

P - 28616

M28-1059

GR2202 BRITISH COLUMBIA. SUPREME COURT (Vancouver).
Probate files, 1941 - 1947.
P - 28116 to P - 36499.



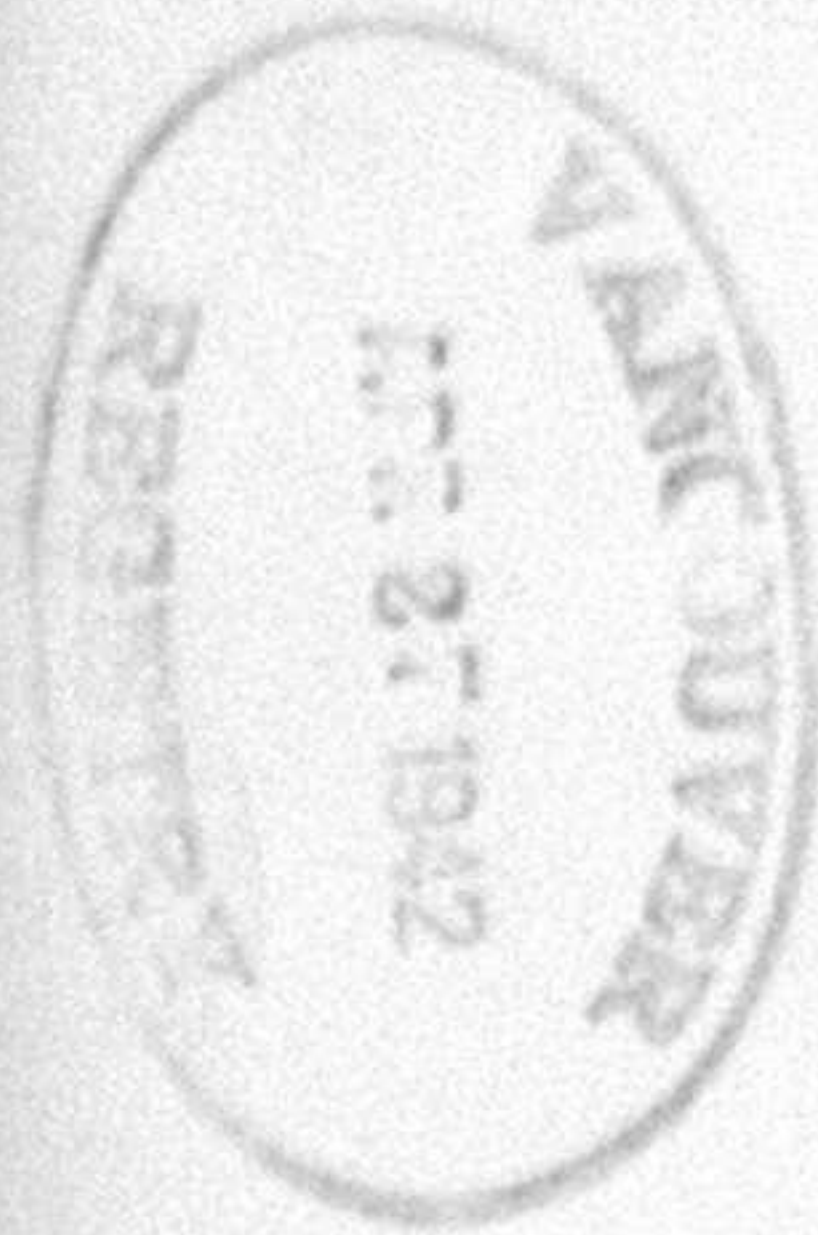
IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE ESTATE OF KENICHI OTA DECEASED

TO THE HONOURABLE THE JUDGES

OF THE SUPREME COURT OF BRITISH COLUMBIA

Ned res day the 15th day of April A.D. 1942.



THE PETITION of TOSHIYASU OTA of 229 Ewen Avenue
in the City of New Westminster in the Province of British
Columbia, shoe Repairer, and of Minoru Ota of 229 Ewen Avenue
in the said city of New Westminster, Shoe Repairer, HUMBLY
SHEWETH:-

1. That the above named Kenichi Ota late of 229 Ewen Avenue in the said city of New Westminster, Mill Worker, died at the said city of New Westminster on the 2nd day of April 1942.
2. That the said deceased died intestate and without having left any Will, codicil or testamentary paper whatsoever.
3. That the said deceased at the time of his death was domiciled in the Province of British Columbia.
4. That the said deceased left him surviving four children namely: two sons, your Petitioners, and two daughters namely Matsue Murata wife of Kiyoshi Murata of 138 6th Avenue West in the City of Vancouver in the said Province, Dry Cleaner, and Shizue Higuchi wife of Yoshikazu Higuchi of 1701 - 3rd Avenue W. Vancouver aforesaid, Salesman.
5. The said Matsue Murata and the said Shizue Higuchi have renounced all their right title and interest to administration of the estate of the said deceased.

6. That each of your Petitioners is a British Subject by birth and each is over the age of twenty-one years.

7. That the said deceased died possessed of real and personal property situate in the Province of British Columbia the gross value of which does not exceed the sum of \$2474.17 subject to liabilities in the sum of \$ 304.05, particulars of which are more particularly set forth in the Affidavit of Value and Relationship filed herein and the Inventories filed therewith.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY that administration of the property of the said deceased may be granted and committed to them by this Honourable Court.

AND YOUR PETITIONERS as in duty bound will ever pray.

G. Leta.

P e t i t i o n e r

Clida.

P e t i t i o n e r

THIS PETITION is filed by Messrs. Hamilton Read & Paterson whose place of business is 1011-14 Rogers Building 470 Granville Street, Vancouver, British Columbia.

28616

S.C. OF B.C.
IN PROBATE

IN THE MATTER OF THE

ESTATE OF

KENICHI OTA

DECEASED

P E T I T I O N



HAMILTON READ & PATERSON
BARRISTERS & SOLICITORS
1011-10 ROGERS BUILDING
VANCOUVER B.C.

50 Apr 28th
21 - Bond
200



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE ESTATE OF KENICHI OTA DECEASED

WE, Toshiyasu Ota of 229 Ewen Avenue in the City of New Westminster in the Province of British Columbia, Shoe Repairer, and Minoru Ota of 229 Ewen Avenue in the said City of New Westminster, Shoe Repairer, severally make oath and say as follows:-

1. That the above named Kenichi Ota late of 229 Ewen Avenue in the city of New Westminster in the Province of British Columbia, died at the said city of New Westminster on the 2nd day of April 1942. Each of your Petitioners is a son of the above named deceased.
2. That we have made and caused to be made a diligent and careful search in all places where the deceased usually kept his papers of moment and concern and in his depositories in order to ascertain whether he had or had not left any will and we and each of us have and has been unable to discover any such will and we make oath and say that we believe and each of us believes that the said deceased died without having left any will codicil or testamentary paper whatsoever.
3. Each of your Petitioners is a British Subject by birth and is over the age of twenty-one years.
4. That we will faithfully administer according to law all the estate which by law devolves to and vests in the personal representatives of the said deceased by paying his just debts if any and distributing the residue of his estate according to law and will exhibit an actual and perfect inventory thereof whenever required by law so to do.

5. That the said deceased was not a national of the German Reich or of the Kingdom of Italy and that no portion of the estate of the said deceased would in time of Peace be distributed or payable to any such nationals.

SEVERALLY sworn before me
at the City of Vancouver
in the Province of British
Columbia, this 15th day of
April A.D. 1942.

L. Ota.

Costa

Harold Pao.

A COMMISSIONER for taking affidavits
within British Columbia

28616

DATED APRIL A.D. 1942
S.C. OF B.C. IN P.

IN THE MATTER OF THE
ESTATE OF
KENICHI OTA
DECEASED

A F F I D A V I T
OF PETITIONERS

HAMILTON READ & PATERSON
BARRISTERS & SOLICITORS
1011-14 ROGERS BUILDING
VANCOUVER B.C.



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE ESTATE
OF KENICHI OTA DECEASED:

APR 27 1942

WE, TOSHIYASU OTA of 229 Ewen Avenue in the City of New Westminster in the Province of British Columbia, Shoe Repairer, and MINORU OTA of 229 Ewen Avenue in the said City of New Westminster, Shoe Repairer, SEVERALLY MAKE OATH AND SAY as follows:-

1.- That we are the sons of the late Kenichi Ota and each of us was familiar with the affairs of the said deceased.

2.- The said deceased did not engage in business on his own account and did not incur any trade debts whatsoever.

3.- We say from our own knowledge that the only moneys for which the Estate of the said Kenichi Ota was liable at the date of his death are those set forth in Inventory X to the Affidavit of Value & Relationship sworn herein and we say that all of the said debts have been paid by us since the death of the said Kenichi Ota save and except the sum of \$23.80 claimed by Burnaby Monumental Works and this amount has not been paid because the inscription upon the memorial stone was incorrect and so soon as the in-

- 2 -

scription has been properly made the said Account will be paid by us.

SEVERALLY SWORN BEFORE ME
at the City of Vancouver in
the Province of British
Columbia this 15th day of
April, A. D. 1942.

J. Ota.
Ota

Hamilton Head

.....
A COMMISSIONER for taking Affidavits
within British Columbia.

S. C. OF B. C.
IN PROBATE

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IN THE MATTER OF THE
ESTATE OF KENICHI OTA

DECEASED:

AFFIDAVIT OF TOSHIYASU OTA
AND MINORU OTA

HAMILTON READ & PATTERSON
BARRISTERS & SOLICITORS
1011 -14 ROGERS BUILDING
VANCOUVER B. C.



ALL
ATIONS
& OFFICE
TEPER

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

501 Royal Bank Bldg.,
Vancouver, B. C.,
April 23, 1942.

Messrs. Hamilton, Read & Paterson,
Barristers and Solicitors,
470 Granville Street,
Vancouver, B. C.

Dear Sirs:

Re: Kenichi Ota Deceased and
Tai Ota Deceased

I have your letter of April 22nd.

If the above deceased parties resided outside enemy controlled territory and if the beneficiary resides outside such territory and has not been interned in Canada or by our allies, the Custodian will not interfere in administration of the estate and the application may be proceeded with.

Yours truly,

(G. W. McPherson)
Authorized Deputy of the Secretary
of State and/or Custodian.

GWMcP/FC.

91982

ADVANCED
DEPARTMENT OF THE SECRETARY OF STATE
STATE TO PRIVATE AND TO INDIAN



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF KENICHI OTA DECEASED

WHEREAS Kenichi Ota late of 229 Ewen Avenue in the city of New Westminster in the Province of British Columbia, died on the 2nd day of April A.D. 1942 and left him surviving two sons and two daughters namely:-

Toshiyasu Ota of 229 Ewen Avenue in the city of New Westminster in the Province of British Columbia, Shoe Repairer; Minoru Ota of 229 Ewen Avenue in the said city of New Westminster, Shoe Repairer; Matsue Murata wife of Kiyoshi Murata of 138 6th Avenue West in the city of Vancouver in the said Province, Dry Cleaner and Shizue Higuchi, wife of Yoshikazu Higuchi, of 1701 - 3rd Avenue West, Vancouver aforesaid, Salesman.

NOW, the said Matsue Murata and the said Shizue Higuchi each for herself doth hereby expressly renounce all our right and title to Letters of Administration of the estate and effects of the said deceased and we do consent that administration of the said estate may be committed to Toshiyasu Ota and Minoru Ota and to an Order of this Honourable Court that the Administrators bond may be dispensed with.

IN WITNESS WHEREOF we have hereunto set our hands and seals the 15th day of April A.D. 1942.

SIGNED SEALED AND DELIVERED

in the presence of

Hamilton & Co.
Vancouver, B.C.

Barrister-at-Law.

)
) *M. Murata.*
)
)
)

Shizue Higuchi.

28616

S.C. _____ OF B.C. IN P.

IN THE MATTER OF THE

ESTATE OF

KENICHI OTA

DECEASED

RENUNCIATION

HAMILTON READ & PATERSON
BARRISTERS & SOLICITORS
1011-04 ROGERS BUILDING
VANCOUVER B. C.

ENTERED ON CHAMBER LIST

No. _____



IN THE SUPREME COURT.
OF BRITISH COLUMBIA IN PROBATE

IN THE MATTER OF THE ESTATE
~~XXX~~
OF KENICHI OTA DECEASED

~~Plaintiff,~~

~~Defendant,~~



Grant of Letters of Administration.

To set down motion *for hearing*
on 28th April, 1942

Dated this

27th

day of

April

, 19 42

HAMILTON READ & PATERSON
Solicitors for Petitioners.

28616

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

IN THE SUPREME COURT



SCHEDULE A.

Affidavit of Value and Relationship

affidavit is to be made by the applicant, or one of the applicants, applying for letters).

"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 KENICHI OTA, deceased,

I/We TOSHIYASU OTA of 229 Ewen Avenue in the city of New Westminster in the Province of British Columbia and Shoe Repairer, and MINORU OTA of 229 Ewen Avenue in the said city of New Westminster, Shoe Repairer,

SEVERALLY, make oath and say:—

That we am/are the applicant for letters of administration to the estate of KENICHI OTA, who died on or about the 2nd day of April, A.D. 1942, domiciled in British Columbia

That we have caused application to be made in the office of the Registrar of the above-named Court that letters of administration be granted to the estate of the said Kenichi Ota by the said Court.

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

That we have, according to the best of our 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 Kenichi Ota or of which the said

Kenichi Ota 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 \$ 2474.17

That we 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 we 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 Kenichi Ota was not, to the best of our 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 Kenichi Ota 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 Kenichi Ota was not, to the best of our 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 our 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 our 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 our 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 our 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 our 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 our knowledge, information, and belief, no annuity, policy of insurance, or other interest had been purchased or provided by the said deceased, either by himself alone or in concert or by arrangement with any other person, save and except what is set forth in the said Inventory.

That we 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 we can ascertain them, and the nature and value of the property passing to each of these persons respectively.

Severally Sworn before me at Vancouver

in the Province of British Columbia

this 15th day of April

1942

Maureen Head

I. Latta
Christa

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits within British Columbia.

28616

Dated 15TH APRIL 1942

In the matter of the Estate of

KENICHI OTA

DECEASED

Affidavit

OF VALUE AND RELATIONSHIP

The Clarke & Stuart Co. Limited, Law Printers and Stationers
Vancouver, B.C. Form No. 94

HAMILTON READ & PATERSON
BARRISTERS & SOLICITORS
1011-14 ROGERS BUILDING
VANCOUVER B.C.

INVENTORY X.**"SUCCESSION DUTY ACT" [BRITISH COLUMBIA]****In The** SUPREME COURT OF BRITISH COLUMBIA IN PROBATEIn the matter of the Estate of KENICHI OTA, Deceased.

1.	REAL ESTATE (Give full value of property, setting out encumbrances (if any) in detail, separately)	TOTAL
	An undivided one-half interest in parcel of land situate at the city of New Westminster and described as Lot 2 of Lot 31 of Block A of Lot 757 Group 1 New Westminster District according to map 2904	\$500 00
	An undivided one-sixth interest in said lot 2 (as one of the heirs of Tai Ota deceased)	166.66
		666 66

2. MONEYS SECURED BY MORTGAGE OR AGREEMENT OF SALE	PRINCIPAL		INTEREST		TOTAL	
NIL						

3. CASH AND GROSS AMOUNT OF LIFE INSURANCE, INCLUDING INSURANCE MONEYS PAYABLE TO A NAMED BENEFICIARY	PRINCIPAL		INTEREST		TOTAL	
Cash on deposit with Japan & Canada Trusts Savings Company	5	40	03		5	43
Cash in the Royal Bank of Canada, New Westminster Branch, New Westminster	100	41	167		102	08
Policy of Insurance of Manufacturers Life Insurance Company Numbered 646863 payable to Tai Ota who predeceased the insured	1000	00			1000	00
	TOTAL				1107	51

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

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	PRINCIPAL		INTEREST		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.....	650	00
Pictures, plate, and jewellery.....		
Farming implements		
Horses		
Horned cattle		
Sheep, swine, and other domestic animals and birds.....		
Farm produce of all kinds.....		
Stock-in-trade, including good-will of business.....		
Other personal property not before mentioned.....		
	\$ 650	00

SUMMARY OF FOREGOING NUMBERED ITEMS (State values of parts within and without British Columbia)		WITHIN BRITISH COLUMBIA		WITHOUT BRITISH COLUMBIA		TOTAL	
Item 1		666	66			666	66
Item 2							
Item 3		1107	51			1107	51
Item 4							
Item 5		50	00			50	00
Item 6							
Item 7							
Item 8							
Item 9							
Item 10							
Item 11							
Item 12		650	00			650	00
TOTALS		2474	17			2474	17
DETAILS OF DEBTS AND LIABILITIES FOR WHICH ALLOWANCE MAY BE MADE UNDER SECTION 3 OF "SUCCESSION DUTY ACT."							
Paterson Funeral Home, New Westminster, Funeral expenses		248.	00				
Royal Columbian Hospital, New Westminster, hospital expenses		12	50				
Dr. G.H. Manchester, 604 Columbia Avenue, New Westminster, Medical Expenses		24	00				
Dr. Shimokura		13	00				
Dr. A. B. Manson - previous medical atten- dance		25	00				
Dr. Sinclair - previous medical attendance		3	50				
Royal Columbia Hospital - previous hospital accommodation		23	00				
H. Dillworth - ambulance		3	00				
Royal City Taxi Company - motor cars for funeral		13	25				
Burnaby Monumental Works - memorial stone		28	80			301	05
NET ESTATE						2080	12

This is Inventory "X" referred to in the affidavit of Value and Relationship of Toshiyasu Ota and Minoru Ota
of 229 Ewen Avenue, New Westminster, British Columbia,

SWORN to at Vancouver, on the 15th day of April, A.D. 1942

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

INVENTORY Y.

In the SUPREME COURT OF BRITISH COLUMBIA IN PROBATE

"SUCCESSION DUTY ACT" (BRITISH COLUMBIA)

In the matter of the Estate of KENICHI OTA 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 Annuitants	PROPERTY PASSING	VALUE
Toshiyasu Ota	Son	British Columbia	229 Ewen Avenue New Westminster B.C.		1/4	
Minoru Ota	Son	British Columbia	229 Ewen Avenue New Westminster B.C.		1/4	
Matsue Murata	daughter	British Columbia	138 6th Avenue West, Vancouver B.C.		1/4	
Shizue Higuchi	daughter	British Columbia	B.C.		1/4	

This is Inventory "Y" referred to in the affidavit of Value and Relationship of Toshiyasu Ota and Minoru Ota
229 Ewen Avenue, New Westminster, British Columbia.

of _____
SWORN to at Vancouver, on the 15th day of April, A.D. 1942

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