Enemy Property

STATEMENT OF ADJUSTMENTS

(As at October 22, 1946)

	DEBIT	CREDIT
Purchase price	$10,000.00	
Cheques received		$ 4,000.00
Agreement for Sale		6,000.00
Amount of rent collected		
British American Oil Co. - Oct. 22nd to Oct. 31st - 10/31 x $60.00		19.35
Nov. 1st to Nov. 30th		60.00
Paul Shypitka - Oct. 22 to Oct. 31 - 10/31 x $40.00		12.90
Registration fees	20.00	
Insurance premium $33.32 (Ex. 11/12/46) - Unearned portion	4.65	
Purchaser's proportion of taxes for 1946 paid - 71/365 x $58.35	11.35	
Balance owing to purchaser	56.25	
	$10,092.25	$10,092.25

BALANCE OWING TO PURCHASER 856.25

11495
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December 3, 1946.

F. T. Burgess, Esq.,
Collector,
City Hall,
Cranbrook, B. C.

Dear Sir:

Re: Fronting on Van Horne Street,
Louis Street and Clark Avenue,
Cranbrook, B.C.
Block "C", Plan 669

Will you kindly advise us, by return mail, regarding the position of Water Rates in connection with the above-mentioned property. This information should include the following:

(1) The number of meters on Block "C".
(2) Is there a separate meter for the store occupied by Mr. and Mrs. Paul Shypitka and one for the B-A Service Station?
(3) Are Water Rates paid monthly or otherwise, by Mr. and Mrs. Shypitka?
(4) What was the amount owing for the month of October and November and have rates been paid for those months?

A prompt reply regarding this matter would be appreciated.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MAS

11495
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December 2, 1946.

Mr. George Arthur FUTA,
Registration No. 13026,
Invermere, B. C.

Dear Sir:

We are in receipt of your letter of the 28th ultimo and note contents.

In view of the fact that you dispute the claim of Mr. Julius A. Hollour, respecting the two Promissory Notes, this Office will not take any further action and we are so advising the above-mentioned. At the same time, we will inform Mr. Hollour that the Custodian has no objection to him communicating directly with you; and should you arrive at a settlement in the future we would appreciate being advised of same.

The sale of your property is in course of completion at the present time, and we believe, therefore, it would be more satisfactory to wait until the matter has been concluded before we send you a statement of your account. Your request, however, will receive our attention as soon as possible.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/BMB

11495
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December 3, 1946.

Julius A. Hollour, Esq.,
Cranbrook, B. C.

Dear Sir:

Re: George Arthur FUTA
Registration No. 13926

We duly received your letter of the 16th ultimo and again communicated with Mr. George Arthur Futa regarding the Notes mentioned therein. Mr. Futa disputes your claim and under these circumstances this Office will take no further action to effect collection of the amount owing under the two Promissory Notes held by you.

At the same time, the Custodian has no objection to you communicating with Mr. Futa and arranging a settlement between yourselves and we have so advised the above-mentioned. Kindly, therefore, govern yourself accordingly regarding this matter.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN.

WJJ/MMS

Files Nos. 11493, 11494 & 11495

[redacted] -- [redacted] November 26, 1946.

re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Ave.,
[redacted]

Please transfer insurance covering the above property, which is being sold under an Agreement for Sale between the Secretary of State and Charles Wiser Borenius, the policy to be endorsed as our interest appears. The Agreement for Sale has now been registered.

GF/EL.

Date of Sale is - October 22, 1946.

11493
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November 28, 1946.

Mr. & Mrs. Paul Chypitka,
Cranbrook, B. C.

Dear Sir and Madam:

Re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Ave.,
Cranbrook, Blk."C", Map 669

Please be informed that the above property has been sold to Mr. Charles Wilmer Marcellus, Cranbrook, B. C., and adjustments will be calculated as of October 22nd, 1946. You may expect to receive word on behalf of this purchaser as to rentals and other incidents connected with this property.

Yours truly,

George Peters,
Office of the Custodian.

GP/EL

cc to Mr. Charles Wilmer Marcellus

11493
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11495

November 28, 1946.

British American Oil Co. Ltd.,
402 West Pender Street,
Vancouver, B. C.

Dear Sirs:

Re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Ave.,
Cranbrook, Blk."C", Map 668

Please be informed that the above property has been sold to Mr. Charles Wilmer Marcellus, Cranbrook, B. C., and adjustments will be calculated as of October 22nd, 1946. You may expect to receive word on behalf of this purchaser as to rentals and other incidents connected with this property.

Yours truly,

George Peters,
Office of the Custodian.

GP/ML

cc to Mr. Charles Wilmer Marcellus

11495
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November 23, 1946.

Mr. George Arthur FUTA,
Registration No. 13026,
Invermere, B. C.

Dear Sir:

We wish to advise you that we forwarded our cheque for the sum of $124.97 to Mr. Julius A. Molleur on November 6, 1946, in full payment of the balance owing on the Chattel Mortgage which he held against four pieces of equipment in the store building on Block "C", together with interest of $24.97 to November 11, 1946. We have now received a receipt from Mr. Molleur acknowledging payment in full of said Chattel Mortgage.

We are enclosing herewith copy of a letter received from Mr. Molleur dated November 16, 1946, and we would ask you to please advise us whether or not you wish us to pay him the sum of $220.00, which he claims is owing on the two Notes mentioned therein, and, about which we have written you previously. We believe Mr. Molleur will not demand payment of any interest charges in this connection.

An early reply will be appreciated.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/MMS
Enc. (1)

C
O
P
Y

File No. 11493
11494
11495

Cranbrook B.C. Nov.16/46.

Sir

Re the Futa two notes, two hundred and twenty dollars. 220.00. Last Wensday Nov 13. I walk right into George Futa, He came from Invermere to Cranbrook, with the Invermere transport van. So we talk it over about the two hundred and twenty dollars notes. So the last words he said for me, to put the claim in your office, and I more likely be paid. So I said this this as been done long ago, so he said that was O.K.

Mrs. Tsuneko Futa left a stock of Japannee Silk goods stored in the Futa Store upstair, she borrowed the notes money, to pay for a part of the Japannee silk stock, Stock, their was plenty their to pay me, she intended to start a Japannee Silk store many years ago. That stock was stored in the start of the last war before, the Futas where mooved to Invermere B.C.

Yours truly,

"J. A. Molleur"
Cranbrook
B.C.

Box 184

Receipt for $124.97 being balance of bill of sale and mortgage owing J. A. Molleur, attached to the original of the letter re File #11495.

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11495

November 8, 1946.

Julius A. Mollaur, Esq.,
Cranbrook, B. C.

Dear Sirs

Re: Tsuneko FUTA and George A. FUTA

We are in receipt of your letter of the 11th ultimo, enclosing statement of your account in connection with the Chattel Mortgage on four pieces of equipment in the grocery store occupied by Mr. and Mrs. Paul Shypitka and we are, accordingly, enclosing herewith our cheque for the sum of $124.97, being the full payment of the balance of $100.00 owing for principal, together with interest at 6% to November 8, 1946.

Please return your receipt covering the above payment at your earliest convenience.

In connection with the two notes which you forwarded us covering the indebtedness of $220.00, we would suggest that you communicate direct with Mr. George A. FUTA and advise us of any settlement which you may make regarding same. His Registration No. is 13026 and he is presently residing in Invermere, B. C.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN

WJJ/HME
Enc.

Files Nos. 11493, 11494 & 11495

[redacted] -- No. [redacted] November 6, 1946.

Re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Ave.,
Cranbrook, Mich. 660

Please be informed that the above property is being sold under an Agreement for Sale, the terms covering which are as follows:

Sale price	$10,000.00
Paid by Custodian	4,000.00
Balance	$ 6,000.00

The balance is payable at the rate of $750.00 on the First day of January, April, July and October, 1947, and the First day of January, April, July and October, 1948, together with interest at Five per cent (5%) per annum payable on the dates and days above set forth on all unpaid balances.

GF/EL
Date of Sale: October 22, 1946.
Purchaser: Charles Milner Marcellus,
Cranbrook, B. C.

11495
11494
11493

November 5, 1946.

F. W. Burgess, Esq.,
City Clerk,
City Hall,
Cranbrook, B. C.

Dear Sir:

Re Fronting on Van Horne Street,
Louis Street and Clark Avenue,
Cranbrook.
Block "C", Map 662.

Please find enclosed herewith our cheque for the sum of $65.22 in payment of 1946 Taxes including penalty and interest to November 6, 1946, as shown in the attached Tax Statement.

Kindly return Tax Certificate for registration purposes together with receipted Tax Statement, at your earliest convenience.

Yours truly,

W. J. JOHNSTON
OFFICE OF THE CUSTODIAN.

WJJ/MMS
Enc. 3

File Nos. 11693, 11694
and 11695.

November 30th, 1944.

[redacted]

TO: Mr. Sheets.

FROM: Mr. Sanderson

Attached for execution by the Assistant Deputy Controller are:

1. Transmission of the interest of Dwayo John PUEA, Frank Shaja PUEA and George PUEA in Block "C", Cranbrook City, Plan 669.

2. Agreement of Sale of above interest, from the Secretary of State to Charles Wilmer Harvelink.

3. Bill of Sale of equipment presently to be found on the above described land, from the Secretary of State to Charles Wilmer Harvelink.

Ian.

RR/FB
Attchs. - Transmission in duplicate.
- Agt. for Sale in triplicate.
- Bill of Sale in triplicate.

11493
11494
11495

November 4, 1946.

Mr. Charles W. Marcellus,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clara Ave.,
Cranbrook, Blk. "C", Map 662

This will acknowledge receipt of your letter of November 1st enclosing the signed Agreement for Sale and Bill of Sale, in triplicate.

As soon as these documents are signed at Ottawa and returned to us for registration, the tenants will be notified that you have purchased the above property as of October 22nd, and you will receive a copy of the letter sent to the tenants.

In the meantime, however, do not collect the rents as this will be done by the Custodian's agent and credited to your account until such times as the adjustments are calculated, which will be when the documents have been registered.

Yours truly,

George Peters,
Office of the Custodian.

GP/EL

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October 26, 1946.

Mr. Charles Wilmer Marcellus,
Cranbrook, B. C.

Dear Sir:

re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. & Clark Ave.,
Cranbrook, Blk."C", Map 662

Enclosed please find Agreement for Sale and Bill of Sale Absolute, both in triplicate, between the Honourable the Secretary of State and Charles Wilmer Marcellus. Will you please sign all the agreements before a witness, have them sworn to before a Notary, and return all copies to this office as soon as possible.

The following articles, included in the lease between the Futa brothers and Paul Shypitka, have been left out of your Bill of Sale as we are not sure if they are still on the premises.

1 Cheese cutter & case
1 Coal heater "Alberta"
Assorted scoops
3 Counters
6 Light bulbs

If these articles are still on the premises, they will be considered your property.

Yours truly,

George Peters,
Office of the Custodian.

GP/EL
Enc. - Agreement for Sale, in triplicate
Bill of Sale Absolute, in triplicate

[redacted] Nos. 11403, 11404 and 11405.
Catalogue No. 554.

October 25th, 1946.

[redacted]

To: Mrs. George Poloyan

[redacted] Mr. & Mrs. George
George POLA, Sonya John POLA,
and Frank Sonja POLA.
[redacted]

We attach herewith Agreement for Sale in triplicate, between the Honourable the Secretary of State and Charles Oliver Harvelins. Will you please have Mr. Harvelins sign the three Agreements, also have them signed by the Witness, sworn to before a Notary, and return as soon as possible.

Yours truly,

[redacted]

Encls.
Attnds.- Agts. for Sale in triplicate.

11493 ✓
11494
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October 23, 1946.

Mr. George Arthur FUTA,
registration No. 13026,
Mr. Choji Francis FUTA,
registration No. 13025,
Mr. Denye John FUTA,
registration No. 13017,
Invermere, B. C.

Dear Sirs:

Re: Catalogue No. 954
Fronting on Van Horne St.,
Louis St. and Clark Ave.,
Cranbrook, B.C., Map 660

Please be informed that the above property is in course of sale on the basis of a valuation independently made and following directions issued from Ottawa. The price obtained is $10,000.00 for the real property and $2,000.00 for the chattels, which will be subject to the usual charges for the sale of any real property. The net proceeds of this sale will be credited to your joint account and will be available to you when the sale is completed. A detailed statement of the transaction will be sent to you when the matter is concluded.

Yours truly,

George Peters,
Office of the Custodian.

GP/EL.

Letter dated April 27, 1943, states that the title is in the Land Registry Office in Nelson, B. C.

11493
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October 22, 1946.

Mr. C. W. Marcellus,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 954
Fronting on Van Horne St.,
Louis St. and Clark Ave.,
Cranbrook, Blk."C",Map 669

This will acknowledge receipt of your letter of October 12th enclosing cheque in the amount of $4,000.00. We have now received a total of $6,000.00, being $2,000.00 for the chattels and $4,000.00 down payment for the real property. The balance, namely, $6,000.00, is to be paid in eight quarterly payments of $750.00, plus interest at 5% per annum, these payments coming due on the first of January, April, July and October during the next two years.

We note that you request this property to be purchased in the name of Charles Wilmer Marcellus, Garage Operator, of 161 Van Horne Street, Cranbrook,B. C., British Subject.

As previously advised, the Agreement for Sale and Bill of Sale will be forwarded to you in order that you may attach your signature, after which, kindly return all copies at as early a date as possible in order that the documents may be forwarded to Ottawa.

You already have a copy of the lease arrangement with the Union Oil Company of Canada, Ltd., and we are enclosing herewith a copy of the lease arrangement between the Puta brothers and Paul Shypitka and Marguerite Shypitka.

Yours truly,

F. G. Shears,
Director.

GP/EL
Enc. - Copy of Lease

Copies for File Nos. 11492 and 4827

File Nos. 11493
11494
11495

October 11, 1946.

MEMORANDUM

TO: Mr. Geo. Peters

FROM: Mr. W. J. Johnston

The Block 4Q, Map 669
Fronting on Van Horne St., Louis Sts.
and Clark Ave., CRANBROOK, B. C.
Catalogue No. 554
Store building (with rooms) & equipment

The above-mentioned property is recorded as follows:

(1) The Union Oil Company of Canada Limited has a portion of the land known as Block 4Q at the Corner of Van Horne and Louis Streets, leased until August 31, 1950, at a monthly rental of $60.00 payable in advance and Water Rates are paid by them. The Union Oil Company have erected a building on the portion of the property which they occupy and same is subject to conditions as set out in the Lease. They pay the Taxes on this building and the Lessor pays Taxes on the Land. Certified copy of the Lease dated July 15, 1940, has been sent to the purchaser as well as a Certified copy of Union Oil Company letter dated June 20, 1945, renewing the Lease for a further 5 year period.

(2) The store building with rooms situate on the balance of Block 4Q, including equipment in the store, is rented to Mr. & Mrs. Paul Sippitka on a month-to-month basis at $40.00 monthly. Mr. & Mrs. Sippitka pay Water Rates. They are overholding tenants under a Lease dated November 10, 1942. Certified copy of this Lease has also been sent to the purchaser and a list of the equipment is contained therein.

Mr. C. W. Marvelius has purchased the entire property known as Block 4Q, together with store building with rooms and equipment. The building erected by the Union Oil Company is not being sold to him but is subject to conditions set out in the Union Oil Company Lease.

The following registered charge is shown on the Certificate of Encumbrances:

"24600-D Lease, dated 16/7/40 from Tsumeko FUTA, for a term of 5 years from 1/9/40, in favour of Union Oil Company of Canada Limited. Application received 16/9/40 at 12:17 P.M.(as to part shown on Plan D.D. 24600-D)." Note:See note on Real Property Memorandum under "Registered Charges" re Tsumeko FUTA.

Please note that the correct name of one of the registered owners is Frank Shoji FUTA and not Frank Shoie FUTA as shown in the Certificate of Encumbrances.

P.T.O.

Copies for File Nos. 11492 and 11617.

File Nos. 11493
11494
11495

October 14, 1946.

TO: Mr. Geo. Peters

I am attaching hereto Mrs. McArthur's memorandum dated October 3, 1946, Real Property Memorandum dated October 11, 1946, and original Certificate of Encumbrance No. 11617. A Tax Certificate for registration purposes will be forwarded directly to you.

.....
Administration Department.

WJJ/MMS

*Note: Correct name is Frank Shoji FUTA. Certificate of Encumbrance gives name as Shoje-incorrectly.

Date. October 11, 1946..

REAL PROPERTY MEMORANDUM

File No. 11493, 11494 and 11495 (Copies for File Nos.11492 and 4817)

Name....Busye John FUTA
Frank Shoji FUTA.....Registration No. 13017 13025....
George Masahide Arthur FUTA 13026

Re: Catalogue No. 554

Address: Fronting on Van Horne Street, Louis Street and Clark Avenue, Cranbrook, B. C.

Legal Description: Block "C", Cranbrook City, Map 669.
Store building (with rooms) and equipment.

TITLE AND ENCUMBRANCES

A. Certificate of Title No. 50837-I Whereabouts L.R.O.Nelson,B.C. (See letter dated April 27th 1943.)

Registered owner: George FUTA, Busye John FUTA and *Frank Shoje FUTA. Reg. No. 13026 13017 13025

Property: Block "C", Cranbrook City, Plan 669.

B. Charges.

Registered: 24400-D Lease, dated 16/7/40 from Tsusenko FUTA, for a term of 5 years from 1/9/40, in favour of Union Oil Company of Canada Limited. Application received 16/9/40 at 12:17 P.M. (as to part shown on Plan D.D.24400-D)
Note:Tsuneko FUTA was the registered owner of the above property when she gave this Lease to Union Oil Company in July 1940. However, she transferred the property to her three sons, George, Busye John & Frank Shoji FUTA in August 1941, without any formal assignment of the Lease.

Vesting: Vested in Custodian. Filing No. D.F. 17296. September 1, 1943.

Unregistered: No evidence found.

Taxes: $55.25(net)(1945) Paid in full to December 31st 1945. Arrears: Nil
$55.25(net)(1946) Unpaid.

Water: Paid by tenants as part of lease and rental arrangement.

Insurance: $2,800.00. Expires December 11, 1946.
($1,800.00 on store building)
($1,000.00 on store fixtures)

Assessed Value: Land: $760.00 Improvements: $1,550.00 Futa
Union Oil building not included in appraiser's valuation. $2,700.00 Union Oil Co.

Valuation by Appraiser: Real Property $5,500.00; Equipment $1,000.00 (Kennedy)
Real Property $8,150.00; Equipment $2,000.00 (Rosling)

Amount of Bid: Real Property $10,000.00
Equipment $ 2,000.00

Approved by Advisory Committee: October 5, 1946.

Memorandum compiled by:

.....
Administration Department.

Paid as shown in attached letter:

Name of transferee as attached letter:

ADMINISTRATION.

Tenancy: Monthly tenure (state consideration & whether including or excluding

(1)The store building with rooms and equipment is rented to Mr.&Mrs.Paul Shypitka on a month-to-month basis at $40.00 monthly. Mr. C. W. Marcellus has purchased the entire property known as Block "C", together with the store building and equipment. The building erected by the Union Oil Co. is not being sold to him but is subject to conditions set out in the Lease. Copy of Lease has been sent to purchaser. They are overholding tenants under a Lease dated November 10, 1942.

Leasehold: (State period, consideration & unusual clauses and whether including or excluding furniture or equipment)

(2)The Union Oil Company has a portion of the land known as Blk."C" at the Corner of Van Horne and Louis Streets, leased until August 31, 1950, at a monthly rental of $60.00, payable in advance. They pay taxes on the improvements situated on the property which they occupy and the Lessor pays taxes on the land.

Chattels: Particulars of those stored on the premises.
Rented to Mr. and Mrs. Shypitka as stated above and these are being sold to Mr. Marcellus.
List of chattels has been sent to purchaser.

Named Agent: No named agent. Sold direct

11495
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5th October, 1946.

The British American Oil Co., Ltd.,
402 West Pender Street,
Vancouver, B.C.

Dear Sirs:

Re: Catalogue No. 554
Block "C", Map 669,
Cranbrook, B.C.

We acknowledge receipt of your letter of the 31st August in which you offered to purchase the above property for the sum of $8,000.-. We have, however, received two other offers considerably in excess of this amount, one of which is being given favourable consideration.

Any sale will of course be made subject to the lease arrangements with yourselves.

In view of your interest in this property I see no reason why you should not be advised that the offer which is being considered was received from Mr. C.T. Marcellus, who is, as you are aware, operating the service station portion of the above property.

Yours truly,

F. G. Shears,
Director.

FGS/TMH

11495
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11493 ✓

5th October, 1946.

Mr. C.W. Marcellus,
Cranbrook, B.C.

Dear Sir:

Re: Catalogue No. 554
Block ccc, Map 669, Cranbrook, B.C.

We acknowledge receipt of your letter of the 22nd August which you delivered to our office. As advised in our letter to you of August 13th, other parties were interested in the purchase of this property and for your information certain other offers have been received. Favourable consideration is, however, being given to the offer which you have submitted, and we are prepared to recommend the acceptance of your offer on the following basis:

Chattels		$2,000.00
Real Estate -	$10,000.-	
	Cash payment of 40%	4,000.00
		$6,000.00
Your deposit cheque received for		1,200.00
Leaving a balance of		$4,800.00

Kindly let us have a cheque for this amount.

The balance of the purchase price, namely $4,800.00, is to be paid in eight quarterly payments of $750.00, plus interest at five per cent, those payments becoming due on the first of January, April, July and October during the next two years. Adjustments in regard to taxes and insurance will be made upon receipt of the balance of the down payment.

Kindly advise the full name, address and occupation of the person in whose name you wish the Agreement of Sale to be prepared, and also state whether or not the proposed registered owner is a British Subject, using the enclosed form to supply us with this information.

The necessary documents will then be prepared, and these will be forwarded to the Secretary of State at Ottawa, and if our recommendation is acted upon, they will be completed and returned to this office.

It is understood that the recommendation for the sale of this property is being made subject to the existing lease with the Union Oil Company for the portion of the property in which they are interested, and with Mr. Paul J. Chypitka, the present tenant of the balance of this property. In view of the fact that the Oil Company are interested in the lease, we have advised them that your offer is being given favourable consideration.

While we have every reason to believe that this deal may be completed, we must draw your attention to the terms under which properties are offered for sale and that the Custodian reserves the right to cancel every accepted tender and to refund the deposit at any time prior to delivery by him of the required conveyances.

Yours truly,

F. G. Shears,
Director.

FGS/PEH

encl.

11495
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5th October, 1946.

Mr. Paul Shypitka,
Van Horne Grocery,
Cranbrook, B.C.

Dear Sir:

Re: Catalogue No. 554
Block "CC", Map 669, Cranbrook, B.C.

We received your letter of August 20th in which you offered to purchase the above property for the sum of $11,000.-.

Your subsequent letter of August 22nd was also received and delay has been made in replying thereto pending a review of this whole matter by the Committee under the Chairmanship of Judge Whiteside, who were appointed to advise the Custodian.

After careful review of the correspondence, lease arrangements and the interest which Mr. Marcellus and yourself had in this property, the Committee was of the opinion that in view of the equal opportunities that had been given to yourself and to other interested parties by correspondence of the 12th August 1946, that the Custodian should be prepared to give favourable consideration to the highest offer received.

For your information an offer considerably in excess of the amount which you submitted was received. We regret therefore that we are not in a position to accept your offer and return herein your deposit cheque for $1,100.-

Yours truly,

F. G. Shoors,
Director.

FGS/FHH

encl.

11495
11494
11493 ✓

906 Royal Bank Building,
Vancouver, B.C.

4th October, 1946.

K.F. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Catalogue No. 554
Fuhs Bros. Property at Cranbrook

With reference to my letter of August 14th in which I enclosed copies of correspondence sent to Mr. H.E. Read at Cranbrook, Mr. Paul Shypitka and Mr. C.W. Marcellus, the following offers were received:

British-American Oil Co.	-	$8,000.-
Mr. Paul Shypitka	-	11,000.-
Mr. C.W. Marcellus	-	12,000.-

The British-American Oil Company were advised that their offer was rejected. The other two offers were left in abeyance until I had an opportunity of presenting this matter to the Advisory Committee.

Mr. Shypitka became aware of Mr. Marcellus' offer of $12,000.- and wrote to us on August 22nd outlining his past and present interest in this property.

I attended a meeting of the Advisory Committee yesterday and after a careful review of the whole matter they have advised that Mr. Shypitka's offer should be rejected and recommended that a sale be made to Mr. C.W. Marcellus on the basis of:

Equipment	Cash	$2,000.-
Real Estate $10,000 -40%		4,000.-
		$6,000.-

The balance of the purchase price, namely $6,000.- payable in 8 quarterly payments of $750.- plus interest at 5%.

11495
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K.H. Bright, Esq. 4th October, 1946.

I spoke to Mr. Read over the telephone yesterday and while he indicated that the Jute Brothers were not desirous of selling the property, I gathered that they would not attempt to oppose a sale on the basis of $12,000.-.

In view of this it may not be necessary to contact Dr. J.H. King, the Speaker in the Senate who you will remember was interested in this case, but I drew this to your attention in case you should wish to advise him of the present situation before the documents, which I anticipate will be sent to you very shortly, are presented to the Custodian for signature.

Yours very truly,

F. G. Shours,
Director.

FGS/PHE

CANADA

DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE No. 11495
11494
11493

806 ROYAL BANK BLDG.
HASTINGS AND GRANVILLE
VANCOUVER, B.C.

August 24th, 1946

Mr. C. W. Marcellus,
Cranbrook,
B. C.

Dear Sir: Re: Catalogue No. 554, Block C,
Map 669, Cranbrook, B. C.

We acknowledge receipt of your letter of the 22nd instant which you delivered at our office. As advised in our letter to you of August 12th, other parties were interested in the purchase of this property and for your information certain other offers have been received. Favourable consideration is, however, being given to the offer which you have submitted, and we are prepared to recommend the acceptance of your offer on the following basis:

Chattels		$2,000.00
Real Estate	- $10,000.00.	
	Cash payment of 40%	4,000.00
		$6,000.00
Your deposit cheque has been received for		1,200.00
Leaving a balance required of		$4,800.00

Kindly let us have a cheque for this amount.

The balance of the purchase price, namely $6,000.00, is to be paid in eight quarterly payments of $750.00, plus interest at five per cent, these payments becoming due on the first of January, April, July and October during the next two years. Adjustments in regard to taxes and insurance will be made as at September 1st.

Kindly advise the full name, address and occupation of the person in whose name you wish the Agreement of Sale to be prepared, and also state whether or not the proposed registered owner is a British Subject, using the enclosed form to supply us with this information.

The necessary documents will then be prepared, Bill of Sale being forwarded to you covering the equipment concerned, and these documents will be forwarded to the Secretary of State at Ottawa, and if our recommendation is acted upon they will be completed and returned to this office.

It is understood that the recommendation for the sale of this property is being made subject to the existing lease with the Union Oil Company for the portion of the property in which they are interested, and with Mr. Paul J. Shypitka, the present tenant of the balance of this property. In view of the fact that the Oil Company are interested in the lease, we have advised them that your offer is being given favourable consideration.

While we have every reason to believe that this deal may be completed, we must draw to your attention the terms under which properties are offered for sale and that the Custodian reserves the right to cancel every accepted tender and to refund the deposit at any time prior to delivery by him of the required conveyances.

Yours truly,

F. G. Shears,
Director.

FGS/ER

11913

506 Royal Bank Bldg.,
Vancouver, B.C.,
14th August, 1946.

K.E. Wright, Esq.,
Counsel to the Custodian,
Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario.

Dear Mr. Wright:

Re: Morrison and Anderson
Pitt Meadows Property - Roman Catholic Church
Cranbrook Property and Mr. King's and others
Correspondence

I have already sent you extracts from the Minutes of the Rural Advisory Committee of July 17th dealing with the above questions. As you are aware, these Minutes were read at a meeting which you attended with me at New Westminster on August 6th and they were duly signed by the Chairman, Judge Whitesides.

The sale of the Pitt Meadows Property to the Roman Catholic authorities has now been completed, the documents having been signed at Ottawa and returned.

The matter of the Cranbrook Property was further considered by the Committee at their last meeting and I enclose an excerpt from the Minutes regarding same. I have since written to Mr. R.E. Read, Barrister, at Cranbrook and to Mr. C.F. Marcelline and Mr. Paul Smythe and enclose copies of this correspondence.

In view of the indication in Mr. Read's letter that the Futa brothers would not be unfavourable to a sale for $12,000.00, if a definite offer is received for this amount subject to the lease conditions, it would appear to be in order for a sale to be consumated, otherwise I will refer the matter back to Ottawa before any definite action is taken.

Yours very truly,

F.G. SIMMINS
DIRECTOR

FGS/DG
Encls.

506 Royal Bank Building,
Vancouver, B.C.,
14th August, 1946.

11493, 11495, 11494

Mr. Paul Smyth,
Van Horne Grocery,
Cranbrook, B.C.

Dear Sir:

Re: Catalogue No. 554,
Blk. "C", Map 669, Cranbrook

Further to my letter of July 22nd, the results of a recent valuation of the above property indicates that the Custodian is not prepared to accept your offer to purchase this property for the sum of $8,000.00.

In line with the Custodian's policy, an opportunity is being given for you to revise your offer should you so wish.

For your information, there is another party interested in the purchase of this property and it is our intention to reconsider any offers received on or before the 24th of August. No minimum acceptable price is being stated so that if you are further interested it will be necessary for you to submit your best offer on or before the date above mentioned. Any acceptance will, of course, be subject to the lease with the Union Oil Company, a copy of which lease has previously been sent to you.

Yours truly,

F.G. SHEARS
DIRECTOR

FGS/DC

11493, 11494, 11495

506 Royal Bank Bldg.,
Vancouver, B.C.,
14th August, 1946.

Mr. C.W. Marcellus,
c/o British-American Oil Company,
Cranbrook, B.C.

Dear Sir:-

Re: Catalogue No. 554,
Blk. "C", Lot 669, Cranbrook

I am in receipt of your letter of the 1st instant in which you submit an offer for the purchase of the above property for the sum of $12,000.00. Upon receipt of same I telephoned you to ask if you were aware that this property was under lease to the Union Oil Company (now the British-American Oil). I gathered that you were aware of this lease and the option which the Company had, but in order that you might be fully informed, I agreed to forward you a copy of the lease and this is enclosed herein - it has been renewed until 1950.

You are aware that another party is interested in the purchase of this property and that an offer was being considered prior to your offer being received. In view of the results of a recent appraisal of this property and in line with the Custodian's policy, this other party is being given an opportunity to revise his bid should he wish to do so. It is our intention to reconsider any offers received on or before August 24th.

The offer which we have received from you will be treated as strictly confidential, no indication of the amount of this offer will be given to any other parties except to Mr. R.E. Read who was already aware of it.

The same privilege is also being extended to yourself either to confirm or revise your bid. As previously advised, any acceptance is subject to the lease arrangements. In regard to terms, our usual procedure calls for at least a down payment of 40% on the value of the real estate and the balance within two years in quarterly payments and full cash payment for equipment.

Kindly let me hear from you before the date above mentioned.

Yours truly,

FGS/DG - Enc.

F.G. SHEARS, DIRECTOR

1149, 1149A, 1149B

906 Royal Bank Bldg.,
Vancouver, B.C.,
12th August, 1946.

R.E. Reed, Esq.,
Barrister & Solicitor,
P.O. Box 774,
Cranbrook, B.C.

Dear Sirs

Re: Catalogue No. 554
Blk. "C", Lot 669, Cranbrook

Your letter of August 2nd is hereby acknowledged.

The appraisal to which you refer and also the offer from Mr. Marcellus has now been received. For your confidential information, while the appraisal is somewhat in excess of the amount of the first offer, which was under consideration, it does not approach the amount submitted by Mr. Marcellus.

The Advisory Committee, under the Chairmanship of Judge Whiteside, have given careful consideration to the whole matter and acting on their advice the following procedure is being followed:

If a sale is consumated, it will of course be subject to the lease arrangements with the Oil Company. A copy of this lease is enclosed herein and this has been renewed and expires in 1950. The party from whom we received the first offer previously secured a copy and we are to-day mailing a copy to Mr. Marcellus.

Your letter mentions the value of certain gasoline pumps, tanks and air compressor of approximately $3,000.00. On Page 2 of the copy of the lease, reference is made to pumps, hoists, air and water wells and equipment installed by the lessee (Union Oil Company). I presume this would be the equipment to which you refer and if so, you will notice the rights which the Oil Company have should they terminate their lease and not exercise their option.

Without, at the present time, obligating ourselves to be bound by the desire of Mr. Futa, we note that a sale at not less than $12,000.00 would be considered attractive and it is our intention to await the outcome of the correspondence being written to Mr. Marcellus and the other interested party, copies of which are enclosed. While

you may be aware who this other party is, we have omitted the name as we treat all offers as confidential.

The Committee were not prepared forthwith to recommend acceptance of Mr. Marcellus' offer of $12,000.00 as they considered that it may have been made without full knowledge of the lease arrangements and they also considered that the previous bidder should be given an opportunity, if he so wished, to revise his bid.

When an offer is received from any party which is not acceptable because it does not come up to the minimum price agreed upon by the Committee on the basis of independent valuations, it has always been the Custodian's policy to advise the tenderer that while his bid is not acceptable a revised offer would be considered and in most cases a minimum acceptable price is stated. The present circumstances do not make it desirable to reveal any price as this would give the other party an unfair advantage over Mr. Marcellus. For this reason our letter merely gives him an opportunity to make his best offer. Should this be less than the amount submitted by Mr. Marcellus, it will of course be rejected.

We trust that with this information you will appreciate that we endeavour to carry out the Custodian's policy of liquidation in an orderly manner and on a justifiable basis as far as price and opportunity are concerned. You will understand, of course, that if any favourable recommendation is made by the Advisory Committee, final acceptance is dependent upon completion of the documents at Ottawa.

Yours truly,

F.G. SHEARS
DIRECTOR

FGS/TG
Encl.

906 Royal Bank Building,
Vancouver, B.C.

3rd August, 1945.

1149/1150/1151

E.F. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: 2.6

Kato Bros., property at Cranbrook.

The Committee spent a considerable time in reviewing the situation regarding this property.

Enclosed herein is an extract from the Minutes of the Rural Advisory Committee under the Chairmanship of Judge Whiteside dated July 17th, 1945. You will note that for the time being the Committee are not recommending acceptance of any of or. They have suggested that another independent valuation be made and I have arranged for this to be done by Mr. Terrence E. Bosling, a Real Estate Agent and Valuator of Nelson, B.C.

My letter to Mr. Bosling reads in part as follows:

> "We want your appraisal to be an independent, unbiased and fair appraisal along the lines suggested above. For your information there is a local situation of which the Custodian is aware in regard to opinions as to the desirability, or otherwise, for liquidating this property and there are also different parties who may be interested in purchasing. For these reasons we are asking that when you have arrived at your valuation you will treat it as confidential, not divulging any information whatsoever but mailing your appraisal for the personal attention to the writer."

Expenses for this valuation will of course be higher than usual on account of the distance between Nelson and Cranbrook and it will be necessary for Mr. Bosling to stay overnight.

You will note that the Committee refer to the expression of opinion made by Mr. King in regard to the return of Japanese to British Columbia and also to the matter of continuing liquidation of properties situated

Interior. It would appear therefore, that irrespective of what Mr. Bowling's valuation may establish as a minimum acceptable price, it will be necessary for special instructions to be received from Ottawa in regard to this and other properties located in the Interior before the Committee will be prepared to make any recommendation regarding the acceptability of offers which have been under consideration, or further offers which may be received.

The question of repairs to the store building on a portion of this property will require immediate consideration and if the property is not sold it will most likely be necessary to make expenditures for this purpose.

Will you kindly let me have the instructions of the Committee in regard to the questions raised by the Committee.

Yours very truly,

F. G. Moore,
Director.

FGM/PMS
encl.

COPY for File 11493 (Evac/

509 Royal Bank Bldg.,
Vancouver, B.C.,
31st July, 1946

A.H. Mathieu, Esq., M.B.E.,
Assistant Deputy Custodian,
Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario.

Dear Mr. Mathieu:

Re Sunaye, Shoji and George FUTA and
Creekbrook Property

Hon. Dr. King, Speaker of the Senate, wrote to Hon. Mr. Martin and recorded strong objection to the liquidation of the property above referred to.

The matter has been reviewed by the Advisory Board and in accord with their recommendation, cheque received from the prospective purchaser has been returned. The Board has asked for another independent valuation and further instructions as to sale of Japanese lands situate in the interior of B.C.

I think it would be advisable to let this case stand until I return with copy of the minutes of the Board. We should then discuss the situation with Dr. Coleman and arrive at a definite policy in respect to the disposition of properties outside the coastal area.

The members of the Advisory Committee desire ministeral guidance and I have, therefore, agreed to take the matter up as soon as possible following my return to the Ottawa Office.

Yours very truly,

K.W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/DG

11495/11496/11497

24th July, 1956.

Terrence D. Keeling, Esq.,
Real Estate & Insurance Agent,
Nelson, B.C.

Dear Sir:

Re: Catalogue No. 554
Block "C", Plan 669, Cranbrook, B.C.

As arranged with you over the telephone, we will be obliged if you will make a trip to Cranbrook for the purpose of making an appraisal for us.

The legal description of the property is Block "C", Plan 669. It is triangular in shape, bounded by Van Horne Street, Clark Avenue and Louis Street. The registered owners are three Japanese, the Futa Brothers.

We attach a sketch of this property and you will note that it is divided into two portions. That portion which we have marked "A" is rented to Mr. Paul Stypitka and on this portion is a store and rooms and certain equipment, all of which is rented for the sum of $40.- per month.

The other portion marked "B" is under lease to the Union Oil Company (now British-American Oil Co.) for which they pay $60.- per month to us. The termination of this lease is September 1st, 1950. The Oil Company in turn make arrangements with someone to operate the Service Station and at the present time we believe their tenant is Mr. Marcellus.

The whole of the property is assessed as follows:

Land	$760.-
Buildings on Parcel "A"	1,530.-
Buildings on Parcel "B"	2,700.-

In addition to the payment of $60.- per month by the Oil Company they are also responsible for the taxes on the improvements on that part of the land. The Oil Company agreed to erect a Gas Service Station including the installation of tanks and equipment at a cost of not less than $5,000. The Company did erect a building on the foundation left by the Futa Brothers, but we are not aware of the actual cost of the building which was erected.

Under the terms of the lease the Oil Company has an option to purchase this portion of the land (that is what we have designated as "B") for the sum of $4,500.-. However, if the option is not exercised on or before September 1st, 1950, the Oil Company would then forfeit any right to the building and it would remain on the property and belong to the owners of the land. The equipment, including pumps etc. installed by the Oil Company may be removed.

When valuing this property will you please deal with each portion separately - that is supply us with a valuation for the portion of the land marked "A" and the buildings erected thereon, and also the equipment, a list of which is enclosed herein, and a separate valuation for the portion of the land marked "B" and the buildings erected thereon.

As previously mentioned, the equipment on this portion, namely, the gas pumps etc. belong to the Oil Company and may be removed, the valuation of this equipment need not be taken into account.

Having arrived at a valuation for the properties as they now stand you might also give consideration to the value of parcel "B" in view of the lease conditions under which, on or before September 1st, 1970, it can be purchased by the Oil Company for $4,500.-, or otherwise become the property of the owner of the land.

We wish your appraisal to contain sufficient information and description for supporting the valuations at which you arrive so that it may be relied upon if we are challenged at any time.

If you should see a Customian Catalogue which indicates a minimum price of $5,500.- for this property, will you please disregard it entirely. The figure was printed in error and is misleading as it was apart from the value of equipment and other matters connected with this property.

We want your appraisal to be an independent, unbiased and fair appraisal along the lines suggested above. For your information there is a local situation of which the Customian is aware in regard to opinions as to the desirability, or otherwise, for liquidating this property and there are also different parties who may be interested in purchasing. For these reasons we are asking that when you have arrived at your valuation you will treat it as confidential, not divulging any information whatsoever but mailing your appraisal for the personal attention of the writer.

We are enclosing herein letters which we have written to Mr. Chypitka and Mr. Marcellus and I have no doubt that they will give you all the necessary co-operation in making a thorough inspection of this property.

Yours truly,

F. C. Shearn,
Director.

FCS/PMH

encl.

11495
11496
11497 ✓

24th July, 1946

Mr. Paul Shypitka,
Van Horne Grocery,
Cranbrook, B.C.

Dear Sir:

Re: Portion of Block "C" tenanted by
Mr. Paul Shypitka.

It has been considered advisable that a revies of the valuation of the above property, which is vested in the Custodian, should be made, and for this purpose Mr. Terence D. Keeling has been asked to make an inspection of the property which is being rented to yourself.

It will be appreciated if you will give him whatever co-operation he may desire for this purpose.

Yours truly,

F. C. Shears,
Director.

PCS/PMR

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24th July, 1946.

Mr. C.E. Marcellus,
British-American Oil Company,
Cranbrook, B.C.

Dear Sir:

Re: Portion of Block "C" at present
occupied by Mr. C.E. Marcellus

It has been considered advisable that a review of the valuation of the above property, which is vested in the Custodian, should be made, and for this purpose Mr. Terence D. Keating has been asked to make an inspection of the property which is being rented to the British-American Oil Company.

It will be appreciated if you will give him whatever co-operation he may desire for this purpose.

Yours truly,

F. G. Shears,
Director.

FGS/PHE

11495
11494
11493 ✓

22nd July, 1946.

R.E. Reed, Esq.,
Barrister & Solicitor,
P.O. Box 774,
Cranbrook, B.C.

Dear Sirs

Re: Catalogue No.554
Blk. "C", Map 669
Cranbrook.

With reference to your letter of the 4th instant, I am pleased to supply you with the following information which may be of service to you.

Copies are enclosed herein of Orders-in-Council P.C.1665 amended by P.C.2483 and P.C. 469.

The interests of Japanese in all properties situated in the protected area were offered for sale to the general public at the time a policy of liquidation was decided upon by the Government at Ottawa.

Large notices were published in newspapers throughout the Province referring to a Catalogue published by the Custodian in which properties for sale were listed and tenders called for. Among the newspapers used was the Cranbrook Courier on March 30th, 1944.

Since that time unsold properties have again been listed and copies of the Catalogue sent to practically every Real Estate Agent in British Columbia, including the following in Cranbrook:

Mr. J.E. Kennedy
Mr. Jack H. Falkins
Mr. Albert E. Turner
Mr. C.R. Ward
Violet Clarke

The valuation of this property was made on behalf of the Custodian by Mr. J.E. Kennedy, a Real Estate Agent at Cranbrook who personally inspected and reported on this property on the 26th July 1944. I may say that the total valuation at that time of the land, buildings and equipment was $6,300.-.

With reference to the equipment you mention that it is your understanding that the fixtures on the premises were worth in the neighbourhood of $2,500.-. Our file indicates that Mr. Futa considered them to have been worth $2,000.- In the majority of cases we have found that valuations placed upon property by Japanese owners at the time of their evacuation was considerably in excess of actual market values.

Mr. Kennedy's appraisal for the fixtures was $1,000.- and in regard to the buildings the report indicated that the rooms above the store were in very bad condition, built of rough lumber, all rooms triangular in shape, no conveniences in regard to water and the roof was in a bad state of repair. The store portion of the building was described as being in fair shape except the ceilings were low.

No original tenders were received but on one or two occasions the Oil Company has given some consideration to submitting an offer but has not been prepared to do so.

While an offer recently received to purchase this property was being given favourable consideration, the policy outlined in our advertisement and in our catalogues indicates that no acceptance is final until conveyance has been given by the Custodian.

I have recently submitted this matter for review by an Advisory Committee under the Chairmanship of Judge Whiteside and for the time being no sale is being completed until some further information has been obtained in regard to this property.

The Advisory Committee just referred to are now now meeting at stated intervals and the information which I have to secure may take a week or so to obtain. However, before further action is taken I will be pleased to keep you advised.

I note your understanding in regard to Cranbrook not now being deemed a protected area. I am not aware that this is correct. Order-in-Council P.C. 7509 dated December 28th, 1945, revokes Section 4 of the Defence of Canada Regulations which permitted Orders being made defining certain localities as protected areas. However, P.C. 7414 also dated December 27th, 1945, provided that Orders made under the War Measures Act continue in force until revoked and I am not aware that any change has been made in regard to Cranbrook.

Yours truly,

F. G. Rhoads,
Director.

FGR/FGH

encl.

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22nd July, 1946.

Jennings Real Estate,
Cranbrook, B.C.

Dear Sirs:

Re: Catalogue No. 554
Blk."C", Map 669
Cranbrook, B.C.

We are enclosing herein copy of a letter which we have written to Mr. Paul Shypitka from which you will see that at the present time we are not in a position to accept the offer submitted by you on his behalf.

Yours truly,

F. G. Shears,
Director.

FGS/PMH
encl.

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22nd July, 1966.

Mr. Paul Shypitka,
Van Horne Grocery,
Cranbrook, B.C.

Dear Sir:

Re: Catalogue No. 554
Map "C", Map 669
Cranbrook.

I am in receipt of your letter of the 11th instant in which you ask for the present position in regard to your offer to purchase the above property.

As you were advised when you called at our office, and as indicated in our correspondence, the acceptance of any offer is subject to confirmation by an Advisory Committee and the completion of documents by the Custodian at Ottawa.

In view of the particular form of lease option held by the British-American Oil Company the situation in regard to this property is somewhat different from the usual case of Japanese properties under our administration.

A review of the whole matter has been made by the authorities referred to above and while no decision has been arrived at in regard to the final disposition of this property, I have been instructed to secure additional information before any offer will be finally accepted.

There may be some delay in securing the information required and in submitting it for consideration, but as it has been decided that no deal can be completed at the present time we are not in a position to accept your offer and are returning herein the amount of $2,000.- which we have received, by the enclosed cheques of $7,200.- in favour of yourself and $600.- in favour of the Van Horne Grocery.

We will be pleased to advise you at a later date if we are able to re-open this matter with you.

We are enclosing copy of this letter to the Fanning's Real Estate in order that they may have the information in this regard.

Yours truly,

F. G. Shoaf,
Director.

FGS/YHH
encl.

906 Royal Bank Building,
Vancouver, B.C.

13th July, 1966.

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E. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Puta Brothers' Property at Cranbrook

I am enclosing copy of a letter received from Mr. R.E. Read, Solicitor at Cranbrook. My letter of June 13th, to which he refers, is as follows:

"Your letter of the 9th instant addressed to the Department of Labour has been received by this office in which you refer to the Service Station property registered in the names of your clients, George, Bunyo and Frank S. Puta.

The policy of liquidation was, as you are doubtless aware, decided upon by the Government Authorities at Ottawa. This office has been charged with implementing that policy in an orderly manner.

Properties were listed in a Catalogue and were advertised for sale and tenders called for. In this case no acceptable tender was received and while the property has been available for sale by direct contact with this office or through regular Real Estate channels it was only recently that an offer in line with the valuation was submitted. The full cash price has been paid and the offer accepted, subject to the lease conditions covering the property.

I am in receipt of a letter from Mr. George Puta relative to this same matter in which he registers a protest against a sale and we are writing him today and for his information enclosing him a copy of this letter. We are also enclosing herein copy of the letter which we have written to Mr. Puta."

I would be glad of your advice in regard to a suitable reply Is it considered in order for us to supply specific details which be

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Kale Bricht, Esq.

asks for in regard to the Advisory Committee and name of Valuator, his appraisal and so forth.

This you will notice is in regard to the sale of the Cranbrook property which I am expecting to submit to the Committee this coming Wednesday or Thursday.

Yours very truly,

F. G. Shoore,
Director.

FGS/FHH
encl.

COPY

R.E. READ, B.A. B. Com.

P.O. Box 774,
Haworth Block
Cranbrook, B.C.

July 4, 1946

Japanese Evacuation Section,
Office of the Custodian,
Dept. of Secretary of State,
506 Royal Bank Building,
VANCOUVER, B.C.

Dear Sirs: Re:- Files 11493, 11494 and 11495

Your letter of June 13th reached me upon my return from vacation.

While I have some idea as to the steps taken in regard to Japanese property, I would appreciate it if you would forward me a copy of the orders under which you are authorized to receive and dispose of properties in the restricted area, or if these are not available, would you kindly quote the numbers and dates of such orders.

I note you mention that this property was advertised for sale and tenders called for. Would you kindly advise when and in what publications such advertising was carried out.

It is also noted that the price at which the property was sold was $8,000.00, this apparently being deemed to be in line with the valuation. Would you kindly advise as to how and when this valuation was arrived at, and that was comprised in the sale apart from the land and premises, My understanding is that there were fixtures on the premises worth in the neighbourhood of $2500.

I would also appreciate your advice as to whether this sale is subject to approval by authorities other than yourself, and if so the name of the approving authority, and whether such approval(if any) has as yet been obtained.

I understand that Cranbrook is no longer deemed to be a protected area. Would you kindly advise when such designation was removed.

I would appreciate hearing from you as soon as possible.

Yours truly,

RER/R (signed) R.E. Read

Peter

11495
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11493 ✓

9th July, 1946.

Father A.L. McIntyre,
St. Mary's Church,
Cranbrook, B.C.

Dear Sir:

Re: Catalogue No. 554
Block "C", Map 669,
Cranbrook, B.C.

We are in receipt of your letter of the 4th July in regard to the Puta Brothers' property at Cranbrook.

Under a policy of liquidation decided upon by the Government of Canada, this property was advertised for sale and an offer in line with the valuation has been received.

The question of the acceptance of this offer is now being considered at Ottawa and they are already aware of Mr. Puta's protest against the sale of this property.

Peter

Yours truly,

F. G. Shears,
Director.

FGS/PMH

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5th July, 1946.

Rev. Frank L. Flynn,
Chancellor,
Diocese of Nelson,
813 Ward Street,
Nelson, B.C.

Dear Sir:

Re: Catalogue No. 554
Block "C", Map 669,
Cranbrook, B.C.

We are in receipt of your letter of the 28th June in regard to the Futa Brothers' property at Cranbrook.

Under a policy of liquidation decided upon by the Government of Canada, this property was advertised for sale and an offer in line with the valuation has been received.

The question of the acceptance of this offer is now being considered at Ottawa and they are already aware of Mr. Futa's protest against the sale of this property. I am also forwarding your letter to them for their information.

Yours truly,

F. G. Shears,
Director.

FGS/PMH

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906 Royal Bank Building,
Vancouver, B.C.

9th July, 1946.

E. F. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Catalogue No. 554
Block "C", Map 669
Cranbrook, B.C.

I am enclosing copy of a letter written by the Rev. Frank L. Flynn, Chancellor of the Diocese of Nelson, in regard to the above property.

I have replied to his letter, copy of which is enclosed herein.

Yours very truly,

F. G. Sheers,
Director.

FGS/FHH
encl.

Peter 7

506 Royal Bank Building,
Vancouver, B.C.

5th July, 1946.

11495/11494/11493
12902

E. T. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

I know that you will be busy in preparation for your visit to Vancouver in the near future, and I also know that you are waiting for decisions in regard to the following matters. However, you will not mind my drawing them to your attention again as you can appreciate that the prospective purchasers are expecting to hear from us in regard to the final acceptance and completion of their offers.

One of the matters at present being referred to is that of Catalogue No.354, the Futa Brothers' property at Cranbrook, for which we have received the full purchase price of $8,000.- and in connection with which we advised you fully in our letter of the 17th June, as a result of a letter the Secretary of State had received from Dr. J.H. King.

The other matter is that of a property at Pitt Meadows in regard to which I wrote you on the 11th May after receiving your telephone call. The full amount of the purchase price, namely $2,300.-, has been received from Mr. Hal Menzies, on behalf of his clients, and documents in connection with same are enclosed herein. However, before presenting these for signature you will not overlook the fact that this matter has been placed before the Minister due to the Roman Catholic Authorities having written to Ottawa in connection with the purchase of this property.

Yours very truly,

F. G. Shears,
Director.

FGS/VSH
encl.

306 Royal Bank Building,
Vancouver, B.C.

17th June, 1946.

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K.W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Mr. George FUTA.

I am in receipt of yours of the 15th instant enclosing copy of a letter from Dr. J.H. King, Speaker of the Senate, together with copy of Mr. Futa's correspondence to Dr. King.

The letter of protest which Mr. Futa refers was received by this office on the 12th instant and I enclose a copy of my reply of the 13th and also a letter which I wrote to Mr. R.E. Read, Barrister at Cranbrook.

We have received the full amount of the purchase price of $6,000.- which is subject to commission of 5%, and the sale is proceeding in the usual manner and the documents are in course of preparation. Our letter to the prospective purchaser followed our usual lines and reads in part that after the receipt of the full purchase price:

> "The necessary documents will then be prepared, the deed covering the real property only with a consideration of $7,000.00 and a Bill of Sale Absolute covering the equipment in the sum of $1,000.00. The Bill of Sale will be forwarded to you in orde that you may attach your signature, after which kindly return all copies at as early a date as possible in order that the documents may be forwarded to the Secretary of State at Ottawa. If our recommendation is acted upon, they will be signed and returned to this office."

In view of your letter and pending further instructions I will either hold the documents here or forward them to you so that you may deal with them as may be decided.

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K.E. Wright, Esq.

The circumstances of this sale are in line with the liquidation of all other Japanese properties. The property was valued by Mr. J.E. Kennedy, a Real Estate Appraiser at Cranbrook, for $6,500.- including fixtures. It was listed in our catalogue and tenders called for, but no tender was received.

The property is subject to a lease with the Union Oil Company which runs for another 4 years. They erected the building and at the expiration of the lease, or before, in order to retain ownership of the building and the land on which it is situated, they would require to pay $4,500.-. They therefore hold a control over the business operations.

In addition to the Oil Building there is a store building on the balance of the lot and some equipment, but as you can appreciate, the main value is in the business of selling gasoline and oil.

While this sale is in line with the regular procedure and would be presented and ratified by the Committee on the basis that the offer received was in line with the valuation, I have already made a note on my Committee file to present this case to them in detail in view of the conditions of the lease.

The Union Oil had negotiations with this office some time ago and there was a suggestion that an offer between $7,500.- and $8,500.- would receive consideration, but they decided not to submit an offer but only to retain their option on the Oil Station part of the property.

The present offer is from the tenant, Mr. Shypitka, who has been operating since Mr. Futa was evacuated. I understand that the Oil Company are prepared to continue the gas and oil selling arrangement with Mr. Shypitka.

It would appear that anyone owning the property would have to be satisfactory to the Union Oil Co. so that while Mr. Futa was their original agent, even if he were able to return to Cranbrook, the Oil Co. would not of necessity be required to make any new arrangements with him.

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K.E. Bright, Esq.

From time to time Mr. Skypitka has written in regard to the condition of the store building stating that the basement often had 1 ft. water in it and that he could not carry on with the building in such a run down condition.

In 1944 Mr. Futa had some direct correspondence with Mr. Skypitka and we enclose a copy of Mr. Futa's letter dated March 1st, 1944, and also a copy of a letter to Mr. Johnston of this office of the same date.

Yours very truly,

F. G. Shears,
Director.

FGS/TME

11495
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11493 ✓

13th June, 1946.

Mr. George Futa,
Registration #13046,
Invermere, B.C.

Dear Sirs

We are in receipt of your letter of the 10th instant and at the same time received a letter from Mr. R.E. Read, Barrister and Solicitor at Cranbrook. A copy of our reply to Mr. Read is enclosed herein. You will note from this that a sale has been completed, the price being $6,000. cash.

We note the protest which you are registering in regard to the sale of your property and your letter will be placed on file so that your comments in this regard will remain on record.

We appreciate the fact that the sale of your property is a matter of personal concern, but as indicated in our letter to Mr. Read, the policy in regard to management and subsequent liquidation of Japanese properties in the protected area was decided upon by the Government of Canada, and while the problem was a difficult one for all concerned, we can assure you that it has been the aim of this office to carry out this policy in as careful a manner as possible. In this connection the question of personal loyalty and voluntary co-operation has not been questioned, but your property has been disposed of in line with an overall policy of liquidation.

As soon as adjustments of taxes etc. are made in connection with this sale, you will be fully advised and the free balance made available for your use.

Yours truly,

F. G. Shoarn,
Director.

FGS/PEH

encl.

11495
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11493 ✓

13th June, 1946.

R.E. Read, Esq.,
Barrister & Solicitor,
Haworth Block,
Cranbrook, B.C.

Dear Sir:

Your letter of the 5th instant addressed to the Department of Labour has been received by this office in which you refer to the Service Station property registered in the names of your clients, George, Bunye and Frank S. Futa.

The policy of liquidation was, as you are doubtless aware, decided upon by the Government Authorities at Ottawa. This office has been charged with implementing that policy in an orderly manner.

Properties were listed in a Catalogue and were advertised for sale and tenders called for. In this case no acceptable tender was received and while the property has been available for sale by direct contact with this office or through regular Real Estate channels it was only recently that an offer in line with the valuation was submitted. The full cash price has been paid and the offer accepted, subject to the lease conditions covering the property.

I am in receipt of a letter from Mr. George Futa relative to this same matter in which he registers a protest against a sale and we are writing him today, and for his information enclosing him a copy of this letter. We are also enclosing herein copy of the letter which we have written to Mr. Futa.

Yours truly,

F. C. Shoore,
Director.

FCS/FHH
encl.

11493, 11494 &11495

June 6, 1946.

Mr. Paul Skypitka,
Van Horne Grocery,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue No. 354
Fronting on Van Horne St.,
Louis St. and Clark Ave.,
Cranbrook. Blk."C",Map 669.

This will acknowledge receipt of your cheque for $7,000.00, as requested in our letter of May 30th.

It is noted that an error was made in requesting this amount as the balance of the purchase price should have been $7,200.00. Could you kindly let us have your cheque for $200.00, which will be the full amount of the balance of the purchase price of the above property.

The adjustment of the commission, as arranged with this office, will be made when the sale has been completed.

Yours truly,

George Peters,
Administration Department.

GP:EB

11493, 11494, 11495

May 30, 1946.

Mr. Paul Hyglund,
Van Horne Grocery,
Cranbrook, B. C.

Dear Sirs:

re: Catalogue No. 554
Fronting on Van Horne St.,
Louis St. and Clark Ave.,
Cranbrook, Blk. "C", Plan 662.

Further to previous correspondence we have to advise you that we are prepared to recommend the acceptance of your offer of $8,000.00 for the above described property, being $7,000.00 for the real property and $1,000.00 for the equipment. Will you please forward to us a certified cheque for the balance of the purchase price, namely, $7,000.00.

Kindly advise the full name, address and occupation of the person in whose name this property is to be registered and also state whether or not the proposed registered owner is a British Subject, using the enclosed form.

The necessary documents will then be prepared, the deed covering the real property only with a consideration of $7,000.00 and a Bill of Sale Absolute covering the equipment in the sum of $1,000.00. The Bill of Sale will be forwarded to you in order that you may attach your signature, after which kindly return all copies at as early a date as possible in order that the documents may be forwarded to the Secretary of State at Ottawa. If our recommendation is acted upon, they will be signed and returned to this office.

After the documents have been registered a statement of adjustments of taxes, etc. will be prepared, including registration fees, and forwarded to you.

In view of your advice to us that you are negotiating with the bank for funds, in connection with this transaction, we are enclosing herewith two copies of the lease between Taunton Fuels and the Union Oil Company of Canada Limited, and a letter dated June 20th., 1945.

Yours truly,

F. G. Sheers,
Director.

/EB
Enc. 5 - 2 copies of lease
2 copies of letter
1 information form.

File Nos. 11495
11494
11493
11492
4817

May 18th 1946.

Re Block "C", Map 669
Fronting on Van Horne St., Louis Sts, and Clark Aves., CRANBROOK, B. C.
CATALOGUE NO. 554.

Inventory of Store Equipment Advertised in Catalogue and being Sold to Mr. Paul Shypitka, Tenant of the Store Building at the Corner of Van Horne Street and Clark Avenue.

* 1 Cary Safe No. I 25162
1 Desk, roll-top
Shelving, complete in store & miscellaneous
1 Toledo Scale 5 lb. capacity, No. 444061
1 Toledo Scale 3 lb. capacity, No. 205086
1 Candy Case (glass) on legs
1 Candy Case (glass) flat on stand
* 1 Refrigerator converted to Frigidaire Coil
1 Biscuit Case Christie's
1 Dayton Scale 24 lb. capacity, No. 2129641
* 1 Toledo Scale 30 lb. capacity, No. 605512
* 1 Bernal Meat Slicer, No. L700521
1 Frigidaire Meat Case & Compressor
1 Frigidaire Coil in converted case
2 Awnings
3 Service Counters with bins & paper rack
1 National Cash Register Electric, No. 3469789/2852
1 Ellams Duplicator
1 Electric Clock (Hammond)
1 Enterprise Coffee Mill No. 52053
1 Heater, Premium Souvenir

There is a Chattel Mortgage for $300.00 registered in the County Court at Cranbrook, B. C., against four pieces of the above-mentioned equipment. Interest at 10% has been paid to June 30th 1944. $200.00 was paid on account by us on April 30th 1945, leaving the following amounts owing to Julius Arlington Meilleur of Cranbrook, B. C., who holds the Chattel Mortgage:

Balance of Principal.....$100.00
Interest on $300.00 from June 6th 1944 to April 30th 1945..... $25.00
Interest on $100.00 from May 1st 1945 to May 31st 1946..... $10.83
Total..... $135.83

WJJ/MMS

11495/11494/11493

30th April, 1946.

Fernings Real Estate,
Cranbrook, B.C.

Dear Sirs:

Re: Catalogue no.5%
Block "C", Map 669
Cranbrook, B.C.

We have your wire of April 26th with reference to your offer of April and for the purchase of the above property.

We also received a letter from Mr. P. Shypitka of the Van Horne Grocery, for whom you are acting. He speaks of the Oil Company as having dropped their option to buy the property. This, however, is just the question that is holding this matter up.

We would be prepared to give Mr. Shypitka every consideration but negotiations are under way with the Oil Company, and in view of the option arrangements we are holding your offer in abeyance for a while as recommendations have been made to the Head Office of the Oil Company for the purchase of the entire property.

We are advising the Oil Company that a decision must be reached with as little delay as possible. Depending upon the result of these negotiations we will, if you wish, retain your deposit, but at the present time can give no assurance that your offer will be accepted.

Yours truly,

P. G. Chearn,
Director.

PGC/THE

File Nos. 11429
11430
11433 ✓

April 29th 1946.

[redacted]

To: Mr. F. G. Hanna

From: Mr. W. J. Johnston

Re Block "C", Cameron City,
Plot 669

In accordance with your request the writer communicated today, by telephone, with Mr. W. A. Tolton of the British-American Oil Company, formerly Union Oil Company, regarding his previous advice that he would recommend to said Company that they purchase the above-mentioned property.

In this connection we note the following statements

(1) That the Local Officials of the Company were all for purchasing the entire property at this time.

(2) He has already submitted his recommendation to the District Manager in Calgary.

(3) The District Manager in Calgary is attending a meeting of Company Officials in Toronto on May 1st 1946, and will submit his recommendation at that time.

(4) That he should be in a position to advise us regarding their decision in a week or ten days from this date.

(5) That, regardless of a sale being completed at this time the British-American Oil Company will without a doubt take up their option to purchase the land presently occupied by said Company.

We requested Mr. Tolton to advise us as soon as possible regarding the decision of the British-American Oil Company as we can not delay indefinitely the acceptance or rejection of the offer to purchase which we have on hand.

WJJ/MMS

.....
Administration Department.

File Nos. 11495
11496
11497

April 5th 1946.

MEMORANDUM

To: File

From: Mr. T. J. Johnston

Re: Block "C", Crosbrook City,
Plan 169

The undersigned interviewed Mr. F. A. Bolton of the British-American Oil Company, formerly Union Oil Company, at his Office today and handed him a copy of our letter dated March 30th 1946.

Mr. Bolton stated he was certain that the British-American Oil Company would be interested in purchasing the entire property and he would personally recommend that they submit an offer of $8,000.00 cash. He promised to communicate with us without delay.

Administration Department.

VJJ/MMS

11493/11494/11495

30th March, 1946.

The British-American Oil Co.,
Cranbrook, B.C.

Dear Sirs:

Re: Catalogue No. 554
Block "C", Map 669
Cranbrook, B.C.

We recently published an advertisement drawing the attention of the general public to certain unsold properties vested in the Custodian and as a result of same some enquiries are being made in regard to the above.

This is a property a part of which is under lease to yourselves and in regard to which you have an option to purchase for $4,500.- before the expiry of the lease in September 1950.

Some while since the Union Oil Co. were considering making the Custodian an offer of approximately $6,700.- for the portion under lease together with the balance of the block on which is a store building, rooms and equipment.

At that time they informed us that their Head Office was not prepared to make a further investment. We are wondering, however, whether you might wish at this time to reconsider the matter.

Apart from the portion under your lease the balance is rented for $40.- per month and as you are aware $60.- per month is being paid by yourselves.

Any offer we receive would require to be submitted to our Advisory Committee but we are inclined to think they would favourably consider an offer between $7,500.- and $8,500.- Any purchaser, apart from yourselves, would of course take over the property subject to the existing lease under which you would require to purchase the portion at the corner of St. Louis and Van Horne Streets for $4,500.- or otherwise relinquish any interest in the building erected by yourselves on that portion.

We have been asked by a prospective purchaser for full particulars of this property and this is being supplied. We are not aware at the moment whether a favourable offer will be received from this or any other interested party but consider we should draw the matter to your attention at this time.

Yours truly,

F. G. Shears,
Director.

FGS/TEE

11493/11494/11492

30th March, 1944.

Jennings Real Estate,
Cranbrook, B.C.

Dear Sirs:

Re: Catalogue No. 554
Block "C", Map 669
Cranbrook, B.C.

We received your wire and replied as follows:

"MINIMUM PRICE IN CATALOGUE DOES NOT INCLUDE EQUIPMENT OR SERVICE STATION UNDER LEASE BUT DESIRABLE THESE SHOULD BE INCLUDED IN ANY OFFER STOP WRITING GIVING PARTICULARS OF LEASE AND EQUIPMENT"

In this case the minimum figure mentioned in our catalogue may have been somewhat misleading as this property is under a lease which includes some special provisions.

A portion of the property consisting of 224 square yards at the corner of St. Louis and Van Horne Streets is under lease to the Union Oil Co. until the 1st September 1950. The rental is $60.- per month and the Lessees pay for repairs, insurance and taxes on the improvements.

The Union Oil Co. has an option to purchase this portion of the property, namely the 224 square yards referred to, at any time during the term of the lease for the sum of $4,500.-. If they do not exercise this option they forfeit any right to the Service Station building which they erected so that in either case a purchaser would benefit.

Any prospective purchaser would require to figure what he considered would be the value of this arrangement, but definitely it is quite an asset as apart from the monthly revenue, he would either receive $4,500.- for that portion of the property or become the owner of what our file indicates is a good filling station building.

The balance of the property on which is situated the store building with rooms is rented on a month to month basis for $40.- per month, this rental including the use of the equipment.

We have rejected an offer of $1,200.- for this equipment but we might be prepared to consider that sum as a minimum amount for that item in any offer we receive for the whole property, including equipment and subject to the lease referred to above. The amount of taxes which we are responsible for on the basis of last year's assessment are $53.29.

With the above information in regard to revenue and the conditions of the lease, you may be in a position to submit an offer, and subject to any other enquiries under consideration and the possibility of the Union Oil Co. exercising their option at the present time, the matter would be given consideration and referred to our Advisory Committee.

It would appear, however, that a minimum acceptable price for the whole property, including the equipment and the value which exists in the lease, would at least be a minimum sum of $7,500.--.

Yours truly,

F. G. Shears,
Director.

FGS/THH

11493 & 11495.
Code No. 555.

December 5th, 1945.

Mr. Buoye John FUTA,
Registration No. 13017,
Invermere, B. C.

Dear Sir:

Re: Clark Ave., Cranbrook, B. C. (Lot 4 and that part of Lot 5 lying South of a line which bisects the Easterly and Westerly boundaries of the said Lot, in Block 92, Cranbrook City, Plan 669).

We have today sent your brother, Mr. George Arthur FUTA, a complete statement of the sale of the above property, showing the net proceeds realised to be $117.92.

This money is now carried in your brother's account pending final distribution.

Yours truly,

R. G. Bell,
Administration Department.

RGB/P.

See 13/12/45
re 2/11495.

11493, 11494 & 11495

May 16, 1945.

Mr. & Mrs. Paul Chyzhin,
Cranbrook, B. C.

Dear Sir and Madam:

Re: Catalogue No. 555
Clark Ave., Cranbrook
A. S. 5/32/669

Deed to the above described property has now been registered in your names and we are ready to deliver control to you. When the title has been received by us from the Land Registry Office it will be sent by registered mail to you or to any person designated by you.

Adjustments as of April 2nd, 1945, as shown on the enclosed sheet, have been calculated and a balance of $1.98 appears to your credit. A cheque for this amount is enclosed herewith.

Please return to us the attached control receipt, duly signed.

Yours truly,

George Peters,
Administration Department.

GP:ED
Enc.

cc to Mr. John D. Kennedy

Catalogue No. 555,
File Nos. 11493/11494/11495
Clark Avenue, Cranbrook, B.C.
Lot 4, S ½, Blk. 92, Map 669,

May 16th, 1945.

PAUL SHYPITKA and MARGUERITE SHYPITKA,

(purchasers)

In account with: The Custodian of Enemy Property

STATEMENT OF ADJUSTMENTS

(as at April 2nd, 1945)

	DEBIT	CREDIT
Purchase price	$145.00	
Cheques received		145.00
Seller's proportion of 1945 taxes 91/365 x 23.60		5.88
Registration fees on deed, $145.00	4.30	
Balance owing to purchaser	1.58	
	$ 150.88	$150.88

BALANCE OWING TO PURCHASER - $1.58

File Nos. 11493
11494
11495

April 17th 1945.

MEMORANDUM

TO: Mr. F. G. Shears

FROM: Mr. W. J. Johnston

Re: Catalogue No. 554
Blk. "C", Cranbrook City, Plan 669
Louis Street and Clark Avenue

We have not received any offers to date in connection with the above-mentioned real property which was listed for sale in our Additional Catalogue. We have, however, received an offer from the tenant of the store building, Mr. Paul Shypitka, on that portion of Catalogue No. 554 which refers to store equipment. I will refer to said offer later in this memorandum.

With reference to the negotiations which were carried on with the Union Oil Company of Canada Limited, the following is an extract from a letter dated March 14, 1945, which we received from this Company:

"Unfortunately our business at this location since we entered into the original lease has been particularly low; in fact, has proved a very costly venture, and for this reason our officials are reluctant to invest any further money either to acquire more property for our own use or to assist the present tenant to purchase.

"Under these circumstances we regret we are unable to assist you in the disposal of this property."

It might be well at this time to advertise Block "C" in a special advertisement and, in accordance with your request, I am submitting to you the following information regarding this property. (Advertisement to include equipment)

Tenancies:

1. The Union Oil Company has a portion of Block "C" under Lease and particulars of this tenancy, including a sketch of the property, were forwarded to you in my memorandum dated August 28, 1944.

Summary of Lease:

(a) Lessor: The Lease with the Union Oil Company was given by Mrs. Tsuneko FUTA as she was the registered owner of Block "C" in July 1940. Mrs. FUTA transferred Title to her three sons, George, Busye John and Frank Shoje FUTA in August 1941, but there has been no formal assignment of said Lease. This Lease is shown as Registered Charge number 24400-D on the Certificate of Encumbrance on file. There are no unregistered charges in connection with this property which is vested in the Custodian under number 17296.

(b) Portion of Block "C" under Lease: 224 square yards at the Corner of Louis Street and Van Horne Avenue.

(c) Term of Lease: Five (5) years from September 1, 1940, with option to renew for a further period of five years.

(d) Rental: $60.00 monthly, payable in advance on the first day of each month.

(e) Service Station:
The Lessor agreed to remove and did remove the building which was on said corner and the Union Oil Company built a Service Station over and beyond the remaining foundation.
The Company agreed to build and equip on the demised land a gasoline service station at a cost of not less than $5,000.00.
The equipment may be removed but the building becomes the property of the Lessor on termination of the Lease.
The Lessor pays taxes on land demised under Lease and the Lessee pays taxes on Improvements.
The Lessee pays for repairs; must keep service station fully insured and re-erect if destroyed by fire. Lessee may assign or sub-let.
(f) Option: The Lessee has the option of purchasing the demised land for $4,500.00 at any time during the term of the Lease or its renewal.

Tenancies: (continued)
2. Mr. Paul Shypitka and his wife, Marguerite, leased the store building with rooms, including store equipment, for one year from the 10th day of November, 1942. They presently occupy this building on a month-to-month basis at $40.00 monthly, subject to the covenants and conditions contained in said Lease. Lessee pays Water Rates and repairs. Mr. Shypitka is 4 months in arrears with his rents. (He recently purchased from us, through the agency of John E. Kennedy, FUTA's property known as Lot 4 and S½ 5, Block 92, Catalogue No. 555, for the sum of $145.00 cash).
Note: This property, ie. Catalogue No. 555, was the subject of an earlier offer to purchase by Mr. Shypitka for the sum of $75.00. The offer was forwarded by Mr. J. M. Falkins and there has been some confusion over the matter. Please refer to the following correspondence on File No. 11495:

1.Mr.Falkins letter dated June 10,1944,enclosing cheque for $127.50
2.Mr.Falkins letter dated July 24,1944,re error in Cat. Number.
3.Our letter dated July 31,1944, in reply,re Cat. No. 555.
4.Our letter dated August 1,1944, re Cat. No. 554.
5.Mr.Falkins letter dated August 8,1944,in reply re Cat.No.554.
6.Our letter dated August 11,1944,to Mr.Falkins re Cat.No.554.
7.Our letter dated August 11,1944,to Mr.Kennedy re valuation of Cat.No.554.
8.Mr.Falkins letter dated September 15,1944,re Cat.No.554(store equipment)

The above letters show that Mr. Shypitka intended to make and did make the following offers:

1. Store equipment,	$1,200.00.	(Valuation: $1,000.00)
2. Lot 4 & S½ 5/92,	75.00	(Valuation: $ 145.00)
	$1,275.00	(Cheque sent in for 10%: $127.50)

His offer regarding the store equipment was not accepted or rejected. His offer to purchase Lot 4 and S½ 5/92, was rejected. He subsequently re-offered on Lot 4 and S½ 5/92 for $145.00 and has paid this amount in full.

The cheque for $127.50, according to the file, does not appear to have been returned to Mr. Falkins, and his letter requesting same is not on file and does not appear to have been answered.

As suggested by you, it might be well to reject Mr. Shypitka's offer to purchase the store equipment separately, for the reason that, if we were successful in obtaining an acceptable offer for Block "C", the purchaser would probably wish to have the equipment.

We quoted a Minimum Acceptable Price of $5,400.00 for Block "C" and equipment to Mr. W. A. Walton of the Union Oil Company in your office in November, 1944, but Officials of the Oil Company could not see their way clear to purchase the property as stated in the letter referred to above. This price included all the land known as Block "C", the store building and store equipment.

If we were to accept an offer from someone other than the Union Oil Company, the purchaser would buy subject to the Union Oil Lease. The purchaser must necessarily be advised that if the Union Oil Company exercises its option to purchase the land demised under the Lease, the Company must pay him the sum of $4,500.00. On the other hand, if the option is not exercised, the purchaser benefits to the extent of a service station building assessed at $2,700.00 (Valuation: $2,800.00).

I am attaching hereto an inventory of the store equipment which Mr. Shypitka offered to purchase for $1,200.00 and which has been appraised by Mr. Kennedy at $1,000.00. Also please find attached copy of Mr. Kennedy's letter dated August 15, 1944, in connection with the appraisal of Block "C", including both land and buildings, and you will note that he placed a value of only $2,700.00 on that portion of the property which we are in the position to offer for sale.

I really believe this property is worth considerably more than Mr. Kennedy's valuation but at the same time I think we would be very fortunate in obtaining an offer of $5,400.00, the amount suggested to Mr. W. A. Walton of the Union Oil Company.

The above information is submitted for your approval and I trust you will find same in order.

WJJ/[illegible]

11495
11494
11493

April 12th 1945.

John B. Kennedy, Esq.,
East Kootenay Real Estate,
Cranbrook, B. C.

Dear Sir:

Re: Lot 4 & S½ of Lot 5,
Blk. 92, Map 669.
Clark Avenue, Cranbrook.

In connection with the sale of the above-mentioned property we would ask you to kindly advise us as to whether or not there are any chattels stored in the frame and metal garage situated thereon. Our records show that no effects were left in this building but we would like you to verify the previous advice received by us.

Yours very truly,

W. J. Johnston,
Administration Department.

WJJ/HMS

11493

April 6, 1945.

Mr. Bunyo John FUTA,
Reg. No. 13017,
Invermere, B.C.

Dear Sir:

Re: Catalogue No. 555,
Clark Ave., Cranbrook,
A. Sk 5/92/669.

Please be informed that the above property is in course of sale on the basis of a valuation independently made and following directions issued from Ottawa. The price obtained is $145.00 which will be subject to the usual charges for the sale of any real property. The net proceeds of this sale will be credited to your joint account with your two brothers, Shoji Francis, and George Arthur Futa, and will be available to you when the sale is completed. A detailed statement of the transaction will be sent to you when the matter is concluded.

Yours truly,

George Peters,
Administration Department.

GP:AS

Date. March.6th..1945.

REAL PROPERTY MEMORANDUM

File No. 11493, 11494, 11495.

Name..... George FUTA / Busye John FUTA / Frank Shoji FUTA ..... Registration No. 13026 / 13017 / 13025

Re: Catalogue No. 555

Address: Clark Avenue, Cranbrook, B. C.

Legal Description: Lot 4, 5 S½, Blk. 92, Map 669.
Frame and metal garage.

TITLE AND ENCUMBRANCES

A. Certificate of Title No. 47342-I Whereabouts: L.R.O. Nelson, B. C.

Registered owner: Marjorie Frances Beale "In Trust" Reg. No.

Property: Lot 4 and that part of Lot 5 lying South of a line which bisects the Easterly and Westerly boundaries of the said Lot, in Block 92, Cranbrook City, Plan 669.

B. Charges.

Registered: For Declaration of Trust in favour of George Futa, Busye/Futa and Frank Shoje Futa see D.F. 17105.
John

Vesting: In Custodian. Filing 17296.

Unregistered: No evidence found, other than a Deed from Marjorie Frances Beale "In Trust" to the three above-mentioned Japanese. This Deed has now been registered and a new Certificate of Encumbrance is being obtained.

Taxes: $23.60 (1944). Pd. in full to Dec. 31, 1944. Arrears: Nil

Water: Nil

Insurance: Nil

Assessed Value: Land: $560.00 Improvements: $75.00

Valuation by Appraiser: $145.00

Amount of Bid: $145.00

Approved by Advisory Committee: March 5th, 1945.

Paid as shown in attached letter:

Name of transferee as attached letter:

ADMINISTRATION.

Tenancy: Monthly tenure (state consideration & whether including or excluding furniture or equipment)

Nil

Leasehold: (State period, consideration & unusual clauses and whether including or excluding furniture or equipment)

Nil

Chattels: Particulars of those stored on the premises.

Nil

Named Agent: Nil
Sold through Agency of John E. Kennedy.

Memorandum compiled by:

J. B. Johnston
.....
Administration Dept.

File Nos. 11493
11494
11495

March 9th, 1945.

MEMORANDUM

TO: Mr. Geo. Peters

FROM: Mr. W. J. Johnston

Re: Catalogue No. 555
Clark Avenue, Cranbrook, B.C.
Lot 4, 5 Bl. Blk. 92, Map 669.
Frame and metal garage.

The above-mentioned property is neither leased nor rented.

This property is shown as being registered in the name of Marjorie Frances Beale "In Trust", but the Deed in favour of George Puts, Bunye John Puts and Frank Shoje Puts has now been registered and I have sent a memorandum to Mr. Ian Macpherson today requesting him to write for a new Certificate of Encumbrance which will show the property registered in the names of these three Japanese.

Please find attached hereto a Real Property memorandum and the original Certificate of Encumbrance. I am writing today for a 1945 Tax Certificate for registration purposes.

WJJ/MMB

11493, 11494 & 11495

April 2nd, 1945.

John E. Kennedy, Esq.,
Cranbrook, B.C.

Dear Sir:- Re:- Catalogue No. 555,
Clark Avenue, Cranbrook,
Lot A & South Half of Lot 5, Blk.92
Map 569

This will acknowledge receipt of your letter of the 26th ultimo in which you enclose your certified cheque for $145.00 being the full amount of the purchase price for the above property.

We note your request that the property be registered in the names of Paul Shypitka, Merchant, and his wife Marguerite Shypitka of Cranbrook, B.C. as joint tenants. We note that you state that they are British subjects.

As previously advised, conveyance will be prepared and forwarded to Ottawa with our recommendation for acceptance, and if accepted, adjustments will be calculated as of the date of this letter.

Yours truly,

F.G. Thears,
Director.

GP/ED.
Enc.1.(Off.receipt)

11495
11494
11493

March 17th, 1945.

Union Oil Company of Canada, Ltd.,
402 West Pender Street,
Vancouver, B. C.

Dear Sirs:

Re: Block "C", Cranbrook City,
Plan 669.

We are in receipt of your letter of the 14th instant, and regret to note that the proposed sale of the above-mentioned property will not be concluded.

After due consideration we have decided that it would be advisable to adhere to the terms of the lease which you hold on a portion of this property and we would, therefore, ask you to please forward your cheque for the amount of rents owing at $60.00 per month.

Thanking you for your attention to this matter, we remain

Yours very truly,

W. J. Johnston,
Administration Department.

WJJ/HMS

c
o
p
y

11493, 11494, 11495

August 11th, 1944

Mr. John E. Kennedy,
Cranbrook,
B.C.

Re: Catalogue No. 554 - City of Cranbrook
- Fronting on Van Horne St., Louis
Street and Clark Avenue.

Dear Sir:

Your appraisal of the above property was as follows:

Land	- $ 500.00	
Improvements	- 5000.00	
Fixtures	- 1000.00	
Total	- $ 6500.00	

We are enclosing a sketch of this parcel and I would be glad if you would analyze your appraisal, showing separate values for each of the two portions of the lot, and also the values you are attaching to each of the buildings.

It would be appreciated if you could give us this information as soon as possible.

Yours truly,

F. G. Shears,
Director.

FGS/MHC
encl.

11493, 11494, 11495

August 11th, 1944

Mr. Jack H. Falkins,
Cranbrook,
B.C.

Re: Catalogue No. 554 - City of Cranbrook
- Fronting on Van Horne St., Louis
Street and Clark Avenue.

Dear Sir:

Further to our letter of August 1st and your reply of the 8th instant, we note that the offer which you submitted, of $1200.00, was for the furniture and fixtures and equipment only.

Before we are in a position to consider this offer, it is necessary for us to secure further information from our appraiser. A portion of this land is under lease with certain options and the Union Oil Company also has certain rights to removal.

As soon as possible we will advise you further regarding the disposition of this particular property.

Yours truly,

F. C. Shears,
Director.

FCS/MHC

11493/11494/11495

August 1, 1944

Jack M. Falkins, Esq.,
Insurance & Real Estate,
Cranbrook, B.C.

Dear Sir: Re: Catalogue No. 554
City of Cranbrook - Fronting
on Van Horne St., Louis Street
and Clark Avenue.

Further to our letter of June 27th, we wish to advise we are not able to accept your offer to purchase the above property for the sum of $1,275.00.

No acceptable tender has been received on this property and we are now prepared to consider revised offers. This property has been independently appraised and the Custodian will not be interested in any sum less than $6,500.00.

If you should wish to submit another offer, subject to prior sale and other bids which may be received we will be pleased to consider same.

Yours truly,

F.G. Shears,
Director

FGSHG

11493, 11494 & 11495

July 31st, 1944

Jack M. Falkins, Esq.,
Insurance & Real Estate,
Cranbrook, B.C.

Re: Catalogue No. 555
Clark Avenue - City
of Cranbrook

Dear Sir:

We are in receipt of your letter of the 24th, in which you indicate that the offer previously made on behalf of your client, Mr. Shypitka, for property 557, was an error and should refer to Catalogue 555. The amount of your offer was $75.00, the valuation we have just received indicates that we cannot consider any offer of less than $145.00. If your client is willing to revise his offer to not less than this amount, we will be glad to give consideration to same.

Yours truly,

F. G. Sheers,
Director.

FGS/MHG

~~11493~~, 11494,
11495, 13698

July 31st, 1944.

Jack M. Falkins, Esq.,
Insurance and Real Estate,
Cranbrook, B.C.

Re: Catalogue Nos. 554, 555, 557, 558, 560 and 629

Dear Sir:

We are herein returning your deposit cheque for $127.50 which you sent in connection with various tenders, with which we are now dealing and replies are attached herein.

Yours truly,

FGS/MHO
encl.

F. G. Sheare,
Director.

554

11493, 11494,
~~11495~~, 13698.

June 27th, 1944.

Jack M. Falkins, Esq.,
Insurance & Real Estate,
Cranbrook, B. C.

Dear Sir:

Re: Catalogue Nos. 554 & 557.
City of Cranbrook - Fronting
on Van Horne St. and 108 Clark
Avenue.

This will acknowledge receipt of your letter of June 10th, 1944, written on behalf of your client, Paul Shypitka, enclosing cheque for $127.50 and offer to purchase the above two properties for the sum of $1275.00.

Before we can advise whether your offer can be considered it is necessary for us to secure an independent valuation on this property. We will endeavour to secure this as soon as possible and will then communicate with you further.

Yours truly,

F. G. Shears,
Director.

FGS/AM

1250
78
32
79

11495
11493
11494

For 11493

October 5, 1943.

The Registrar,
Land Registry Office,
Nelson, B. C.

Dear Sir:

George FUTA, Buoye John FUTA
and Frank Shoje FUTA.

With reference to the following property:

Lot 4 and that part of Lot 5 lying South of a line which bisects the Easterly & Westerly boundaries of the said Lot, in Blk. 92, Cranbrook City, Plan 669.

According to the Certificate of Encumbrance No.11618 there is a Declaration of Trust in favor of George Futa, Buoye John Futa and Frank Shoje Futa see D.F.17105. Will you please let us have a copy of the Declaration of Trust?

Thanking you for your co-operation.

Yours truly,

(D.A. Cramer)
for Ian Macpherson
Title Examiner.

DAC:JS

NOTE - to 5 files

July 20th,1942.

re FUTA family - Files 4817, 11492, 11493, 11494 and 11495

Mr. and Mrs. Kikuzo K. FUTA are retired and are semi-invalids. They have entrusted their business and affairs to their three (3) sons and future correspondence in connection with the Futas should be dealt with under File 11495. When dealing with the Futas, however, reference should always be made to File 4817 which contains particulars of claims, etc.

KPA:EB.

File No. 11491 - 11494 - 11495

COPY

17105

DECLARATION OF TRUST

THIS INDENTURE made this Fourth Day of December, 1942.

BETWEEN

MARJORIE FRANCES BEALE, of the City of Cranbrook, in the Province of British Columbia, (Widow)

Hereinafter called the Party of the First Part

AND

GEORGE FUTA, BUAYE JOHN FUTA and FRANK SHOJE FUTA, of the Village of Invermere, in the Province of British Columbia formerly of the City of Cranbrook, British Columbia

Hereinafter called the Parties of the Second Part

WHEREAS the following land, more particularly known and described as: Lot Four (4) and that part of Lot Five (5) lying south of a line which bisects the Easterly and Westerly boundaries of the said Lot in Block Ninety-two (92), Plan Six Hundred and Sixty-nine (669), Cranbrook City, Province of British Columbia, is registered in the name of the Party of the First Part

NOW THIS INDENTURE WITNESSETH that the Party of the First Part doth hereby acknowledge and declare that the said land is the property of the Parties of the Second Part and belongs to the Parties of the Second Part and the Party of the First Part acknowledges herself as holder of the said land as Trustee and in Trust for the use and benefit of the Parties of the Second Part.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this Fourth day of December, 1942.

Witness: Mary L. Paget
Cranbrook, B. C.
Stenographer

Marjorie F. Beale