

P-8274

GR-1422

BRITISH COLUMBIA. SUPREME COURT (New Westminster).
Probate files, 1881 - 1943.

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE

OF KAKUZO SEKI - DECEASED

AFFIDAVIT




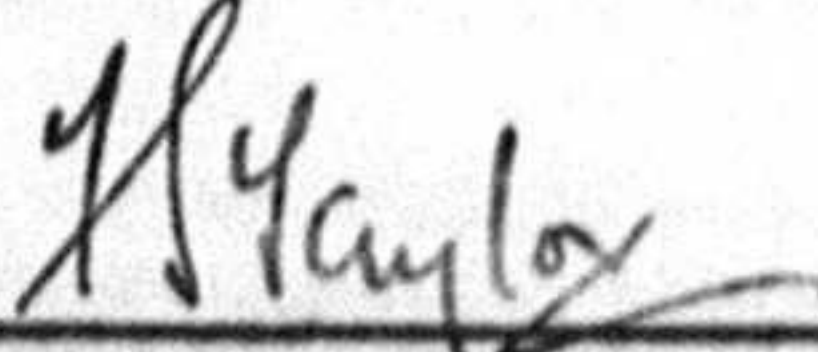
I, JOHN BAPTISTE SHIMEK of Hatzic in the Province of British Columbia, Manager, Make Oath and Say:-

1. That I am the Executor of the Estate of KAKUZO SEKI appointed by this Honourable Court on the 23rd. day of November A.D. 1942 and as such have personal knowledge of the matters herein deposed to.
2. That the account now produced and shewn to me and marked as Exhibit "A" to this my affidavit sets forth a true and correct account of all the real and personal estate and the proceeds thereof of the said deceased which have come into my hands or into the hands of any person or persons on my behalf or into the hands of The Custodian of Enemy Property so far as I know and also the names of the parties from whom the same have been received and the dates on which the same have been received to the best of my knowledge, information and belief.
3. That the account now produced and shewn to me and marked as Exhibit "B" to this my affidavit sets forth a true and correct account of all the disbursements made by me or by any other person for or on account of the said estate to the best of my knowledge, information and belief.
4. That save and except what appears in the said account marked Exhibit "A" I have not nor has anyone on my behalf so far as I know ever received or got in any part of the said deceased's personal

4. estate or effects or the real estate or the proceeds thereof during my administration of the said estate.
5. That the available assets of the said estate still undisposed of and in the hands of the Custodian of Enemy Property in behalf of the beneficiaries of the estate are correctly and truly set forth in the account now produced and shewn to me and marked as Exhibit "C" to this my affidavit.
6. That I have completed my administration of the said estate in so far as I am able so to do.
7. That Minato HARAGA appointed guardian of the beneficiaries of the estate by the will of the deceased is a Japanese whose affairs are in the hands of the Custodian of Enemy Property.
8. That the affairs of the beneficiaries, TASHIYUKE SEKI age 17 years, FUKUKE SEKI age 14 years, and MASAYUKE SEKI age 12 years are being administered by the said Custodian.

Sworn before me at Mission City in
the Province of British Columbia
this 28th. day of June A.D.1943.

) 
)


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

IN PROBATE

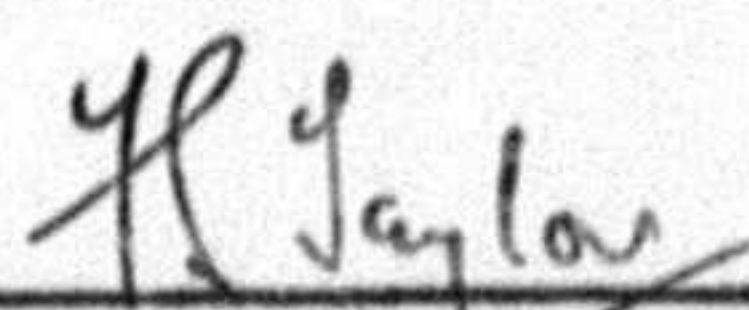
OF KAKUZO SEKI - DECEASED

[illegible]

<u>ITEM</u>	<u>PARTICULARS</u>	<u>AMOUNT</u>	<u>AMOUNT</u>
3.	Sitka Spruce Employees Association 1 West 1st Avenue, Vancouver Mutual benefit Less exchange on cheque Received December 2nd. 1942.	115.00 <u>.15</u>	114.85
4.	Canadian Mutual Benefit Association Certificate No. A 8349 on life of deceased Received by Custodian February 2nd. 1943 April 30th. 1943	1000.00 <u>1500.00</u>	<u>2500.00</u> 2960.03

This is Exhibit "A" referred to in the affidavit of JOHN
BAPTISTE SHIMEK

Sworn before me at Mission City in
British Columbia this 28th. day
of June A.D. 1943.



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

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE

OF KAKUZO SEKI - DECEASED

DISBURSEMENTS

<u>ITEM</u>	<u>PARTICULARS</u>	<u>AMOUNTS</u>
1943		
1.	Feb. 27th Dr. H. E. Cannon Abbotsford, B.C.	10.00
2.	" Matsqui - Sumas - Abbotsford General Hospital Abbotsford, B.C.	61.50
3.	" Dr. O. Delmich Medical Arts Bldg., Vancouver, B.C.	160.00
4	" James M. Campbell Mission City, B.C.	44.00
		<hr/> 275.50 <hr/>

This is Exhibit "B" referred to in the
affidavit of JOHN BAPTISTE SHIMEK
Sworn before me at Mission City,
British Columbia this 28th. day of
June A.D. 1943.

H. Saylor

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

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE

OF KAKUZO SEKI - DECEASED

AVAILABLE ASSETS

<u>ITEM</u>	<u>PARTICULARS</u>	<u>AMOUNTS</u>
1.	Agreement for Sale covering Lot 7 in Block C D/L. 318 group 1 plan 1903, Vancouver, B.C. sold by deceased to Roy Matamaru IWATA. payment being made to Custodian of Enemy Property	268.00
2.	Cash in hands of Custodian of Enemy Property 506 Royal Bank Building, Vancouver, B.C.	<u>2416.53</u> <u>2684.53</u>

This is Exhibit "C" referred to in the
affidavit of JOHN BAPTISTE SHIMEK
Sworn before me at Mission City,
British Columbia this 28th. day of
June A.D. 1943.

H. Taylor

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

98274

S. C. #P.8274 B.C.

IN PROBATE

In the Matter of the Estate of

KAKUZO SEKI

DECEASED

P E T I T I O N

James M. Campbell
Barrister
Mission City,

Solicitor
B.C.



P8274

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE

OF KAKUZO SEKI - DECEASED

TO:-

The Honourable The Chief Justice and to The Justices of the Supreme Court of British Columbia:-

The Petition of JOHN BAPTISTE SHIMEK of Hatzic in the Province of British Columbia, Manager, humbly sheweth:-

1. That the said KAKUZO SEKI late of Abbotsford in the Province of British Columbia, departed this life on or about the 30th. day of March A.D. 1942.
2. That your Petitioner on the 23rd. day of November A.D. 1942 was duly appointed Executor of the estate of the said deceased as shown by the records of this Honourable Court.
3. That your Petitioner has administered the said Estate and effects of the said deceased to the best of his ability as far as the same can be ascertained at this time.
4. That your Petitioner has brought in and filed with the Registrar of this Court a full and correct account of his administration of the Estate, showing all the personal property, money and effects, and real estate and proceeds thereof which have come into his hands as such Executor, and also a full and correct account of all his disbursements as such Executor, with a full and correct statement of the assets yet undisposed of.


5. Your Petitioner therefore prays that the said accounts may be audited, taken and passed before the Registrar of this Honourable Court.
6. Your Petitioner further prays that he may be allowed a fair and reasonable allowance for his care, pains and trouble and time expended in and about the Estate of the said deceased, and in administering, disposing of, and arranging and settling the affairs of the said Estate.
7. Your Petitioner has not hitherto been ordered any compensation for the services in the last preceding paragraph referred to, either by this Court or by any other competent Court.
8. That the persons interested in the administration of the Estate as beneficiaries of the said deceased are as follows:-
- | | | | |
|-----------|------|-----|----------|
| TASHIYUKE | SEKI | age | 17 years |
| FUKUKE | SEKI | age | 14 years |
| MASAYUKE | SEKI | age | 12 years |
- all being sons of the deceased.
9. That the deceased was a Japanese and all moneys payable to the aforesaid beneficiaries are payable to the under Secretary of State of Canada in his capacity as Custodian of Enemy Property.
10. That your Petitioner knows of no creditors of the said deceased who still have unsettled claims against the Estate of the said deceased which your Petitioner considers to be valid.

11. That the only portion of the estate of the said deceased remaining un-administered by your Petitioner is an agreement for Sale made between the deceased as vendor and one ROY MATAMARU IWATA formerly of 2895 West 33rd. Avenue Vancouver, British Columbia as Purchaser covering Lot 7 Block C District Lot 318 Group 1 Map 1903 City of Vancouver aforesaid on which there is a balance of \$268.00 due to the Estate which the Custodian of Enemy Property has undertaken to collect and the sum of \$2416.53 in the hands of the said Custodian of Enemy Property, 506 Royal Bank Building, Vancouver, British Columbia.

12. That your Petitioner is desirous of being discharged from his office as personal representative of the deceased since the War Measures Act and the Trading with the Enemy Act compels him to pay over any funds due to the beneficiaries or their Guardian Minato HARAGA to the Custodian of Enemy Property.

13. That this is intended to be a final passing of accounts.

Dated at Mission City in the Province of British Columbia this 28th. day of June A.D.1943.



Petitioner.

This Petition is filed and presented by James M. Campbell Solicitor for the Executor and Petitioner whose place of business is at Mission City, British Columbia and whose address for service is the office of Sullivan & McQuarrie, Barrister Etc. 570 Columbia Street, New Westminster, British Columbia.

P8274

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF

KAKUZO SEKI - DECEASED

P E T I T I O N

TO:-

The Chief Justice and Justices of The Supreme Court of British Columbia:-

The Petition of JOHN BAPTISTE SHIMEK of Hatzic in the Province of British Columbia, Manager, humbly sheweth:-

1. That KAKUZO SEKI late of Abbotsford in the Province of British Columbia, Labourer, deceased, died on the 30th. day of March A.D. 1942 at Abbotsford in the said Province.
2. That the said deceased in his lifetime duly made his last will and testament bearing date the thirteenth day of March A.D. 1942.
3. That your petitioner is the sole executor named in the said will.

Your petitioner therefore humbly prays that probate of the said Will of the said deceased may be granted to him by This Honourable Court.

And your petitioner, as in duty bound, will ever pray etc.

Dated at Mission City in the Province of British Columbia this
21st. day of October A. D. 1942.



This petition is presented by James M. Campbell Esq., of Mission City,
British Columbia, Solicitor for the Petitioner.



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF

KAKUZO SEKI - DECEASED

OATH OF EXECUTOR

I, John Baptiste Shimek of Hatzic in the Province of British Columbia,
Manager, Make Oath and Say:-

1. That I believe the paper writing now produced and shewn to me, and
marked Exhibit "A" to this affidavit and marked by me with my signature, to
contain the true and original last will and testament of the said KAKUZO
SEKI formerly of Abbotsford in the Province of British Columbia, Labourer,
deceased, who died on the 30th. day of March A.D. 1942 at Abbotsford in the
said Province.

2. That I am the sole Executor named in the said Will.

3. That I will administer according to law all the estate which by law
devolves to or vests in the personal representative of the said deceased.

4. That I will exhibit a true and perfect inventory of the said estate
and render a just and true account thereof whenever required by law so to do,
and that the gross value of the said estate amounts to \$1984.40 and no more,
to the best of my knowledge, information and belief.

Sworn before me at Mission City in the)
Province of British Columbia this)
21st. day of October A. D. 1942.)

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



CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN
JAPANESE EVACUATION SECTION

PHONE PACIFIC 6131
PLEASE REFER TO
FILE NO. 5970

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

28th August, 1942.

James M. Campbell, Esq.,
Barrister & Solicitor,
Mission City, B.C.

Dear Sir:-

Re: Kukuzo SEKI Estate

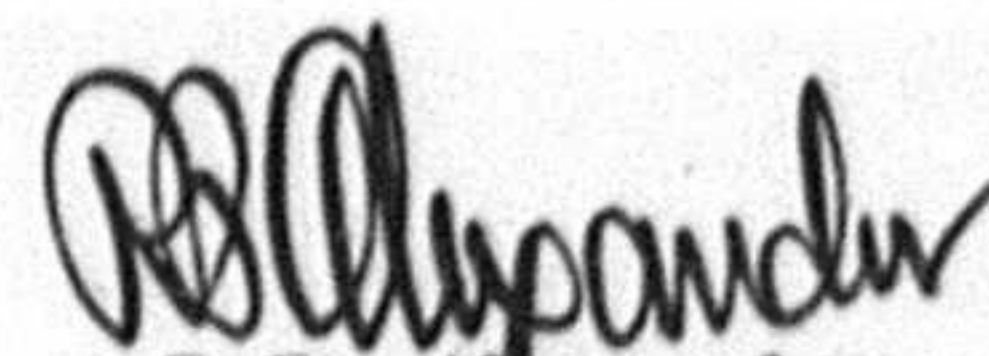
Thank you very much for your letter dated August 25th in connection with the Estate of Mr. Kukuzo Seki who died on or about March 30th. The deceased did not register with the Custodian and the Custodian's office does not object to the Registrar of the Court at New Westminster issuing Letters of Probate.

The Custodian's office is, however, interested in the distribution of funds from the estate of those beneficiaries whose affairs have been vested in the Custodian.

The sixteen-year old son, Toshiyuki Seki, our file No. 5970, registered with the Custodian on April 24th and declared to us that Mr. Minato Haraga was acting as his guardian.

We would appreciate your keeping this office advised.

Yours truly,


R.P. Alexander,
Manager





DEPARTMENT OF FINANCE
PROVINCE OF
BRITISH COLUMBIA
OFFICE OF THE DEPUTY MINISTER
VICTORIA, B. C.

File #85.07

21st November, 1942.



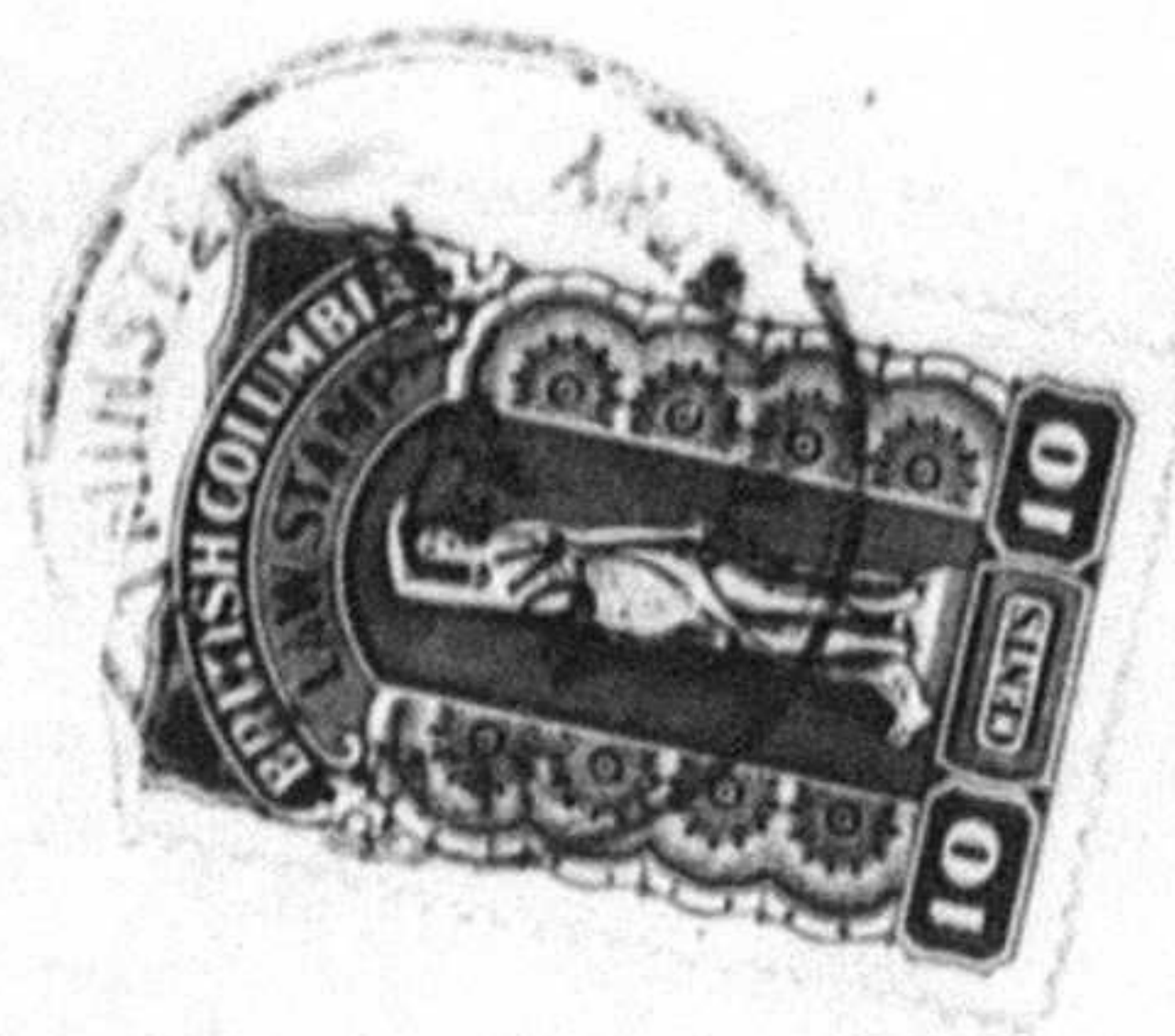
"Court Rules of Practice Act"
Estate of Kakuzo Seki, deceased.

Pursuant to the "Court Rules of Practice Act", and the rules made thereunder, consent is hereby given to the granting of Letters Probate to John Baptiste Shimek in respect of the Estate of Kakuzo Seki, deceased.

Deputy Minister of Finance.

HNW:AF

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July 22/43

Supreme Court

P.8274

Seiki St.

accts pursuant to
order Court J. 9 July 43.
appt. filed.

Mr. Davidson appears for
custodian.
admits copies of accts &
appt.
remuneration \$ 125 or

2960.03





IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF

KAKUZO SEKI - DECEASED

BEFORE THE HONOURABLE

Mr. Justice Smith

NEW WESTMINSTER
BRITISH COLUMBIA

Friday
the 9th day of *July*

A.D. 1943.

UPON THE EX PARTE application of the Petitioner, JOHN BAPTISTE SHIMEK, for the advice and directions of the Court and for an Order to pass the Executor's Accounts,

UPON HEARING *A. Miles Nottingham*
of Counsels for the Petitioner, UPON READING the Petition dated the 28th. day of June A.D. 1943, and the affidavit of JOHN BAPTISTE SHIMEK, sworn the 28th day of June A.D. 1943.

THIS COURT DOETH ORDER that the following accounts and enquiries be taken:-

1. An account of the real and personal estate of the deceased which came into the hands of the Executor or the Custodian of Enemy Property from the date of the death of the deceased to the date of the taking of accounts;
2. An enquiry as to what portion of the deceased real and personal estate is outstanding and undisposed of.

THIS COURT DOETH FURTHER ORDER that the said accounts shall be made out and verified by the affidavit of the Petitioner, JOHN BAPTISTE SHIMEK;



-----2-----

AND THIS COURT DOETH FURTHER ORDER that upon the passing of the said accounts the District Registrar shall recommend what, in his opinion is a fair and reasonable remuneration to the Executor for his time and trouble in connection with the administration of the said estate and in the preparation of the said accounts, and unless an application is made to vary the same within seven (7) days, such recommendation shall be binding on all parties without further order of this Court;

AND THIS COURT DOETH FURTHER ORDER that this Order and the appointment to take accounts be served on The Custodian of Enemy Property 506 Royal Bank Bldg., Vancouver, British Columbia as the representative of the beneficiaries TASHIYUKE SEKI, FUKUKE SEKI and MASAYUKE SEKI and their guardian MINATO HARAGA at least seven days before the date fixed by the District Registrar for the taking and passing of the said accounts.

*L.G.M.
D.R.*

BY THE COURT

*Sd.
J.*

A.E. Mufshaden

Deputy

District Registrar.

VOL 40 275
ENTERED

JUL 10 1943

Deputy

A.E. Mufshaden
DISTRICT REGISTRAR

S. C. #P.5374 B.C.

IN PROBATE

In the Matter of the Estate of

KARUZO SEKI DECEASED

ORDER

James	M.	Campbell.
Barrister		Solicitor
Mission City		B.C.

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IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE ESTATE OF
KARUZO SEKI - DECEASED



PURSUANT TO THE ORDER OF THE HONOURABLE MR. JUSTICE SIDNEY SMITH made in Chambers at the Court House in New Westminster, British Columbia on the 9th. day of July A.D. 1943 wherein it was referred to the District Registrar to take certain accounts and make certain enquiries that is to say:-

1. An account of the real and personal ~~property~~ estate of the deceased which came into the hands of the Executor or the Custodian of Enemy Property from the date of death of the deceased to the date of the taking of accounts.
2. An enquiry as to what portion of the deceased's real and personal estate is outstanding and undisposed of.
3. A recommendation as to remuneration to the Executor.

I PROCEEDED to take such accounts and make such enquiries and thereupon I was attended on the 22nd. day of July A.D. 1943 by James M. Campbell Esq., Counsel for the Executor; John Baptiste Shimek Esq., the Executor and Mr. Davidson, representing the Custodian of Enemy Property.

IT WOULD APPEAR that pursuant to the terms of the aforesaid Order an appointment to take accounts and a copy of the said Order were served upon the Custodian of Enemy Property as required by the said Order.

I HEREBY CERTIFY AS FOLLOWS:-

1. That the real and personal estate of the deceased at the date of his death amounted to the sum of \$2960.03 as set forth in Schedule "A" hereto.
2. That the Executor has paid claims amounting to \$376.50 as set forth in Schedule "B" hereto.
3. That there is in the hands of the Custodian of Enemy Property the sum of \$2416.53 in cash and an Agreement for Sale representing \$268.00 which the said Custodian has undertaken to collect all of which is set forth in Schedule "C" hereto.
4. That the Custodian is entitled to pay to the Executor, John Baptiste

Shimak, the sum of \$103.00 representing the account of Henderson Funeral Home of Abbotsford, British Columbia, paid by the Executor out of his own moneys.

5. That the Bill of Costs of James M. Campbell Esq., Solicitor to the Executor, has been taxed by me and allowed at \$274.05 and is properly chargeable against the estate of the deceased.

6. I recommend that the amount of remuneration which, in my opinion, is fair and reasonable to be paid to the Executor for his time and trouble in connection with the administration of the said estate is the sum of \$125.00.

Dated at New Westminster in the Province of British Columbia
this 22nd day of *July* A.D. 1943.

Samuel [Signature]
District Registrar



SCHEDULE "A"

REAL AND PERSONAL ESTATE OF KAKUZO
SEKI AT DATE OF DEATH

<u>Item</u>	<u>Particulars</u>	<u>Amount</u>
1	Agreement for Sale covering Lot 7 in Block C. D/L 318 Group 1 Plan 1903 City of Vancouver, B.C. sold by deceased to Roy Matsumura IWATA of 2895 West 33rd. Ave., Vancouver, B.C. Balance due	268.00
2	War Savings Certificates 15th. Nov. 1940 A. 1164824 2544824 15th. Dec. 1940 A. 1429305 " A. 1429306 " A. 1447481 15th. January 1941 A. 1876949 15th. February 1941 A. 2357594 15th. March 1941 A. 2737054 15th. April 1941 A. 3433489 15th. May 1941 TA. 552813 15th. June 1941 A. 4474690 15th. July 1941 TA. 1197596 15th. August 1941 TA. 1606330 15th. September 41 TA. 1904278 15th. October 1941 TA. 2206524 15th. November 1941 TA. 2536467 15th. December 1941 TA. 2926000 " B. 1816940 15th. January 1942 A. 7931449 all of the face value of \$5.00 when due but redeemable at \$4.00 and interest. 18 certificates at \$4.00 and interest 76.00 additional interest received Jan. 5th. 1945 <u>111.18</u> 77.18	
3	Sitka Spruce Employees Association 1 West 1st. Ave., Vancouver Mutual Employees Benefit 115.00 Less Exchange on cheque <u>1.15</u> 114.85 Received December 2nd. 1942	
4.	Canadian Mutual Benefit Association Certificate No. A 8349 on life of the deceased Received by the Custodian February 2nd. 1945 1000.00 April 30th. 1945 <u>1500.00</u> <u>2500.00</u> 2960.05	



SCHEDULE "B"

CLAIMS PAID BY THE EXECUTOR

Item	Particulars	Amount
1943		
1. Feb. 27th.	Dr. H. E. Camen, Abbotsford, B.C.	10.00
2. Feb. 27th.	Matsqui-Sumas-Abbotsford General Hospital, Abbotsford, B.C.	61.50
3. Feb. 27th.	Dr. O. DeMuth, Medical Arts Bldg., Vancouver, B.C.	160.00
4. Feb. 27th.	James M. Campbell, Mission City, B.C.	44.00
1942		
5. April 20th.	Henderson Funeral Home, Abbotsford, B.C.	<u>103.00</u>
		378.50

SCHEDULE "C"

BALANCE IN HANDS OF CUSTODIAN

Total assets of estate as per Schedule "A"	2960.03
Less Real Estate agreement still to be collected by Custodian	<u>268.00</u>
	2692.03
Less Claims paid out of Estate funds	<u>275.50</u>
Balance in hands of Custodian	2416.53

Still to be paid by Custodian	
Executor	103.00
J. M. Campbell	274.05
Executor's Remuneration	<u>125.00</u>
	502.05



No. P. 8274

S.C.

D.O.

In Probate

IN THE MATTER OF THE
ESTATE OF KAMUZO SENE
. DECEASED

REGISTER'S CERTIFICATE

James M. Campbell
Barrister Solicitor
Mission City D. C.



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IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF

KAKUZO SEKI - DECEASED

APPOINTMENT TO TAKE ACCOUNTS

I HEREBY APPOINT *Thurs* day ^{22nd} the day of *July* A.D. 1943
at the hour of 10:30 o'clock in the *fore room* at my office at the
Court House in the City of New Westminster, British Columbia as the time
and place for the taking of the Executor's accounts herein pursuant to
the Order made by

The Honourable *Mr. Justice Smith*
on the *9th* day of *July* A.D. 1943

Dated at New Westminster, British Columbia this *10th* day of *July*
A.D. 1943.

"D. E. McPhaden"
Deputy District Registrar

TAKE NOTICE of the above appointment

[Signature]
Solicitor for the Executor

TO
The Custodian of Enemy Property
Vancouver, B.C.
on behalf of the beneficiaries
and their guardian.

18274

S. O. #P. 8274 B.C.
IN PROBATE

In the Matter of the Estate of

KAKUZO SEKI DECEASED

APPOINTMENT

TO TAKE ACCOUNTS

James M. Campbell.
Barrister Solicitor.
Mission City B.C.

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IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF

KAKUZO SEKI - DECEASED



APPOINTMENT TO TAKE ACCOUNTS

I HEREBY APPOINT *Thursday* ^{22nd} the ^{22nd} day of *July* A.D. 1943
at the hour of *10.30* o'clock in the *fore* room at my office at the
Court House in the City of New Westminster, British Columbia as the time
and place for the taking of the Executor's accounts herein pursuant to
the Order made by *Mr. Justice Smith*

The Honourable

on the *9th* day of *July* A.D. 1943

Dated at New Westminster, British Columbia this *10th* day of
A.D. 1943.

D. E. McPhaden
Deputy District Registrar

TAKE NOTICE of the above appointment

[Signature]
Solicitor for the Executor

TO
The Custodian of Enemy Property
Vancouver, B.C.
on behalf of the beneficiaries
and their guardian.

98274

S. C. #P.8274 B.C.
IN PROBATE

In the Matter of the Estate of

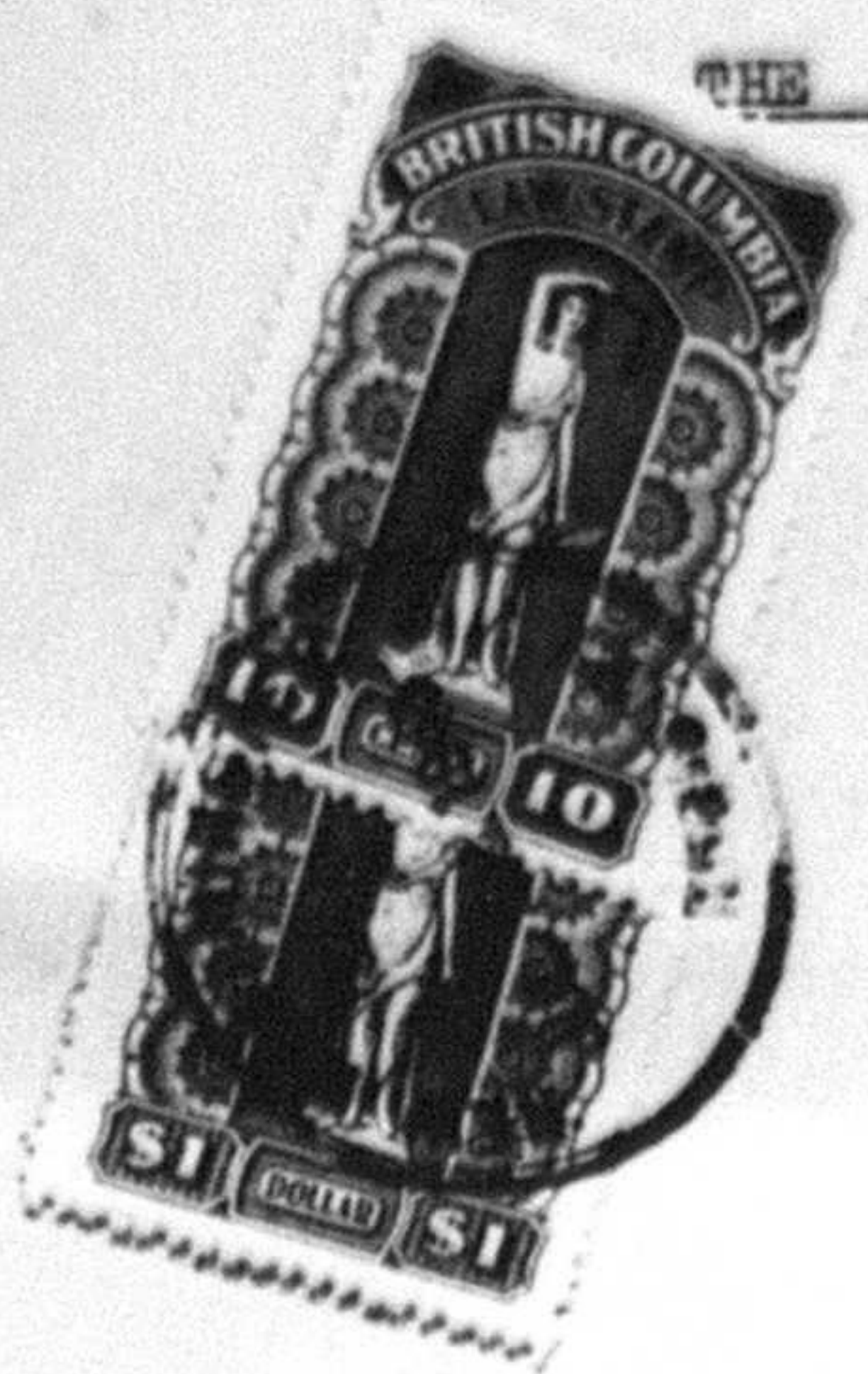
KAKUZO SEKI DECEASED

APPOINTMENT

TO TAKE ACCOUNTS

James	M.	Campbell.
Barrister		Solicitor.
Mission City		B.C.

P 8274



THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

In the matter of the Estate
of Kakuzo SEKI deceased.

BILL OF
of

JAMES M. CAMPBELL

SOLICITOR TO THE EXECUTOR



			<u>Fees</u>	<u>Disb.</u>
1942				
May 13	Long consultation with M. Huaga, Guardian of Children obtaining full particulars of the Estate 1 hour		5.00	
	Instructions from J. B. Shimek Executor for petition leading to grant		5.00	
19	Letter to Director of Vital Statistics for three copies Death Certificate		1.00	
	Paid for same Perusing Will		.30	3.00
Aug. 25	Letter to Custodian advising as to Estate and giving complete particulars		2.00	
29	Having received reply from Custodian giving consent to application for Letters Probate Making two copies thereof		.60	
Sep. 7	Having received letter from Messrs White & McFarlane letter in reply		1.00	
Oct. 2	Making seven copies of Will 21 folios @ .15¢		3.15	
21	Drawing Petition of Executor for Letters Probate and Oath of Executor & Engrossing Copy thereof		2.70 1.35	
	Affidavit of Value & Rel. Two copies thereof		2.70 2.70	
	Drawing Inventory x 18 folios 3 copies thereof (1 for Custodian)		5.40 8.10	
	Drawing inventory 3 folios 3 copies (1 for Custodian)		.90 1.35	
	Drawing Form S. D. 1 for Dominion Succession Duties 12 folios 3 copies thereof		3.60 5.40	

2.40
3.60

Forward

52.25

3.00

6.50

		<u>Fees</u>	<u>Disb.</u>
	Forward	52.25	3.00
	Drawing Form S. D. 14 for		
	Dominion Succession Duties 6 folios	1.80	
	3 copies thereof	2.70	
	Attending to have all documents Signed	5.00	
	Paid for Notarial Affidavits		6.50
2.50			
2.50			
Oct. 23	Letters to White & McFarlane	1.00	
	Letter to Custodian	1.00	
	Letter to Dominion Succession Duties		
	with Documents	1.00	
30	Letter to Deputy Minister of Finance		
	for consent to issue of Grant	1.00	
	Letter to Registrar of Court regarding same	1.00	
	Letter to Custodian	1.00	
Nov. 13	Having received letter from Minister of		
	Finance attending on Executor re same	2.00	
	Letter to Deputy Minister of Finance		
	with information requested	1.00	
19	Having received letter from Deputy Minister		
	of Finance attending Executor	2.00	
	Preparation of Statutory Declaration as to		
	Notrialization, attending on execution of		
	same and on Notary Public <i>6 fol.</i>	5.00	
	Copy of same 3 folios	.45	
	Letter writ to Deputy Minister of Finance	1.00	
	Attending to File consent of Department of		
	Finance and paid	1.50	.10
10.00	Counsel Fee on Applicant <i>from</i>		
	Letters Probate		25.00
	Attending to obtain Letters Probate	1.50	
	and paid		6.70
Nov. 27	Letter to Custodian advising	1.00	
2.10	28 Preparation of Notice to Creditors <i>3 fol.</i>	3.00	
	Copy thereof	.45	
	Letter written to Abbotsford News	1.00	
Dec. 4	Further letters to Abbotsford News	1.00	
	Paid Abbotsford News		5.20
	Letter to White & McFarlane	1.00	
Nov. 27	Letters to Dominion Succession Duties	1.00	
	for two certificates of Dominion & paid		2.00
Dec. 2	Letter to Collector Succession Duties	1.00	
	Having received release from Dominion		
	Succession Duties Department		
	Making four Notarial Copies	4.00	
22	Receipt of Affidavit verifying		
	Advertisement for Creditors & attending		
	to swear same	3.00	
18.50			
		98.65	48.50

	Forward	Fees	Disb.
1.50	Copy	98.65 1.50	48.50
1943			
Jan. 13	Letter to White & McFarlane advising	1.00	
Feb. 2	Received letter per M. Haraga		
	Letter in reply	1.00	
	Letter to you enclosing copy of Haraga letter	1.00	
	Making copy of Haraga Letter	.50	
	<u>Re: SITKA SPRUCE</u>		
1942			
May 19	Letter to Sitka Spruce Employees	1.00	
Nov. 27	Letter to Sitka Spruce enclosing documents	1.00	
Dec. 2	Letter to Sitka Spruce acknowledging receipt of payment \$115.00	1.00	
1942	<u>RE: WAR SAVING CERTIFICATES</u>		
Nov. 27	Letter to Bank of Ottawa listing War Saving Certificates and certified copy of Probate	2.00	
Dec. 16	Letter to Custodian	1.00	
1943			
Mar. 4	Letter to M.S.A. Hospital	1.00	
	" Dr. H. E. Cannon	1.00	
	" White & McFarlane	1.00	
	<u>RE IWATA</u>		
1942			
Nov. 27	Letter for Certificate of Encumbrance and paid	1.00	1.00
1943			
Feb. 9	Preparation of Statutory Declaration verifying the claim of the Estate against Iwata at the request of the Custodian <i>6 pl.</i>	5.00	
	11 Letter to Custodian with	1.00	
June 21	" re M.S.A. Hospital	1.00	
1942			
Nov. 28	Letter to Custodian	1.00	
Dec. 4	Letter to M.S.A. Hospital	1.00	
	14 Letter to Custodian	1.00	
	Forward	123.65	49.50

		Fees	Disb.
	Forward	123.65	49.50
	<u>Re Canadian Mutual Benefit Ass'n</u>		
1942			
May 19	Letter to Canadian Mutual Benefit	1.00	
2.50 Dec. 4	Preparation of Claim Statement <i>2 p.c.</i>	5.00	
	Letter to Canadian Mutual Benefit with all documents	1.00	
	8 Letter to Canadian Mutual Benefit	1.00	
	Letter to Custodian	1.00	
14	Letter to Canadian Mutual Benefit	1.00	
29	Letter to Canadian Mutual Benefit	1.00	
1943			
Jan. 6	Letter to Canadian Mutual Benefit	1.00	
	Letter to Custodian	1.00	
1.10	Preparation of copy of Power of Attorney SEKI to M. Haraga for Canadian Mutual Benefit - <i>6 p.c.</i>	2.00	
Feb. 25	Long letter to Custodian	2.00	
Feb. 11	Long letter to Custodian 9 folios	3.50	
	26 Letter to Custodian	1.00	
Mar. 4	Letter to Custodian	1.00	
May 3	Letter to Custodian	1.00	
	Phone to Custodian	1.00	.70
June 21	Letter to Custodian	1.00	
	28 Drawing Petition of Executor to pass accounts 9 folios	2.70	
1.35	4 copies thereof 36 folios	5.40	
	Drawing Affidavit in support with Exhibits 18 folios	5.40	
2.70	4 copies 72 "	10.80	
1.00	Attending to have same signed and sworn	2.00	
July 9th	Attending to file and paid	1.00	.10
	Paid on Praecipe		.50
	Application for Order	5.00	
	Drawing Order 6 folios	1.80	
.90	4 copies 24 folios	3.60	
	Attending to Enter and paid	1.00	1.10
9.55	Forward	187.85	51.90

	Forward	Fees	Disb.
1943		187.85	51.90
July 9 Drawing Apportioning to pass accounts			
3 folios		.90	
45 4 copies 12 folios		1.80	
Attending to enter and paid		1.00	1.00
14 Letter to Sullivan & McQuarrie		1.00	
Letter to Custodian with copies of all documents		1.00	
Attending on Executor explaining and advising		2.00	
Preparation of Bill of Costs 15 folios		4.50	
4 copies thereof 60 folios		9.00	
75 2.25 +1.50 Paid to file			/ .10
Attending on passing of accounts and taxation	20.		
Paid Expenses to New Westminster			4.50
2.70 Drawing report of Registrar 18 folios		5.40	
4 copies 72 folios		10.80	
+1.50 Attending to Enter and Paid		1.00	1.00
By fee in supplement applicant's remuneration		10.00	

6.15

6.50
18.50
1.50
9.50
6.15
41.70
9.75

Totals
Taxed-off

256.25	59.50
59.50	
315.75	
41.70	
274.05	

Taxed by me and allowed at \$ 274.10 this 22nd. day of July A.D. 1943.

James M. [Signature]
District Registrar

3.25
315.75
41.65
4.10

98274

No. P. 8274

S.C.

In Probate

B.C.

KAKUZO SEKI ESTATE

BILL OF COSTS

James M. Campbell
Barrister Solicitor
Mission City B.C.

SUPREME COURT OF BRITISH COLUMBIA

KAKUZO SEKI

XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Kakuzo Seki

March 30th. 1942.

British Columbia

John Baptiste Shimek, Hatzio, B.C.

Mr. James M. Campbell, Mission City, B.C.

\$ 1984.40

nil

Oct. 30th. 1942.

New Westminster, B.C.

27th.

Oct.

42

District

No. *P8274*



IN THE SUPREME COURT.

In the Matter of the Estate

of Kakuze Seki ^{AND} *Deceased*

Plaintiff,

Defendant.

REQUIRED *Order to Pass accounts, discharge Executor etc*



Dated this

9th

day of

July

. 19 *43*

Sullivan & McNamee
Agents for Solicitor for *Petitioner*

J. M. Campbell, Mission

★ 15M (100)-243-3125 (2)



No. *P8274*

IN THE SUPREME COURT.

Kakuze Seki Estate

^{AND}

Plaintiff,

Defendant.

REQUIRED *Order for liberty to pass accounts*



Dated this

23rd

day of

July

. 19 *43*

Sullivan & McNamee
Agents for Solicitor for *Executor*

J. M. Campbell.

★ 15M (100)-243-3125 (2)

P8274

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

P8274

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

No. P8274



THE SUPREME COURT.

H. Sesi

Plaintiff,

AND

Robert

Defendant.

REQUIRED

Dated this



day of

, 19

Solicitor for

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

P 8274



SCHEDULE A.

AFFIDAVIT OF VALUE AND RELATIONSHIP

(This affidavit is to be made by the applicant, or one of the applicants.)

"SUCCESSION DUTY ACT" (BRITISH COLUMBIA).
(Sections 12, 13, 31, 32.)

In the SUPREME COURT OF BRITISH COLUMBIA - IN PROBATE

In the Matter of the Estate of KAKUZO SEKI --, deceased

I, JOHN BAPTISTE SHIMEK of Hatzic in the Province of British Columbia -

Manager --

, make oath and say:—

That I am the applicant for letters probate to the estate
of KAKUZO SEKI --, who died on or about
the 30th. day of March, 1942, domiciled in British Columbia

That I have caused application to be made in the office of the Registrar of the above-named Court
that letters probate be granted to the estate of the
said Kakuzo Seki by the said Court.

That I have made full, careful, and searching inquiry for the purpose of ascertaining what real
and personal property and effects the said Kakuzo Seki was
possessed of, or entitled to, at the time of his death, together with the market value thereof respectively.

That I have, according to the best of my knowledge, information, and belief, set forth in the
Inventory herewith exhibited, marked "X," a full, true, and particular account of all the real and
personal estate of the said Kakuzo Seki, or of which the
said Kakuzo Seki was possessed, or to which he
was entitled at the time of his death, and of all other property, income, and interests required by the
form of the said Inventory to be set forth therein, together with the market value as at the date of death
of each and every asset forming part of the said real and personal estate and of the other property,
income, and interests particularized in the said Inventory. The said Inventory includes all real and
personal estate over which the deceased had a general or limited power of appointment. The gross value
of the said estate, property, income, and interests as at date of deceased's death was \$1984.40

That I have included in said Inventory every security, debt, and sum of money outstanding due
or payable to or standing to the credit of the said deceased at the time of his death, and in estimating the
value thereof I have included all the interest due, payable, chargeable, and accruing due thereon up to
the death of the said deceased.

That, save and except what is set forth in the said Inventory, the said

Kakuzo Seki was not, to the best of my knowledge, information, and belief, at the time of his death possessed of, or entitled to, any debt or sum of money, or any security, pledge, or undertaking for the payment of any money to him on any account whatsoever, or to any leasehold or other personal estate, goods, chattels, or effects in possession or reversion absolutely or contingently or otherwise howsoever.

That in the said Inventory is included all the property of the said

Kakuzo Seki situate outside of this Province, as well as the property situate within the Province.

That, save and except what is set forth in the said Inventory, the said

Kakuzo Seki was not, to the best of my knowledge, information, and belief, at the time of his death seized of, or entitled to, any real estate in possession, remainder, and reversion absolutely or contingently or otherwise howsoever.

That, to the best of my knowledge, information, and belief the said deceased did not voluntarily transfer by deed, grant, or gift made in contemplation of his death, or made, or intended to take effect in possession or enjoyment after his death, any property or any interest therein, or income therefrom, to any person in trust or otherwise by reason whereof any person is or shall become beneficially entitled in possession or expectancy in or to the said property or income thereof, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased did not at any time within two years previous to the date of his death transfer by way of *donatio mortis causa*, or purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, any property whatsoever, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased did not at any time previous to the date of his death transfer any property of which property the *bona fide* possession was not assumed by the donee immediately upon the gift, and thenceforth retained to the entire exclusion of the donor or any benefit to him by contract or otherwise, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased did not transfer or cause to be transferred to or vested in him self and any person jointly any property to which he was absolutely entitled by purchase or investment, or in any other manner whatsoever, so that the beneficial interest therein or in some part thereof passed or accrued by survivorship on his death to such other person, save and except what is set forth in the said Inventory.


That, to the best of my knowledge, information, and belief, the said deceased was not at the time of his death a party to any past or future settlement, including any trust, whether expressed in writing or otherwise, whether made for valuable consideration or not, as between the settlor and any other person, and not taking effect as a will whereby an interest in such property, or the proceeds of the sale thereof for life, or any other period determinable by reference to death, was reserved expressly or by implication to the deceased, or whereby the deceased reserved to him self the right by the exercise of any power to restore to him self, or to reclaim the absolute interest in such property or the proceeds of the sale thereof, or otherwise resettle the same or any part thereof, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, no annuity, policy of insurance, or other interest had been purchased or provided by the said deceased, either by him self alone or in concert or by arrangement with any other person, save and except what is set forth in the said Inventory.

That I have in the Inventories respectively marked "X" and "Y," hereto annexed, set forth the assets, debts, and liabilities of the deceased and the names of the several persons to whom the property of the said deceased will pass, the degree of relationship (if any) in which they stand to the deceased, their places of domicile and residence and their addresses so far as I can ascertain them, and the nature and value of the property passing to each of these persons respectively.

Sworn before me at Mission City
in the Province of British Columbia
this 21st. day of October

, 19 42.


H. Taylor

.....
A Notary Public in and for ~~A Commissioner, etc.~~
British Columbia

P8274

Kafuzo Seki

J. M. Campbell

INVENTORY X.

"Succession Duty Act" (British Columbia)

In the SUPREME COURT OF BRITISH COLUMBIA - IN PROBATE

In the Matter of the Estate of KAKUZO SEKI, deceased.

1. REAL ESTATE.

(Give full value of property, setting out encumbrances (if any) in detail separately.)

TOTAL

Lot Seven (7) Block "C" District Lot 318 Group 1 Map 1903 Vancouver

N. W. D.

Sold under Agreement for Sale See Item No. 2

2. MONEYS SECURED BY MORTGAGE OR AGREEMENT OF SALE

Agreement for Sale Kakuzo Seki to Hoy Matemarku

Iwata of Vancouver B.C.

Property as in item 1

Sold as in item 1

Terms \$600.00 payable \$277.00 cash balance \$15.00

per month date of Agmt. December 1st, 1941

Agmt bears no interest

Balance due March 30th, 1942

Principal

Interest

Total

292.00

292.00

3. CASH AND GROSS AMOUNT OF LIFE INSURANCE, INCLUDING INSURANCE
MONEYS PAYABLE TO A NAMED BENEFICIARY

Canadian Mutual Benefit Association Cert. No. A. 8349

for \$2500.00 payable to Minate Haraga, guardian of

Toshiyaki, son of the deceased

Cash value

Principal

Interest

Total

1500.00

- -

1500.00

Sitka Spruce Employees Association

1 - West 1st. Ave., Vancouver, B.C.

Benefit

115.00

- -

115.00

1615.00

4. BOOK DEBTS AND PROMISSORY NOTES, ETC., INCLUDING INTEREST TO DATE
OF DEATH

NIL

Principal

Interest

Total

5. SECURITIES FOR MONEY, BONDS, STOCKS, AND SHARES
(State where bonds were found at date of death, and whether shares in bearer form, and where stocks and shares are transferable if not in bearer form.)

War Savings Certificates

		Principal	Interest	Total
15th. Nov. 1940	A. 1164824	4.00	07	4.07
Dec.	A. 1429305	4.00	07	4.07
"	6	4.00	07	4.07
"	A. 1447481	4.00	07	4.07
Jan 1941	A. 1876949	4.00	04	4.04
Feb	A. 2357594	4.00	04	4.04
Mar.	A. 2737054	4.00	04	4.04
Apr.	A. 3433489	4.00	-	4.00
May	TA. 552613	4.00	-	4.00
June	A. 4474690	4.00	-	4.00
July	TA. 1197596	4.00	-	4.00
Aug.	TA. 1606330	4.00	-	4.00
Sep.	TA. 1904278	4.00	-	4.00
Oct.	TA. 2206524	4.00	-	4.00
Nov.	TA. 2536467	4.00	-	4.00
Dec.	TA. 2926000	4.00	-	4.00
Jan. 1942	A. 7931449	4.00	-	4.00
Dec. 1941	B. 1816940	8.00	-	8.00
		76.00	40	76.40

6. PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH

TOTAL

NIL

7. PROPERTY TRANSFERRED AS A DONATIO MORTIS CAUSA OR GIFT INTER VIVOS

TOTAL

NIL

8. REAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY

TOTAL

NIL

9. PERSONAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY

TOTAL

NIL

10. PROPERTY PASSING UNDER SETTLEMENT WHEREBY DECEASED RESERVED RIGHT TO RECLAIM OR TO RESETTLE, OR OVER WHICH DECEASED HAD POWER OF APPOINTMENT

TOTAL

NIL

11. BENEFICIAL INTERESTS FROM ANNUITIES PROVIDED BY DECEASED

TOTAL

NIL

12. OTHER PROPERTY

TOTAL

Household goods and furniture

NIL

Pictures, plate, and jewellery

NIL

Farming implements

NIL

Horses

NIL

Horned cattle

NIL

Sheep, swine, and other domestic animals and birds

NIL

Farm produce of all kinds

NIL

Stock-in-trade, including good-will of business

NIL

Other personal property not before mentioned

NIL

SUMMARY OF FOREGOING NUMBERED ITEMS
(State values of parts within and without British Columbia.)

	Within British Columbia	Without British Columbia	TOTAL
Item 1.—	-	-	-
Item 2.—	293.00	0	-
Item 3.—	1615.00	-	1615.00
Item 4.—	-	-	-
Item 5.—	76.40	-	76.40
Item 6.—	-	-	-
Item 7.—	-	0	-
Item 8.—	-	-	-
Item 9.—	-	-	-
Item 10.—	-	-	-
Item 11.—	-	-	-
Item 12.—	-	-	-
TOTALS	1984.40	-	1984.40

DETAILS OF DEBTS AND LIABILITIES FOR WHICH ALLOWANCE MAY BE MADE
UNDER SECTION 3 OF "SUCCESSION DUTY ACT"

Abbotsford Hospital, Abbotsford, B.C.	61.50	-	61.50
Dr. H. E. Gammon "	10.00	-	10.00
Dr. O. DeMuth Vancouver, B.C.	160.00	0	160.00
			231.50

This is Inventory "X" referred to in the Affidavit of Value and Relationship.....
of.....John Baptiste Shimek.....
British
SWORN to at Mission City Columbia on the 21st day of October, 1942.

H. Taylor
A Notary Public in and for the Province of B.C. ~~Notary Public~~

INVENTORY Y.

"Succession Duty Act" (British Columbia)**In the** SUPREME COURT OF BRITISH COLUMBIA **- IN PROBATE****In the Matter of** the Estate of **KAKUZO SEKI**, deceased.

N.B.—Relationship by marriage only must be so stated.

NAME	Relationship	Place of Domicile	Place of Residence and Address	Date of Birth of Life Tenants and Annuity-tants	Property Passing	Value
Tashiyuke Seki	son	British Columbia			1/3	584.30
Fukuke Seki	son	"			1/3	584.30
Masayuke Seki	son	"			1/3	584.30
in care of The Custodian						
Japanese Evacuation Section						
Royal Bank Bldg.,						
Vancouver, B.C.						

This is Inventory "Y" referred to in the Affidavit of Value and Relationship.....

of **John Baptiste Shimer**.....

British

SWORN to at **Mission City** **Columbia**, on the **21st** day of **October**, 19 **42**

H. Layton
 A Notary Public in and for
 British Columbia

~~Notary Public~~ etc.

"Succession Duty Act" (British Columbia)

In the matter of the Estate of [Name] deceased

For the purpose of the Succession Duty Act, the following is a statement of the assets and liabilities of the deceased at the date of death:

Real Estate	100.00	Personal Property	50.00
Life Insurance	20.00	Debts	10.00
Other Assets	10.00	Other Liabilities	5.00

Total Assets: 130.00
Total Liabilities: 15.00

Net Assets: 115.00

This statement is made by the executor of the estate of the deceased, and is true and correct to the best of his knowledge and belief.

Executed at [Location] this [Date] day of [Month] 19[Year].

[Signature]

W I L L

THIS IS THE LAST WILL AND TESTAMENT of me, KAKUZO SEKI of Abbotsford in the Province of British Columbia, Labourer, made this thirteenth day of March A.D. 1942.

I REVOKE all former wills, codicils, dispositions and testamentary writings whatsoever by me at any time heretofore made.

I HEREBY APPOINT JOHN BAPTISTE SHIMAK of HATZIO in the Province of British Columbia, Manager, the sole executor of this my will.

I DIRECT that all my just debts, my funeral and testamentary expenses be first paid out of my estate.

I GIVE, DEVISE AND BEQUEATH unto my executor hereinbefore named all my estate, real and personal, whatsoever and wheresoever, and also all estate over which I may have the power of appointment and disposal at the time of my death, in trust, for my three children Tashiyuke, Fukuake and Masayuke. My children shall be provided with maintenance and support during their minorities and on the youngest attaining the age of twenty-one years any balance remaining shall be divided between them ~~xxx~~ in equal shares.

AND I APPOINT MINATO HARAGA the guardian of my said three infant children during their minorities.

IN WITNESS WHEREOF I, the said KAKUZO SEKI, the testator, have hereunto set my hand the day and year first above written.

Signed, Published and Declared by)
the said Kakuzo Seki, the testator ()
as and for his last will and test-)
ament, in the presence of us both ()
present at the same time, who, at)
his request, in his presence and in ()
the presence of each other have)
hereunto subscribed our names as ()
witnesses.

" KAKUZO SEKI "

"Helen Callaghan"
Housewife, Abbotsford B.C.

"Janet Archibald R.N."
Hospital Matron

CERTIFIED A TRUE COPY

Deputy Registrar