12457

INFORMATION FROM R.C.M.P. 12457

DATE August 2, 1947.

Our File No. 12457

Full Name FUKUJIRO KANAI, DECEASED
(Surname in Block Letters)

Registration No. N/R

x
Male - Female
(Check)

Age

Former Address 410 Scott Road, New Westminster, B. C.

Date Evacuated Deceased

Naturalized - Canadian-Born - National
(Check)

Present Address Died on March 2, 1936, at New Westminster

x
Married - Single
(Check)

Name of Wife Ishi Kanai, #12427 (file #4935)

Name of Husband

Name of Mother

Name of Father

Names of Children under 16

Requested by

Registered with Custodian
(Yes or No)

Additional Information LETTERS PROBATE GRANTED TO ISHI KANAI, the sole Executrix in the Will, on May 18, 1936.

Certified copy on file

October 2nd, 1945.

REAL PROPERTY MEMORANDUM

12457

FILE NOS: 4935, 5197 and 12457.

NAME: Zohl KAHAT

CATALOGUE NO: Special Ad.

RE: 410 Scott Road, Surrey, B. C.
- Dwelling, chicken-house, shade, 4.3 ac. more or less.

CERTIFICATE OF INCUMBRANCES:

Description of Property: Municipality of Surrey, Lot 3 of the North West quarter of Section 30, Township 2, Map 1607, in the District of New Westminster.

Encumbrances: Nil.

Taxes: 1944 - $51.03 paid. No Arrears.

Vested: Nos. 24413 and 27946.

VALUATION BY APPRAISER: $5,450.00 (Gibson)
$4,235.00 (Hamsten)

AMOUNT OF BID: $4,000.00

APPROVED BY ADVISORY COMMITTEE: June 15th, 1945.

AMOUNT RECEIVED BY CUSTODIAN: $4,000.00 to be paid on delivery of title.

NAME OF PURCHASER: The Director, The Veterans' Land Act.

Prepared by: [signature]

Approved by: [signature]

DAG/JS

File 12457

P. 4959.
Form A.

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

New Westminster Registry

BE IT KNOWN that on the 22nd day of April,
in the year of our Lord one thousand nine hundred and thirty-six,
the last Will and Testament (a copy whereof is hereunto annexed) of
FUKUJIRO KAWAI (also known as FUKUGIRO KAWAI)
late of Surrey, British Columbia
deceased, who died at
New Westminster, British Columbia
on or about the 2nd day of March, 1936 was exhibited,
read, and proved before a Judge of the Supreme Court of British Columbia,
and administration of all the estate which by law devolves to and vests
in the personal representative of the said deceased was granted to
ISEI KAWAI
the sole Executrix in the said Will named,

New Westminster Land Registry Office (SEAL)

New Westminster Jun 29 1945 Registry

2 British Columbia Law Stamps 50¢ each New Westminster Seal

CERTIFIED A TRUE COPY
J. Kennedy
District Registrar

Given under the Seal of the said Court, this 18th day of May,
A.D. 1936

J. E. Turnbull
Deputy District Registrar.

Extracted by Messrs. Whiteside, Edmonds & Selkirk,
Solicitor

Estate sworn under _____ $2750.00

I hereby certify that the attached copy of Will and Probate of Will of Fukujiro KANAI initialled by me is a true copy of the certified copy whereof it purports to be a copy.

DATED this 13th day of August, 1945, at Vancouver, B. C.

E. J. Spratt

E.J. Spratt.

A Notary Public in and for the Province of British Columbia.

File 12457

THIS IS THE LAST WILL AND TESTAMENT of me FUKUJIRO KANAI of Strawberry Hill, British Columbia, Farmer.

I direct my executrix hereinafter named to pay all my just debts and Testamentary expenses.

I give devise and bequeath all my estate both real and personal and wheresoever the same may be situate unto my wife Isi Kanai and I appoint her executrix hereof.

In witness whereof I have hereunto set my hand this Fifth day of February, A.D. 1936.

"FUKUJIRO KANAI"

SIGNED, published and declared by the said Testator in the presence of us, both present at the same time and in the presence of the Testator have hereunto subscribed out names as attesting witnesses.

New Westminster Registry Office (Seal)

"Masato Chori"
R.R. 1 New Westminster
B. C.
Farmer.

"Thomas Robert Selkirk"
New Westminster
Barrister.

CERTIFIED A TRUE COPY

"R.G. Kell"

Deputy District Registrar

New Westminster
Jul 10 1945
Registry
Stamp

5956
5902
4935
5157
12457

11th September, 1945.

Major T. Todrick,
The Soldier Settlement and Veterans' Land Act,
518 Rogers Building,
Vancouver, B. C.

Dear Sir:

I find that there are a few sales which are being held up for registration on account of some difference of opinion in regard to the responsibility for payment of the usual registration fees. The specific cases are as follows:

		Reg.Charges
Cat.No.874	No.1 Rd. N. of Steveston Highway	$10.90
Special Ad. - 14/4/45	Lot 3 of NW¼ 30/2/1607	12.50

I am fully aware that in regard to the bulk sale for a large number of properties which was originally made between our two departments that special arrangements were agreed upon by the Registrar and that because of those arrangements your department was only required to pay a flat fee.

Subsequent negotiations for the sale of individual properties have been entirely on the basis of our regular policy of advertisement and the consideration of offers in line with valuations and upon the approval of our Advisory Committee. In this regard you are aware that in some cases your offers were rejected and in others you have been prepared to revise your offer to an acceptable minimum.

I note that in regard to Lot 3 of the N.W. ¼ of Section 30 in your letter of August 2nd you state"that upon production to me of such certificate of title free from encumbrances, I shall be in a position to make payment to you of the said purchase price subject to adjustment of taxes and rentals to the date of your acceptance" and that you omit specific reference to registration fees.

The matter of the payment of the purchase price of the property being delayed until Certificate of Title issues has not been a point of difference in view of the fact that two Government Departments are concerned. The necessary costs involved in securing registration which is ordinarily borne by the purchaser however, have not been assumed by this office. Our acceptance letter indicates that "after the documents have been registered a statement of adjustment of taxes etc. will be prepared, including registration fees".

4935, 5137
and 12457.

July 21st, 1945.

The Registrar,
Land Registry Office,
New Westminster, B. C.

Dear Sir:

RE: Ishi KANAI - Lot 3, S.W. ¼, Sec. 30,
Twp. 2, Map 1607.
Registered Owner - Fukugiro KANAI.

We submitted to you on 17th inst., a Special Vesting Certificate of the interest in above described property of Ishi KANAI, heir under the Will of Fukugiro KANAI, deceased, together with certified copies of the Will and Letters Probate.

This Vesting Certificate was returned to Mr. Cramer of this office by Mr. Keary of your office with the comment that it would be necessary to file a Transmission under the Will to the heir, Ishi KANAI.

You will recall, I think, that the procedure in such cases was discussed with you personally by Mr. Wright last February and that it was decided that the interest of an heir, as evidenced by Letters Probate, might be vested in the Custodian.

Our file also indicates that this matter was discussed with you by Mr. Sheppard, of Locke, Lane, Guild & Sheppard, Vancouver. Mr. Sheppard wrote us on February 23, 1945, as follows:

> "In reply to your letters herein Mr. Lane and the writer discussed this with the Registrar at New Westminster and he is prepared to accept the special order in the form submitted, together with a certified copy of Letters Probate with will attached."

I may be permitted to add that we have filed with you several such certificates heretofore, and that such certificates are accepted in the Vancouver Land Registry Office.

- over -

File Nos. 4939, 3197 & 11457 July 12th, 1945

[redacted] To: Mr. D. A. [redacted]

From: Mr. L. T. WRIGHT

Re: Estate of Peregrine Lahai and
Lot 3 of Blk. of Sec.30, Twp. 2, Rge 1607,
[redacted]

With reference to my memo to you dated June 25th, 1945, we have now received from Mr. T. L. Smith, Barrister & Solicitor, certified copy of Letters Probate and Certificate of Indefeasible Title No. 6467 E in the name of Peregrine Lahai.

Kindly deposit the Certificate of Title and file the certified copy of Letters Probate and Special Vesting Order, all attached hereto, at the Land Registry Office in Fort Vermilion.

The purchase price, in this case, will not be received from the Director, Veterans' Land Act, until we deliver the Certificate of Title to him.

L. T. WRIGHT

LTW:VB
Attach.

File Nos. 4935
5197
12427 J

June 29, 1945.

MEMORANDUM

TO: Mr. Geo. Peters

FROM: Mr. K. W. Wright

Re: Estate of Fukugiro KANAI
Lot 3 of NW¼ of Sec.30,Twp.2,Map 1607, Mun. of Surrey, N.W.D.
Property Unentalcumed. Spec.Adv. April 14, 1945. Parcel 1.

The above-mentioned property is under lease to Mr. Emil Morier for the period from January 1, 1945, to December 31, 1945, for the sum of $240.00, payable in instalments of $60.00 on January 1st, April 1st, July 1st and October 1st 1945. The furniture on the premises is included in the rental.

The Registered Owner of this property as shown on the Certificate of Encumbrance is Fukugiro KANAI. This Japanese died on March 2, 1936, and Probate of his Estate was granted through Messrs. Whiteside, Edmonds and Selkirk (now Edmonds and Selkirk) on May 18, 1936. Mrs. Ishi KANAI, the Widow, was appointed personal representative under the Will and she is also the sole heir. Mrs. KANAI, however, has refused to execute a Deed from herself as personal representative to her own name.

The usual Vesting Order was filed under No. 24413 on July 31, 1942. A Special Vesting Order was prepared and submitted to Messrs. Locke, Lane, Guild and Sheppard for approval. Mr. Lane and Mr. Sheppard discussed this matter with the Registrar at New Westminster and he is prepared to accept the Special Vesting Order in the form submitted, with certain changes, together with a certified copy of Letters Probate with Will attached.

The approved Vesting Order was forwarded to Ottawa and returned duly signed by Mr. A. H. Mathieu, Assistant Deputy Custodian.

A copy of the above Order was forwarded to Messrs. Edmonds and Selkirk on March 12, 1945, and we requested in our covering letter that they send us the Certificate of Title of this property together with a certified copy of Letters Probate. While these have not yet been received by us, we are advised by Mr. Cramer, who has just returned from making a call on Mr. Selkirk, that he promised faithfully to mail these documents to us today. Succession duties, if payable, will be paid either by our office or Mr. Selkirk, who advised Mr. Cramer that he would take care of everything.

The net proceeds received from the sale of this property to the Director, Veterans' Land Act, are to be credited to the account of Mrs. Ishi KANAI, Registration No. 12427, File No. 4935, Executrix of the Estate of Fukugiro KANAI, deceased.

I am attaching hereto a copy of the above-mentioned Lease, the original Certificate of Encumbrance and Mr. Richardson's Real Property Memorandum.

There is no reason why this sale should not be proceeded with without delay.

WJJ/MMS
Enc.

K. W. WRIGHT.

SUMMIT
PARKER,L
Phone 7116 12457
6035
9157
410 Route Road $6450.00
J.R. Simpson $1400.00 $140.00 Cheque
R. Wardell $2400.00 $240.00 Cheque
Dealer Entitlement $7700.00 No entitlement
SMITH
PARKER,L
Phone 7116 2680 Bailey Road $1800.00
G.E. Cooper $400.00 $40.00 Cheque
Renewal Premiums $790.00 $75.00 B/D
Dealer Entitlement $990.00 No Entitlement
CMW/DG

DIXIE ROADER
PARKER,L
Phone 7116 12612
Community Hall on Avenue Road $2200.00 and $2685.00
D.R. Cousins $1000.00 No employee A partners
Project
SMITH
PARKER,L
Phone 7116 12612
Dealer Entitlement $2500.00 $250.00 Cheque Postdated
Secretary
St. Pretlar's
Damon Moore $1018.00 $101.00 Cheque Refund
PARKER,L
Phone 7116 12457
410 Route Road $6450.00
J.R. Simpson $1400.00 $140.00 Cheque
R. Wardell $2400.00 $240.00 Cheque
Dealer Entitlement $7700.00 No entitlement
SMITH
PARKER,L
Phone 7116 2680 Bailey Road $1800.00
G.E. Cooper $400.00 $40.00 Cheque
Renewal Premiums $790.00 $75.00 B/D
Dealer Entitlement $990.00 No Entitlement
CMW/DG

12457 & 4935
Revenue Section

509 Royal Bank Building,
Vancouver, B.C.,
April 26th, 1945.

Mr. Menno Klassen,
531 Scott Road, R.F. #1,
New Westminster, B. C.

Dear Sir:

Re: Lot 3 of the N. W. ¼ of Sec. 30, Twp. 2, Map 1607, Dom. of Survey, N. W. D., known as 410 Scott Road.

We have your letter of the 24th instant, and wish to state that we are not aware of any arrangement giving the tenant of the above noted property authority in the matter of purchase.

The property is under lease until December 31st, 1945, at a rental of $240.00 per annum, payable quarterly, and is offered for sale subject to this tenancy.

As stated in our advertisement, cheques received in respect to unaccepted tenders, will be returned in due course.

As previously informed, we will be pleased to give consideration to any tender you care to submit for this property in accordance with the terms of our advertisement.

Yours truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

GHP/O'B

Advertisement appearing in the Vancouver News Herald 14th April, 1945, Vancouver Sun, 16th April, 1945, Vancouver Province 17th April, 1945

File No. 12457

DEPARTMENT OF THE SECRETARY OF STATE

Office of the Custodian

REAL PROPERTY FOR SALE BY TENDER

The Secretary of State of Canada, acting in his capacity as Custodian under or by virtue of the Revised Regulations Respecting Trading With the Enemy (1943) hereby offers for sale by public tender such interests as are vested in him in the following properties:

CITY OF VANCOUVER

PARCEL A: Lot 8, Block 59, District Lot 196, New Westminster District, Plan 196, known as 640 East Cordova Street, upon which is situate a one-storey frame factory building.

PARCEL B: Lots 17 and 18 in the West ½ of Subdivision "C" of District Lot 328, Group 1, New Westminster District, Plan 2204, known as 1625 Kent Street, upon which is situate a chicken house and shed. Building used as dwelling not included.

NORTH VANCOUVER

PARCEL C: Lot 17, Block 4 of Blocks 2 and 3, District Lot 616, Group 1, New Westminster District, Plan 2990, being a Vacant Lot on 17th Street between William and Rupert Avenues.

WEST VANCOUVER

PARCEL D: Lot 6, Block 12 of Blocks 7 to 12, District Lot 775, Group 1, New Westminster District, Plan 4595, known as 2133 Marine Drive, upon which is situate a dwelling with a store front.

MATSQUI

PARCEL E: Part (The North Westerly 29.975 acres more or less) of the North ½ of the South East ¼ of Section 11, Township 14, as shown and lettered "B" on sketch deposited 1110, Save and Except part 7.5 acres as shown on sketch deposited No. 5250, Group 1, Municipality of Matsqui, in the District of New Westminster, being a Farm Property of 22.475 acres, more or less, near Mt. Lehman Road, upon which is situate a five-room dwelling and outbuildings.

PARCEL F: Lot 2 of the North West ¼ of Section 16, Township 16, Map 3296, Municipality of Matsqui, in the District of New Westminster, being a Farm Property of 4⅘ acres, more or less, on Ware Road, Abbotsford, upon which is situate a six-room dwelling, barn and poultry house.

MISSION

PARCEL G: Lots 12 and 13 of the North ½ of the South East ¼ of Section 29, Township 17, Map 2849, Municipality of Mission, in the District of New Westminster, being a farm property of 10 acres more or less, known as 3078 Cherry Street, on which is situate a dwelling, barn and outbuildings.

PITT MEADOWS

PARCEL H: Lot "B," Block 2 of Lot 3 of Lot 12 of Section 36, Block 6 North, Range 1 East, Map 6328, Municipality of Pitt Meadows, in the District of New Westminster, on Advent Road, containing 2 acres, more or less, on which is situate a community hall and cottage.

SURREY

PARCEL I: Lot 3 of the North West ¼ of Section 30, Township 2, Map 1607, Municipality of Surrey in the District of New Westminster, being a Farm Property of 6.3 acres, more or less, known as 410 Scott Road, upon which is situate a 7-room dwelling, chicken houses and sheds.

DELTA

PARCEL J: Lot 40 of the North East ¼ of the North East ¼ of Section 25, Township 4, Map 1416, Municipality of Delta, in the District of New Westminster, on Ryley Road, on which is situate a one-storey frame hall building.

Tenders for the purchase of such interests in the above described properties as are vested in the Custodian will be received subject to the following terms and conditions:

1. Each tender must be for one of the parcels described, but a separate tender may be filed for each of several parcels.
2. A tender offering for parcels in the alternative will be considered an offer only for the parcel first named.
3. A certified cheque payable to the order of the Secretary of State as Custodian for ten per cent. (10%) of the amount offered must accompany each tender. The deposit will be forfeited as liquidated damages if the tender is accepted and not completed by the purchaser immediately upon his being required to do so by the Custodian.
4. Each tender must be in a separate sealed envelope addressed to The Office of the Custodian, 509 Royal Bank Building, 675 West Hastings Street, Vancouver, B.C., and each envelope must be marked on the outside "Tender for Real Estate."
5. The balance of the purchase price shall be paid in cash.
6. All adjustments shall be made as of the date of conveyance.
7. The property is sold subject to existing leases and encumbrances, if any.
8. The property is offered for sale without any warranty whatsoever by the Custodian as to location or condition of buildings or improvements or the existence or non-existence of any encroachments.
9. The Custodian reserves the right to cancel any accepted tender and to refund the deposit at any time prior to delivery by him of the conveyance or transfer.
10. Neither the highest nor any tender will necessarily be accepted.

Cheques in respect of unaccepted tenders will be returned in due course.

Tenders will be received by the undersigned up to Noon, Pacific Daylight Saving Time, on the 5th day of May, 1945. Further particulars may be obtained during office hours any day up to Noon on the 4th day of May, 1945, and arrangements made with the undersigned to inspect the said premises.

DATED AT VANCOUVER, BRITISH COLUMBIA, this 14th day of April, 1945.

THE CUSTODIAN
509 Royal Bank Building,
675 West Hastings Street,
Vancouver, B.C.

1935, 5157,
(2457) Veterans Section

309 Royal Bank Building,
Vancouver, B. C.,
March 12th, 1945.

Messrs. Edmonds & Schirk,
Westminster Trust Building,
Vancouver, B. C.

Attention: Mr. J.E. Schirk

Dear Sirs:

Re: Estate of Fukujiro KANAI

Attached please find for your information, a copy of an Order, vesting title to the property described as; Lot 3 of the E.½ of Section 30, Township 2, Map 1407, Municipality of Surrey, N.W.D., in the name of the Secretary of State of Canada, acting in his capacity as Custodian, which it is our intention to file at the Land Registry Office.

Will you kindly forward to us, Certificate of Title of this property together with a certified copy of Letters of Probate for registration purposes.

It is our intention to advertise this property for sale, calling for tenders in the usual manner, and should we receive an acceptable offer in line with an independent valuation, the property will be sold and the net proceeds remitted to the Executrix of the estate of Fukujiro KANAI.

Thanking you in anticipation for your co-operation in this matter, we remain,

Yours truly,

E. W. WRIGHT
COUNSEL TO THE CUSTODIAN

EWW/ors
ATTACH.

LOCKE, LANE, GUILD & SHEPPARD
Barristers and Solicitors

703 Rogers Building,
Vancouver, B. C.
February 23rd, 1945

Office of the Custodian,
509 Royal Bank Building,
675 West Hastings Street,
Vancouver, B. C.

Re: Estate of Fukujiro KANAI (Deceased)
and Mrs. Ishi KANAI, Middlechurch, Man.
Files No. 12457, 4935, Evacuee Section

Dear Sir:

In reply to your letters herein Mr. Lane and the writer discussed this with the Registrar at New Westminster and he is prepared to accept the special order in the form submitted, together with a certified copy of Letters Probate with will attached.

In following your form which you have enclosed we would suggest the following changes in order to come clearly within P.C. 2483, Sec. 4, namely:

1. That Kanai be referred to as during his lifetime as a person of the Japanese race; that might be done by inserting after "Kanai" in the fourth recital so that it reads as follows:-

"And Whereas Fukujiro Kanai a person of the Japanese race etc."

2. That the Order be changed by deleting all (on the last page) after the words "hereby orders" in the fourth last line and by substituting in lieu thereof:

"that Lot 3 of the North West Quarter of Section 30, Township 2, Map One Thousand Six Hundred Seven (1607) Municipality of Surrey, in the District of New Westminster, by reason of such property belonging to a person of the Japanese Race, namely Ishi Kanai, be and the same is hereby vested in The Secretary of State of Canada acting in his capacity as Custodian under the Revised Regulations Respecting Trading With The Enemy (1943".

We doubt it being advisable to make it so indefinite to declare that the interest alone is to vest; it might leave open an enquiry as to that interest, but as the Order-in-Council empowers the Custodian to order "that all or any property" vest, therefore inferentially he is the person to declare whether such property does belong to a person of the Japanese race. In other words the Order-in-Council contemplates the Custodian declaring the extent of the vesting, that is the extent of the interest to be vested rather than leaving it generally to the Registrar or some one else to find the interest.

Yours truly,
LOCKE, LANE, GUILD & SHEPPARD

FAS/EB.

Per: "F.A.S."

12497 & 4935
Revenue Section

509 Royal Bank Building,
Vancouver, B. C.
February 2nd, 1945

Messrs. Locke, Lane, Guild & Sheppard,
Barristers and Solicitors,
470 Granville Street,
Vancouver, B. C.

Attention: Mr. Sheppard

Re: Estate of Fukujiro KANAI (Deceased) and
Mrs. Ishi KANAI, Middlechurch, Manitoba

Dear Sirs:

Mr. Fukujiro Kanai died some years ago and probate of his estate was granted on May 18th, 1936. His wife, Mrs. Ishi Kanai was appointed Executrix and under the Will she is sole heir.

The deceased was registered owner of a property described as Lot 3 of the North West Quarter of Section 20, Township 2, Map 1607, Municipality of Surrey, and Title is still in his name, as Letters of Probate have not been filed at the Land Registry Office, but are in the hands of the Solicitors for the Estate.

We have been endeavouring to have Mrs. Kanai execute a Deed of Land as Executrix to herself as heir, but she has refused to do so.

The writer spoke to you about this case this morning and you suggested that we might have the Custodian sign a special order under Section 12, P.C. 1665, dated the 4th of March, 1942, as amended, or Section 4 of P.C. 2483, dated March 27, 1942, as this provides as follows:

"(2) The Custodian may, notwithstanding anything contained in this Regulation, order that all or any property whatsoever, situated in any protected area of British Columbia, belonging to any person of the Japanese race shall, for the purpose of protecting the interests of the owner or any other person, be vested in the Custodian, and the Custodian shall have full power to administer such property for the benefit of all such interested persons, and shall release such property upon being satisfied that the interests aforesaid will not be prejudiced thereby".

Enclosed you will find a copy of the Order we desire to submit to the Custodian for signature. This order would be filed in the Registry Office and supplement our usual Vesting Order.

The property would then be independently appraised and offered for sale by public tender. If a satisfactory offer is received, the usual transmission to the Secretary of State would be filed and the regular form of conveyance executed in favour of the purchaser.

We would then place the proceeds of the sale to the credit of the Estate and upon production of certified copy of Letters Probate, the funds would be handed to the personal representative appointed by the Court.

Will you please return the draft order with any changes you consider necessary together with your comments on the procedure outlined.

An early reply would be appreciated.

Yours truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JP
Encls.

MILLING COMPANY LIMITED

File no.
12457
1935

Middlechurch Man.
Jan 5, 1945

Custodian of Japanese prop.
Vancouver B.C.

ENEMY SECTION
Rec'd JAN 11 1945
File No.
Ans'd
Refer'd MR. Peers

Dear sir —,

Received a letter from Mr. Page in regards to signing a deed for my propeinty.

In regards to this, I cannot see why this should be necessary. All this time when there was a debt it was alright. But with everything clear it is now our own and I fail to see why I should sign a land deed. If I was on the place, then of course your idea would be more suitable. But under present condition it would not matter if it is left as it is. Is there any reason why it can't be left as it is?

Yours truly.
I Kanar.

pw mtanar.

4935 & 12457
Evacuee

Attention Mr. T.R. Selkirk

509 Royal Bank Bldg.,
Vancouver, B. C.,
October 13th, 1944.

Messrs. Edmonds & Selkirk,
Barristers & Solicitors,
Westminster Trust Bldg.,
New Westminster, B. C.

Dear Sirs:

Re: Estate of Fukujiro KANAI (Deceased) and
Lot 3 of the North West ¼ of Section 20,
Twp. 2, Map 1607, Municipality of Surrey.

With reference to your letter of January 28, 1943, in which you state that in view of the debts of the estate, Title was not transmitted to the beneficiary, Mrs. Ishi KANAI.

We are informed by Mrs. KANAI that the debt to the Bank of Nova Scotia of $190.00 has been paid. The Custodian has settled an account of $161.82 in favour of Mclellan & McCarter Ltd., and an account of Brackman-Ker Milling Company Ltd. of $330.29.

While these accounts do not total the $844.05 owing by the estate, it is possible that all the debts have now been settled as we understand that Mrs. KANAI has been making payments towards settlement during the period between her husband's death and her evacuation.

The Custodian desires to liquidate the Japanese interest in this real estate and we would be pleased to have you proceed with the transfer of title to the name of the beneficiary if possible.

Will you kindly telephone Mr. G.H. Peers of this office before taking any steps in this matter so that he may discuss with you any points not covered in this letter and also in the matter of your fees chargeable to the estate.

Yours truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

CF*/C'B

Files Nos. 4935 and 12457 (Evac)

October 4th, 1944

MEMORANDUM TO: MR. K. W. WRIGHT

FROM: MR. G. H. PEERS

RE: Fukujiro KANAI (Deceased) and
Lot 3 of the North West ¼ of Section 20,
Township 2, Map 1607, Municipality of Surrey

TITLE - Fukujiro KANAI.

Probate of this Estate was granted through Messrs. Whiteside, Edmonds & Selkirk (now Messrs. Edmonds & Selkirk) on May 18th, 1936.

BENEFICIARY - Ishi KANAI, Widow of the Deceased.

Messrs. Edmonds & Selkirk, Solicitors for the Estate, hold the Certificate of Title and they state, under date of January 28th, 1943, that transmission of title to the beneficiary was not made as the estate showed debts of $844.05, which were unpaid.

Information on our files would indicate that the debts of the Estate are now paid, at least as far as those filed with us, namely:

McLellan & McCarter Limited (settled by the Custodian)	$ 161.82	
Brackman-Ker Milling Company Limited (settled by the Custodian)	330.39	
Bank of Nova Scotia (Widow states paid)	190.00	$ 682.21

The difference in this amount and the $844.05, debts of the Estate, may be explained by the fact that payments of the debts of the Estate were made by Mrs. Kanai between May 18th, 1936 and evacuation.

There is a balance of $101.11 to Mrs. Kanai's credit, derived from the rentals of the property.

1944 taxes, amounting to $51.03, subject to a 10% penalty on October 15th next, are unpaid.

In view of the fact that the debts of the Estate appear to have been settled, should we suggest to the Solicitors for the Estate that they see to transmission of Title to the Beneficiary?

GHP/JF

Give all particulars if payments
of to whom W. E. & S.
we would like them to clear the
title. Probate ok for their
fee if sale will effected.
K. W. W.

G. H. PEERS

LOCKE, LANE, CHILD & SHEPPARD
Barristers & Solicitors

709 Rogers Building
Vancouver, B.C.

June 8th, 1944

Office of the Custodian
909 Royal Bank Building
675 West Hastings Street
VANCOUVER, B.C.

Attention Mr. Wright

Dear Sirs-

Re - Properties sold to Director
under Veterans' Land Act
Your file No. 1267-A

We note your instructions that in some fifteen parcels the title is in the name of a Japanese who has died prior to the Orders-in-Council coming into effect, and the beneficiaries either evacuees or alien enemies have not taken out Letters, probably to offer an obstacle to the Custodian. We are of the opinion that the Orders-in-Council in their present form will not assist. Reg. 12 (2) (P.C. 1665 as enacted by Sec. 4 of P.C. 2483) does not appear to us to assist in that it relates to property "belonging to any person of the Japanese race" but those words in the defining section of P.C. 2483 mean and are therefore restricted to a person of the Japanese race required to leave the protected area, and that description would not apply to a deceased owner who had died before the Orders-in-Council came into effect requiring the Japanese to leave this area.

There appears, therefore, no regulation which is applicable to these registered owners and the utmost the Custodian could assert is that under P.C. 2483 there is vested in him the equitable or beneficial interest which has passed by devolution to the beneficiaries; that vesting in the Custodian does not however permit him to proceed directly against the title. The Administration of Estates Act, Chap. 2, Sec. 106 provides that real estate vests in the personal representative therefore the right of these respective beneficiaries must be against the personal representatives when appointed and similarly as the rights of these beneficiaries are vested in the Custodian the Custodian's right must be limited to a right against such personal representatives when appointed. There appears to be two methods whereby you may get title in the legal state;-

1. By having the Official Administrator apply. Under the Administration of Estates Act, Chap. 5, Sec. 47 the Official Administrator may apply in the event of (a) a person dying intestate or leaving a will with an Executor not willing and competent to take probate, or where the executor resides outside the Province, and (b) that the deceased had his fixed place of abode in the County or had no fixed place of abode in the Province but had assets within the County and the Official Administrator so applying can see that no relatives within the Province entitled to share in the estate are ready and competent to take out Letters. Under Section 48 the Official Administrator is obliged to take out Letters where all the heirs and next-of-kin in the Province renounces or requests him to do so. We assume that the beneficiaries will not permit complying with Sec. 48 but Sec. 47 would appear to apply in that the beneficiaries although being within the province have by neglecting to take out Letters over a considerable period must have shown that they are not ready to take out such Letters. There would appear no difficulty in complying with the remainder of Sec. 47

Office of the Custodian

2. An alternative method could be set up by amending the Orders-in-Council to provide that the Custodian could enquire whether evacuees or enemies were the beneficial owners of any property registered in the name of the deceased, and if he were of that opinion could direct that such property vest in him.

The latter method would carry the advantage of giving you control of the disposal of this property whereas there are disadvantages to relying upon the Official Administrator. In the first place there must be in every instance some doubt as to whether grant will be made to an Official Administrator ; that can be defeated by any beneficiary deciding to take the grant and having taken the grant could then decline to go on the register. Further, certain Official Administrators have taken the position that both Sec. 47 and 48 must be complied with. We do not so read the Statute and the Official Administrator at New Westminster, where the majority of these properties will lie, would apply under Sec. 47 irrespective of compliance with Sec. 48.

Further the power of sale contained in the Official or other Administrator must be subject to the limitations of that office but you will appreciate that an Administrator is not a Liquidator, and we can expect such Official Administrator to act with considerable precaution and not necessarily dispose of the properties as we may direct. It is, therefore, evident that only by amending the Orders-in-Council could the control of this administration be obtained by the Custodian. If there be any reason against amending we could have the Official Administrator at New Westminster apply.

Yours truly,

LOCKE, LANE, GUILD & SHEPPARD

Per: Signed F.A.S.

FAS/YB

[illegible]

File No. 4935 & 1247 — 23rd August, 1944

[illegible] — Res. No. 10427

Upon registering with this office, the above Japanese declared the following Assets:

Brockman-Orr Milling Co. Ltd.	$230.00 ✓
Bank of New South, New Kortalester	190.00
McKellen & McCarter Limited	170.00 ✓

Mrs. KOHI informed us on the 5th February, 1943, that the first two claims were paid prior to her evacuation. McKellen & McCarter sent in their claim showing a debit balance of $181.25. Mrs. KOHI acknowledged this as being correct and stated that at the time of evacuation she had tried to come to a settlement with the Company but had not succeeded.

On the 11th February 1944, Brockman-Orr filed a claim of $247.69 against Mrs. KOHI, but as they had previously stated on the 12th January, 1944, that all claims against her had been paid, we wrote to them for further particulars. The claim however, was against her husband's Estate, which the Company at the time of his death had written off as a bad debt, but upon Mrs. KOHI's offer to pay it from proceeds sale of chattels they were closing it. Mrs. KOHI confirmed this on the 26th February, 1944.

On 16th June, McKellen & McCarter agreed to accept $127.46 in full settlement of their claim, and on the 20th June, Brockman-Orr agreed to accept $203.00, and these amounts were paid on the 27th June, 1944.

This file reveals no other liabilities.

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

[illegible]th August, 1944.

W.E. [illegible]

4935 & 12457

27th March, 1946.

Mrs. Ishi KANAI,
Registration No. 12427,
Middlechurch, Manitoba.

Dear Madam:

Re: Estate of Fukujiro KANAI, Deceased.
Real Property at 410 Scott Road, Surrey, B.C.
Lot 3 of N.W.¼, Sec. 30, Tp. 2, Map 1607.

Please be informed that the above property has been sold as of 4th July, 1945, for the sum of $4000.00. 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 the account of the Estate and adjustments of unearned taxes and any insurance premiums have also been credited to the Estate.

The net result of this sale appears on an attached statement and the proceeds have been credited to the account of the Estate. We are also enclosing a general statement of the account up to date which includes the net figure to which reference has already been made.

It appears from the Will of your late husband that you were named sole beneficiary of his entire estate, and the Custodian is prepared to forward the net sum to you as shown on the attached statement, as Administratrix of the Estate.

As you were previously advised and as you will note on the statement of the account, two claims against the Estate were settled through this office, McLellan & McCarter Ltd. - $127.46 and Brackman, Ker Milling Co. - $203.08.

With reference to Mr. W. Page of the Brackman, Ker Milling Company, New Westminster, the Custodian has no knowledge as to whether or not, a balance is still owing to the Estate. It will be necessary for you to take this matter up direct with him, for as far as the Custodian is concerned this office will have no further occasion to participate in the affairs of this Estate when you have received the funds on hand at this office.

In view of the amount of funds available to you, please advise us to which bank you wish the funds transferred. The Custodian will send the funds where you wish them placed, to your credit as Administratrix of your late husband's estate.

Yours truly,

W.E. Anderson,
Administration Department.

WEA:MA

NAME: [illegible], Mr Fumijiro (Deceased)
(See also File 4935)

FILE NO. 12427

COMPANY	POLICY NO.	AMOUNT	EXPIRATION			PROPERTY
			MONTH	DAY	YEAR	
New England Fire Insurance Company	6251953	$2,025.00	Sept.	13	1945	Lot 3, NW¼ Sec.30, Twp.2, 410 Scott Rd, Mun. of Surrey, BC
Bankers & Traders Insurance Company	32/31133	$900.00	Aug.	23	1946	Lot 3 of NW¼ Sec.30,Twp.2, Sp.1607, Mun. of Surrey, BC

FIRE INSURANCE SUMMARY

Ishi KANAI Reg. No. 12427 File No. 4935

The above named Japanese declared on her J.P. Form signed April 18, 1942, as follows: "Fire Insurance - particulars unknown - policy expires next month - policy with James Agar, New Westminster, B.C."

It was found the following Policy was in force:
New England Fire Insurance Company, Policy No. 6251953, $2,025.00 - expiring September 13, 1945, $1,000.00 covering the dwelling at 410 Scott Road, Mopty of Surrey, B.C., $575.00 on Henhouse 20'x12'x8', $450.00 on Henhouse 26'x20'x8'.

It was found that the insurance was inadequate, when the following Policy was placed by the Custodian:
Bankers & Traders Insurance Company, Policy No. 32/31133, $900.00 - expiring August 23, 1946.

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

July 2nd, 1947.

D. A. CRAMER.

DAC:ic

L I A B I L I T Y S U M M A R Y

Ishi KANAI - Registration No. 12427 - File No. 4935
Executrix and sole beneficiary of the Estate of

Tokuiro KANAI, Deceased 2nd March 1936 - File No. 12427

While the Probate papers were not filed until July 27, 1945, Mrs. Ishi Kanai managed the property during the intervening years.

Mrs. Ishi Kanai declared on her J.P. Form signed April 18, 1942, that the following Trade Debts were owing.

1. Brackman and Ker, New Westminster, B. C.....$ 250.00
2. Bank of Nova Scotia, New Westminster, B.C.....$ 190.00
3. McLellan and McCarter Limited.....$ 170.00

After several letters between the Claims Department and the above creditors, these accounts were finally paid off as follows:

1. The Brackman and Ker Milling Company Limited, June 23, 1944.....$ 203.08
2. Bank of Nova Scotia, February 5th, 1943.....$ 190.00
3. McLellan and McCarter Limited, June 23, 1944....$ 127.46

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

July 2nd, 1947.

D. A. CRAMER.

DAC:ÅG

REAL PROPERTY SUMMARY

Executrix

JAPANESE NAME: Ishi (Mrs. Fukujiro) KANAI Reg. No. 13427 File No. 4935

CATALOGUE NO: Special Advertisement.

PROPERTY ADDRESS: 410 Scott Road, Surrey, B.C.

LEGAL DESCRIPTION: Lot 3 of the North West quarter of Section 30, Township 2, Map 1607, Municipality of Surrey, in the District of New Westminster.

TITLE: Registered in the name of Fukugiro KANAI. (Deceased 2nd March 1936).

Dec'd.

ENCUMBRANCES: Registered Vesting Orders filed No. 24413 - July 31, 1936. (Fukugiro Kanai & Mrs. Ishi Kanai Special Vesting) and No. 27946 - July 24, 1945.

Aug 5/47 Note: Copy Will & Probate dated 22. 9. 36 re same on file Ishi Kanai executrix according to the Will Ishi Kanai is sole Devisee

Unregistered: No indication of any unregistered charges, except

Application for Registration - No. 189620-E made 24th July 1945 to register Transmission to Ishi Kanai, Executrix of the Estate of the late Fukugiro Kanai (see filing No. 27945).

ASSESSED VALUES:

Land	$ 425.00
Improvements	2125.00
	$2550.00

Taxes - $71.90

CLASSIFICATION: This is a small Fruit Farm with dwelling and out buildings. The Custodian's representative reported May 13th, 1942, that this property had an area of seven (7) acres, planted to the following crops: 1 acre Blackcurrants, 1 acre Rhubarb. While the representative did not report any fruit trees, Mrs. Ishi Kanai declared on her J.P. Form, signed 18th April 1942, that there were the following fruit trees: 2 Cherry Trees, 2 Pear Trees, 2 Plum Trees, 5 Apple Trees.- one 2 storey 7 room dwelling, 24' x 24' in excellent condition; 4 chicken houses, 1 feed-shed, 1 woodshed, 5 small shacks.

HISTORY OF ADMINISTRATION: The above property was leased by Mr. W. Page of B. & K. Milling Company who held a Power of Attorney from Mrs. Kanai. The lease called for no rental consideration other than keeping the property in good condition. Mrs. Taylor, the lessee, occupied the property under the above term until January 18, 1944, at which time the V. L. A., who had temporary control over the property, leased it to J.L. Fairbairn until December 31, 1944, for consideration of $300.00. They collected $300.00 of this rent and subsequently refunded it to this office less disbursements of $69.87 covering 1943 taxes and Insurance Premiums. The balance of the 1944 lease was collected and credited to the account at this office.

Upon expiry of the above lease, which was not renewed, the property was leased by the Custodian on January 2nd, 1945,

. . . 2/

to K. Morier for a consideration of $240.00 for the year, payable $60.00 quarterly, first payment to be made on the 1st January 1945 and further payments of $60.00 on the 1st days of April, July and October, 1945, until the said term has been completed. The property was sold July 4, 1945, subject to the existing tenancy. The lease was assigned to the new Purchaser, who assumed the collection of the balance of the rentals, viz. $120.00 not yet due.

for $4,000.00

SOLD: To: The Director, The Veterans' Land Act as at July 4, 1945. Approval of Advisory Committee June 15th, 1945.

Funds released to the credit of Ishi Kanai's account as at February 19, 1946 against which were the following charges: Valuation $33.20, Advertising $23.66, Registration Fees $10.50 = $67.36 leaving a net credit of $3,932.64 from said transaction.

Adjustments as at July 4, 1945, to the amount of $35.65 Purchaser's share of 1945 taxes were placed to the credit of Ishi Kanai's account.

OLD CERTIFICATE OF TITLE:
No. 64167-E

I. Kanai declared on her J.P. Form signed April 18, 1942, that her Title Documents were in the hands of Messrs. Brackman and Ker Limited. The Certificate of Title was given to Edmonds and Selkirk who deposited it in the Land Registry Office, New Westminster, B.C.

Certificate of Title No. 193967-E in the name of The Director, The Veterans' Land Act was sent to him by registered mail January 17th, 1946, and Post Office acknowledgment No. 2251 is on file.

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

July 2nd, 1947.

D. A. CRAMER.

DAC:ic

copy for file # 12457.

Note: - Funds released to Ishi Kanai's personal account February 19, 1946. On September 23rd, 1946, all debits and credits were transferred to Fukujiro Kanai's account (deceased) - #12457. On September 27, 1946, All the money was sent out to The Canadian Bank of Commerce, Portage & Donald Branch, Winnipeg, Manitoba to be credited to the account of Mrs. Ishi KANAI, Executrix of the Estate of Fukujiro KANAI (Deceased).

/ic

DATED: August 5th, 1947.

Spec. Ad. April 14/45 Parcel "I"
File Nos. 4935, 5197 & 12457
410 Scott Road, Surrey, B. C.
3 of 8W¼ 30/Tp.2/1607/Surrey/D.B.W.

January 17, 1946.

THE DIRECTOR, THE VETERANS' LAND ACT
(purchaser)

In account with The Custodian of Enemy Property

STATEMENT OF ADJUSTMENTS

(As at July 4, 1945)

	DEBIT	CREDIT
Purchase price	$4,000.00	
Amount of rent collected		
July 4th to July 31st - 28/31 x $20.00		18.32
August & September - 2 months @ $20.00		40.00
Registration fees on deed	3.90	
Purchaser's proportion of 1945 taxes paid - 183/365 x $71.90	4.02	
Balance owing by purchaser		3,949.20
	$4,007.52	$4,007.52

BALANCE OWING BY PURCHASER $3,949.20

Spec. Ad. April 14/45 Parcel "I"
File Nos. 4935, 3137 & 12457
410 Scott Road, Surrey, B. C.
3 of WE 30/Sp.2/1607/Surrey/D.N.S.

February 11, 1946.

THE DIRECTOR, THE VETERANS' LAND ACT
(purchaser)

In account with The Custodian of Enemy Property

DEBENTURE STATEMENT OF ADJUSTMENTS

(As at July 4, 1945)

	DEBIT	CREDIT
Purchase price	$4,000.00	
Cheques received		$4,000.00
Amount of rent collected		
July 4th to July 31st - 28/31 x $20.00		18.32
August & September - 2 mos. @ $20.00		40.00
Registration fees on deed	3.50	
Purchaser's proportion of 1945 taxes paid - 181/365 x $71.90	35.65	
Balance owing to purchaser	19.17	
	$4,058.32	$4,058.32

BALANCE OWING TO PURCHASER $19.17

Estate of [redacted] SAKAI

File No. 12457

	Date	Particulars	Debit	Credit	Balance
1943	January 22	Land Registry Office - Certificate of Encumbrance	$ 2.00	$	
1944	May 12	Proceeds Auction Sale		120.41	
	May 17	Chattels sold to tenant		81.00	
	May 31	Payment for 1944 lease		300.00	
		Taxes 1943	48.79		
		Insurance premium	32.20		
	June 26	McLellan & McCarter Ltd. - claim paid	127.46		
		Brackman, Ker Milling Co. - claim paid	203.08		
	July 5	Proceeds Auction Sale		.89	
	July 12	Proceeds Auction Sale		11.34	
	October 12	Taxes 1944	51.03		
	December 12	Proceeds Auction Sale		11.41	
1945	March 3	Legal fees re Estate	6.00		
	April 12	Payment of lease 1 Jan to 30 June		120.00	
	July 4	Balance lease payment to date		1.66	
		Taxes 1945	79.09		
		Credit re Sale of Property		3,968.27	
		Fees & disbursements re letters probate	5.15		
		Registering letters, probate & will	11.00		
	September 21	Sale of 3 brooders		47.70	
			$ 565.80	$4,662.70	
					CR $ 4,096.90