

**P - 28617**

M28-1059

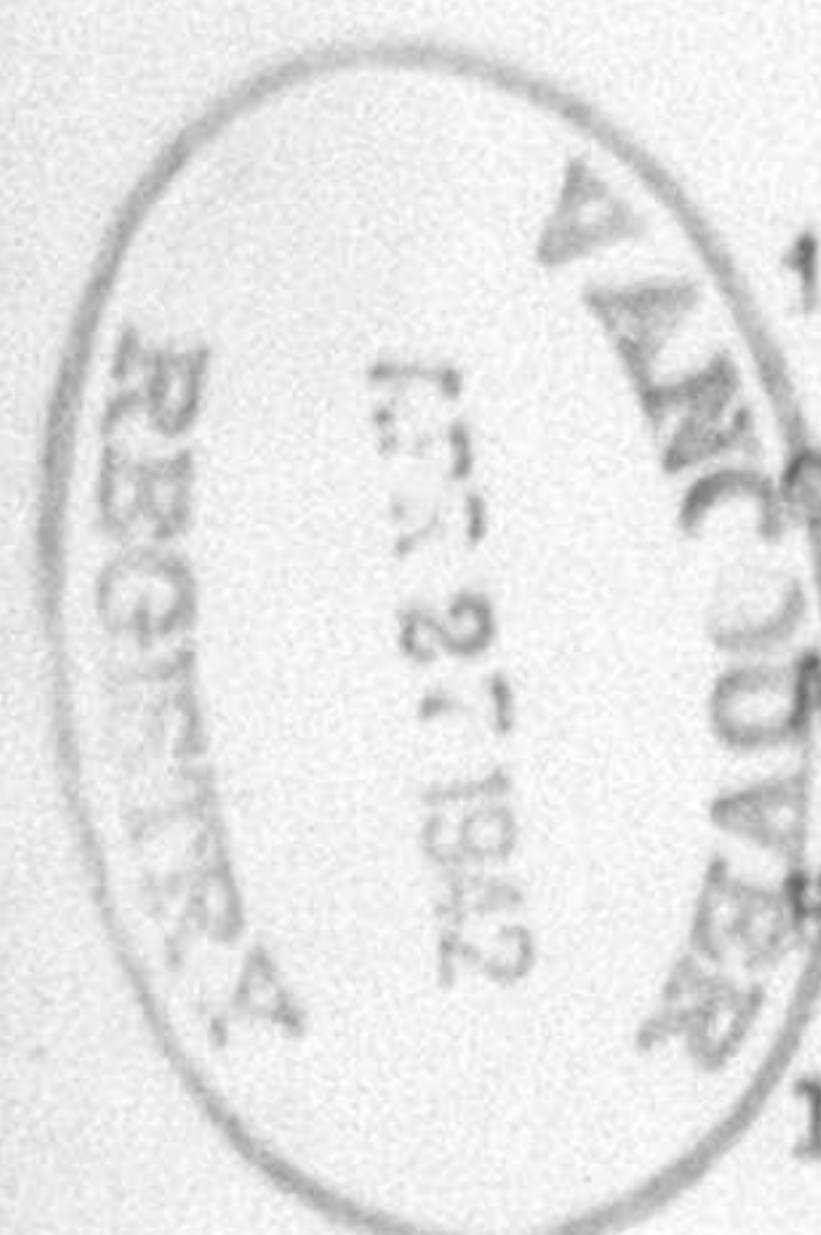
GR2202 BRITISH COLUMBIA. SUPREME COURT (Vancouver).  
Probate files, 1941 - 1947.  
P - 28116 to P - 36499.



IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN PROBATE

IN THE MATTER OF THE ESTATE OF TAI OTA DECEASED  
TO THE HONOURABLE THE JUDGES  
OF THE SUPREME COURT OF BRITISH COLUMBIA

Wednesday day the 15<sup>th</sup> 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 Tai Ota late of 229 Ewen Avenue in the City of New Westminster aforesaid formerly wife of Kenichi Ota died at the said city of New Westminster on or about the 10th day of May A.D. 1940.
2. THAT the said Tai Ota died intestate without leaving any will codicil or testamentary paper whatsoever.
3. THAT at the time of her death the said Tai Ota was domiciled within the Province of British Columbia.
4. THAT the said deceased left her surviving her husband Kenichi Ota and 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 West, Vancouver aforesaid, Salesman. The husband of the said deceased, Kenichi Ota, died

at the said city of New Westminster on or about the 2nd day of April A.D. 1942.

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. The said deceased died possessed of real estate situate in the Province of British Columbia the gross value of which does not exceed the sum of \$500.00. The estate of the said deceased was not subject to any liability save funeral expenses and medical fees and the same were paid by the husband of the said deceased.

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.

*J. Uta.*

P e t i t i o n e r

*M. Uta.*

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.

28617

DATED \_\_\_\_\_ OF \_\_\_\_\_ B.C. IN P.

IN THE MATTER OF  
THE ESTATE OF  
TAI OIA  
DECEASED

P E T I T I O N



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

*25% approved  
no - Bond*



IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN PROBATE

IN THE MATTER OF THE ESTATE OF TAI 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 Tai 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 10th day of May A.D. 1940. Each of your Petitioners is a son of the above named deceased and her husband Kenichi Ota now deceased.
2. The said Kenichi Ota died at the said city of New Westminster on the 2nd day of April A.D. 1942 intestate.
3. That we have made and caused to<sup>be</sup> made a diligent and careful search in all places where the deceased usually kept her papers of moment and concern and in her depositories in order to ascertain whether she 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.
4. Each of your Petitioners is a British Subject by birth and is over the age of twenty-one years.
5. 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 her just



debts if any and distributing the residue of her estate according to law and will exhibit an actual and perfect inventory thereof whenever required by law so to do.

6. 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 15<sup>th</sup> day of  
April A.D. 1942.

J. Ota.

Oesta.

Hamilton Peas

A COMMISSIONER for taking affidavits  
within British Columbia

28617  
DATED S.C. \_\_\_\_\_ OF \_\_\_\_\_ B.C.  
IN PROBATE

IN THE MATTER OF THE  
ESTATE OF  
TAI OTA  
DECEASED

\_\_\_\_\_

A F F I D A V I T  
O F P E T I T I O N E R S

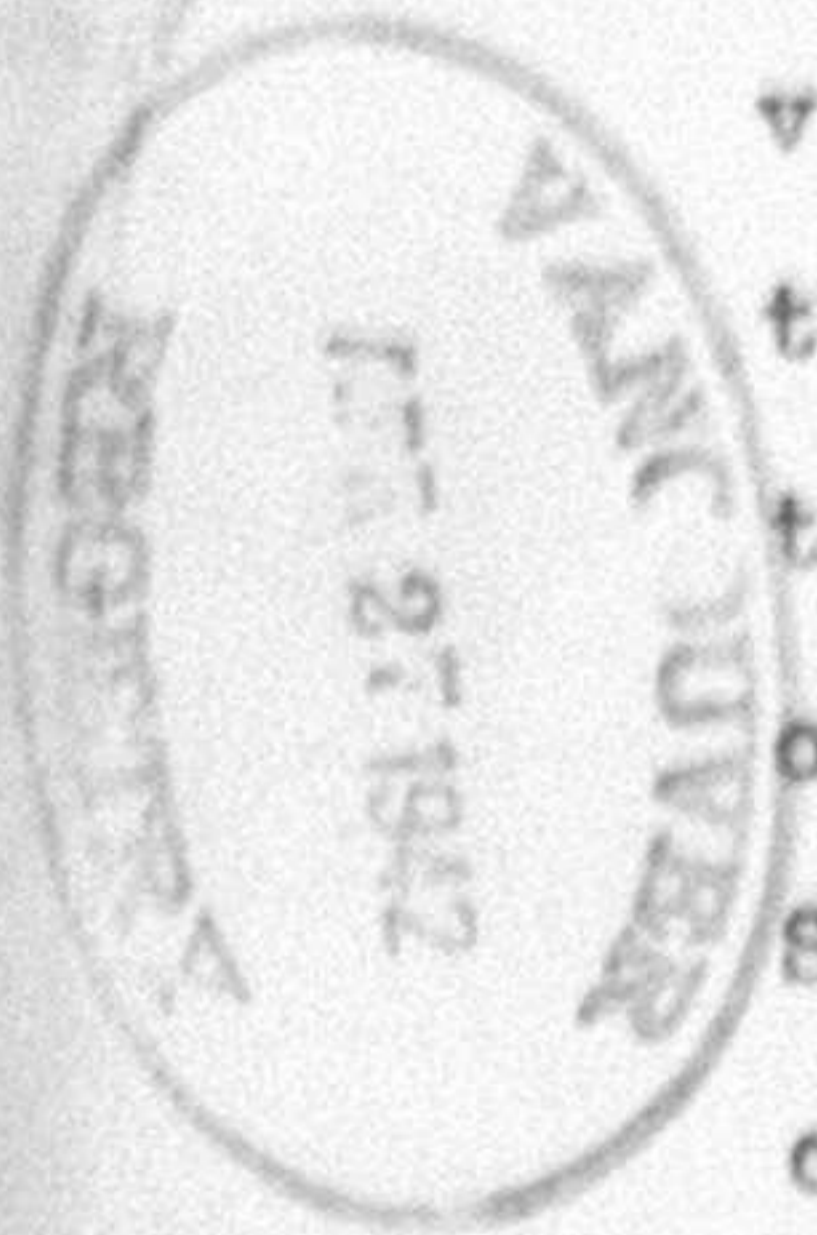
\_\_\_\_\_

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 TAI OTA DECEASED



WHEREAS Tai Ota late of 229 Ewen Avenue in the City of New Westminster in the Province of British Columbia died on the 10th day of May 1940 intestate and left her surviving her husband Kenichi Ota then of 229 Ewen Avenue in the said city of New Westminster and 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 Province of British Columbia, Dry Cleaner, and Shizue Higuchi, wife of Yoshikozu Higuchi of 1701-3rd Avenue West, Vancouver aforesaid, Salesman.

AND WHEREAS the said Kenichi Ota died on the 2nd day of April A.D. 1942 intestate.

NOW WE, 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 15<sup>th</sup> day of April A.D. 1942.

SIGNED SEALED AND DELIVERED

in the presence of

*Hamilton Ross*  
*Vancouver, B.C.*  
*Barrister-at-Law.*

} *M. Murata.*  
*Shizue Higuchi.*



28617

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

IN THE MATTER OF

THE ESTATE OF

TAI OTA

DECEASED

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RENUNCIATION

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HAMILTON READ & PATERSON  
BARRISTERS ETC.  
470 GRANVILLE ST.  
VANCOUVER B.C.

ENTERED ON CHAMBERS LIST

No. \_\_\_\_\_



IN THE SUPREME COURT.  
OF BRITISH COLUMBIA \_\_\_\_\_ IN PROBATE

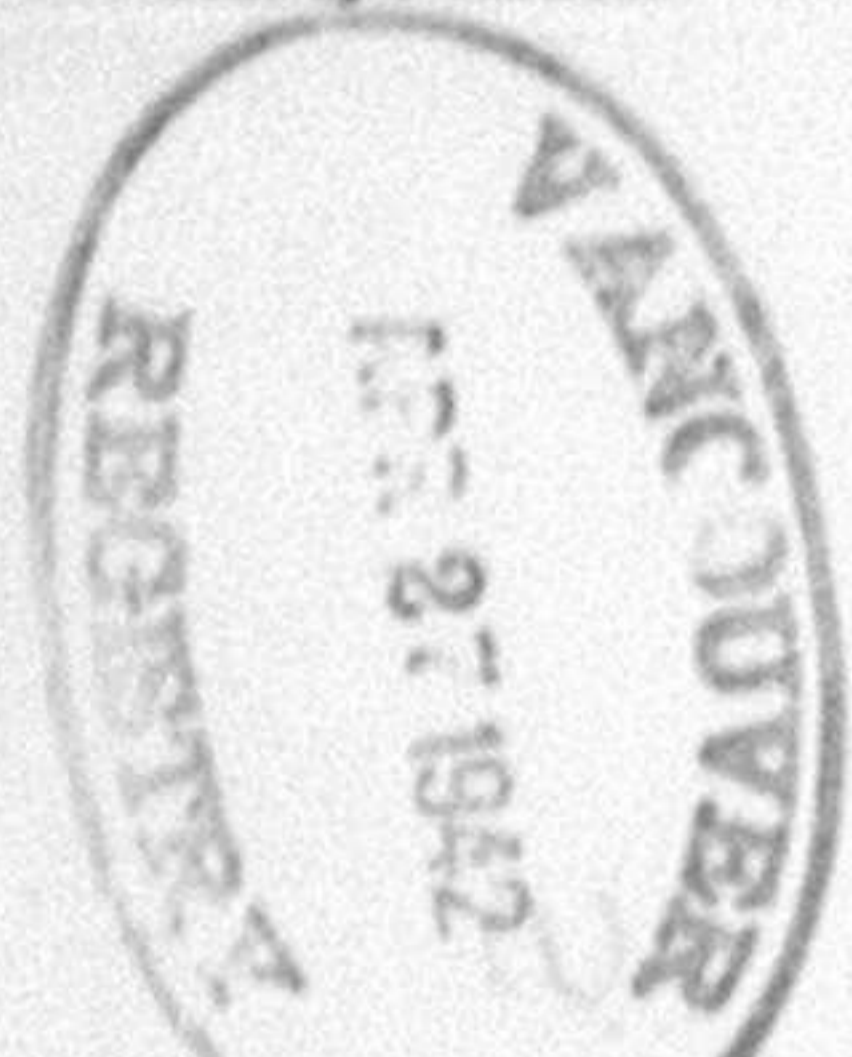
~~XXXXXXXXXX~~

IN THE MATTER OF THE ESTATE  
~~AND~~  
OF TAI OTA DECEASED:

Defendant.

REQUIRED Grant of Letters of Administration.

To set down motion *for hearing*  
*on 28<sup>th</sup> April, 1942*



Dated this *27<sup>th</sup>* day of April, 1942.

HAMILTON READ & PATERSON  
Solicitors for Petitioners.

28617

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

IN THE SUPREME COURT



SCHEDULE A.

# Affidavit of Value and Relationship

(This 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 TAI OTA, deceased,

I/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,

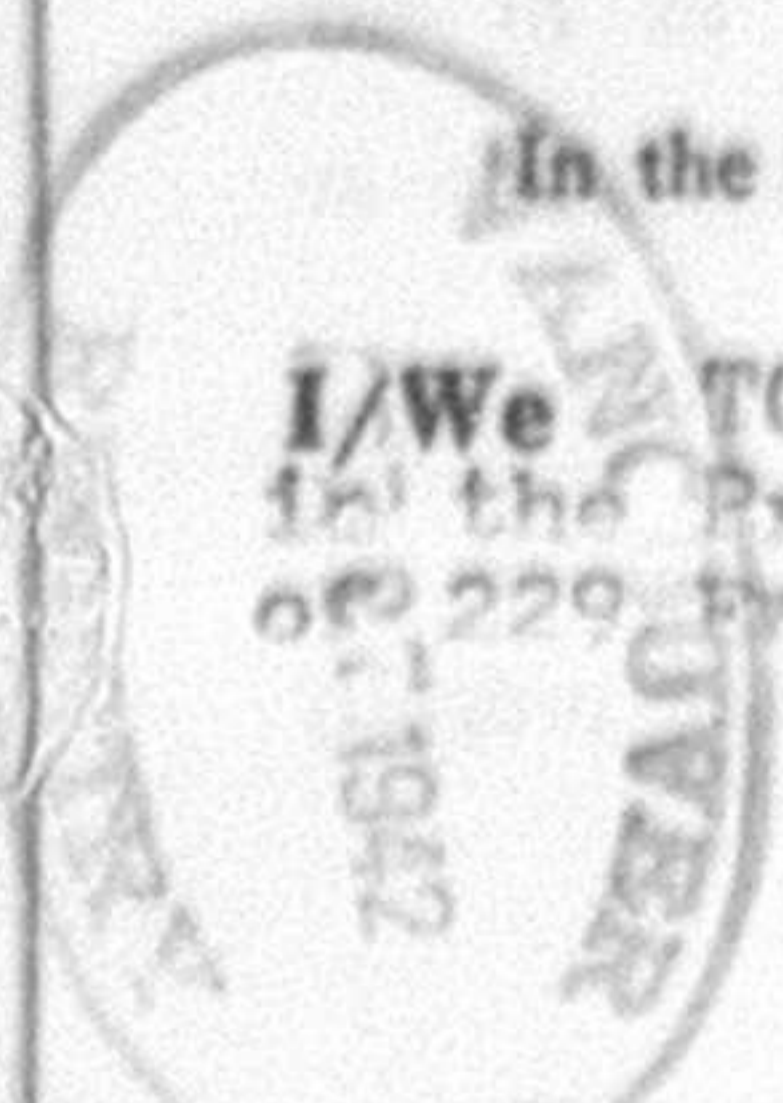
severally, make oath and say:—

That we am/are the applicant for letters of administration to the estate of TAI OTA, who died on or about the 10th day of May, A.D. 1940, 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 Tai 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 Tai 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 Tai Ota or of which the said Tai 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 \$ 500.00



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  
Tali 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 her 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  
Tali 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  
Tali Ota was not, to the best of our knowledge, information, and belief, at the time of his death seised 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 his 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 herself and any person jointly any property to which she 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 himself the right by the exercise of any power to restore to himself, 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 ~~her~~ self 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 15<sup>th</sup> day of April 1942

G. Ceta.  
G. Ceta

Hauie M. Head

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

28617

Dated April 8 1942

In the matter of the Estate of

TAI OTA

DECEASED

# Affidavit

OF VALUE AND RELATIONSHIP

The Clarke & Stuart Co. Limited, Law Printers and Stationers  
Vancouver, B.C. Form No. 84

**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 PROBATE

In the matter of the Estate of TAT OTA, Deceased.

1. REAL ESTATE (Give full value of property, setting out encumbrances (if any) in detail, separately)	TOTAL
<p>An undivided one-half interest in and to that parcel of land situate in 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</p>	<p>\$500 00 <del>\$1000.00</del></p>
<p>Total</p>	<p>\$500.00</p>



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	
NIL						

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

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.)	PRINCIPAL	INTEREST	TOTAL
NIL.			

6. PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH	TOTAL
NIL.	

7. PROPERTY TRANSFERRED AS A <i>DONATIO MORTIS CAUSA</i> OR GIFT <i>INTER VIVOS</i>	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.....	
Pictures, plate, and jewellery.....	
Farming implements ..... I L	
Horses ..... N	
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.....	

SUMMARY OF FOREGOING NUMBERED ITEMS (State values of parts within and without British Columbia)	WITHIN BRITISH COLUMBIA	WITHOUT BRITISH COLUMBIA	TOTAL
Item 1 _____	500 00		500 00
Item 2 _____			
Item 3 _____			
Item 4 _____			
Item 5 _____			
Item 6 _____			
Item 7 _____			
Item 8 _____			
Item 9 _____			
Item 10 _____			
Item 11 _____			
Item 12 _____			
TOTALS	500 00		500 00
<b>DETAILS OF DEBTS AND LIABILITIES FOR WHICH ALLOWANCE MAY BE MADE UNDER SECTION 3 OF "SUCCESSION DUTY ACT."</b>			
Royal Columbian Hospital, hospital accommodation and service			50 00

This is Inventory "X" referred to in the affidavit of Value and Relationship of Toshiyasu Ota and Minoru Ota  
of 229 Owen Avenue in the city of New Westminster, British Columbia,  
SWORN to at Vancouver, on the 15<sup>th</sup> day of April, A.D. 1942

*Hamilton Head*  
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 TAI 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
Kenichi Ota (Now deceased)	Husband	British Columbia	229 Ewen Avenue New Westminster B.C.		1/3	166 66
Toshiyasu Ota	Son	British Columbia	229 Ewen Avenue New Westminster B.C.		1/6	83 33
Minoru Ota	Son	British Columbia	229 Ewen Avenue New Westminster B.C.		1/6	83 33
Matsue Murata	Daughter	British Columbia	138 6th Avenue West, Vancouver B.C.		1/6	83 34
Shizue Higuchi	Daughter	British Columbia	..... B. C.		1/6	83 34
Total						500 00

This is Inventory "Y" referred to in the affidavit of Value and Relationship of Toshiyasu Ota and Minoru Ota of 229 Ewen Avenue in the city of New Westminster British Columbia SWORN to at Vancouver, on the 15<sup>th</sup> day of April A.D. 1942.

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