



**P-333330**

M2B 1059





IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF KIHACHI HIRAYAMA,  
DECEASED

TO THE CHIEF JUSTICE AND JUDGES OF  
THE SUPREME COURT OF BRITISH COLUMBIA:

THE PETITION of SAMUEL ALFRED MOORE, of the City of  
Vancouver, in the Province of British Columbia, Official  
Administrator for the County of Vancouver, HUMBLY SHEWETH:

1. That the above named Kihachi Hirayama late of 1215  
Kingsway, in the City of Vancouver, in the County of Vancouver,  
Province of British Columbia, deceased, died at Lemon Creek, in  
the said Province of British Columbia, on or about the 6th day  
of September 1944, leaving him surviving only the following:  
Sode Hirayama, his widow, of 21 Gilead Ave., Lemon Creek, aforesaid,  
and the following children, namely:  
Molly Hirayama, 21 Gilead Ave., Lemon Creek aforesaid,  
Rosy Sachie Hirayama, 21 Gilead Ave., Lemon Creek aforesaid,  
Mrs. Hatsumi Hirayama, 5190 Iberville #4, Rosemont, Montreal, Quebec,  
Fumi Hirayama, new Denver Sanatorium, New Denver, British Columbia,  
Mrs. Eiko Yonekura, C/o B.H. Bull & Sons, Brampton, Ontario,  
as his sole and only next of kin and heirs at law, and all of the  
full age of 21 years. That the said deceased died leaving no child  
or children of any deceased child or children of his.

2. That your Petitioner has caused diligent and careful  
search to be made amongst the papers and effects of the said  
deceased for a Will but no Will has been found and to the best  
of your Petitioner's knowledge information and belief the said  
deceased died intestate.

3. That no Official Administrator for any other County  
or part of a County has been appointed to administer the estate  
of said deceased.

YOUR PETITIONER therefore humbly prays that administration  
of the property of said deceased may be granted and committed  
to him by this Honourable Court; AND your Petitioner as in duty



bound will ever pray, etc.

DATED at Vancouver, British Columbia, this 4th day of  
*July* A.D. 1945.

*Samuel Moore*  
PETITIONER



S.C.B.C. 33330 IN PROBATE

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IN THE MATTER OF THE ESTATE

OF

KIHACHI HIRAYAMA, DECEASED

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P E T I T I O N

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O. A. 50 Jr  
11: 7:45



PERCY G. MASON





PROVINCE OF  
BRITISH COLUMBIA

OFFICE OF THE DEPUTY MINISTER  
VICTORIA, B. C.

File #85.07

14th June, 1945.



"Court Rules of Practice Act"  
Estate of Kihachi Hirayama, deceased.

Pursuant to the "Court Rules of Practice Act," and the rules made thereunder, consent is hereby given to the granting of Letters of Administrator to the Official Administrator for the County of Vancouver, in respect of the Estate of Kihachi Hirayama, deceased.

Deputy Minister of Finance.

HNW:AF





IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN PROBATE

IN THE MATTER OF THE ESTATE OF KIHACHI HIRAYAMA,  
DECEASED.

I, SAMUEL ALFRED MOORE, of the City of Vancouver, in the  
Province of British Columbia, Official Administrator for the  
County of Vancouver, make oath and say:

1. That the above named Kihachi Hirayama, late of 1215  
Kingsway, in the City of Vancouver, in the County of Vancouver,  
Province of British Columbia, Deceased, died at Lemon Creek in  
said Province, on or about the 6th day of September 1944, intestate,  
leaving him surviving only the following:

Sode Hirayama, his widow, and the following children, namely:  
Molly Hirayama, Rosy Sachie Hirayama, Mrs. Hatsumi Hirayama,  
Fumi Hirayama and Mrs. Eiko Yonekura.

2. That hereto annexed and marked as exhibit "A"  
is a memorandum purporting to be signed by the said widow and  
children, requesting that I as Official Administrator, apply for  
Letters of Administration of the estate of said deceased.

3. That I have caused diligent and careful search to be  
made amongst the papers and effects of said deceased for a Will  
but no Will has been found and I verily believe the said deceased  
died intestate.

4. That no Official Administrator for any other County or  
part of a County has been appointed to administer the property  
of said deceased.

5. That the said deceased had estate in the County of  
Vancouver, British Columbia, at the time of his death.

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

7. That I will exhibit a true and perfect inventory of  
said estate and render a just and true account thereof whenever  
required by law so to do, and that the whole of said estate  
amounts in value to the sum of \$5646.93 and no more, to the  
best of my knowledge information and belief.



8. That to the best of my knowledge information and belief the said deceased is a naturalized Canadian of the Japanese race.

SWORN before me at City of Vancouver)  
Province of British Columbia, this )  
4th day of July 1945)

*Same answer*

*Leslie C. Ford*

*Rev ✓*

~~A Notary Public for the Province of British Columbia.~~

A Commissioner for taking affidavits within British Columbia.



# 3127

Lemon Creek,  
B. C.  
December 18th. 1944.

Samuel Alfred Moore, Esq.,  
Official Administrator,  
Court House,  
VANCOUVER, B. C.

Dear Sir:

Re: Estate of Kihachi Hirayama, Deceased.

We, the undersigned, widow and children  
of the above named deceased, who died *intestate*  
in the Province of British Columbia,  
on the *6<sup>th</sup>* day of *September* A.D. 1944, being of  
the full age of 21 years, hereby request you to apply  
for Letters of Administration of this Estate.

Yours very truly,

Sode Hirayama

Hatsumi Hirayama

Fumio Hirayama

Eiko Yonokura

Molly Hirayama

Rosy Sachie Hirayama

S.C.B.C. In Probate  
re Kihachi Hirayama Estate  
"A"

This is exhibit "A" referred to in the affidavit of  
Samuel Alfred Moore sworn before me this *4<sup>th</sup>*  
day of *July* 1945.

*Robert C. Toia*  
Notary Public  
& Commissioner, etc.



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S.C.B.C. IN PROBATE

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IN THE MATTER OF THE ESTATE

OF

KIHACHI HIRAYAMA, DECEASED

- - - - -

AFFIDAVIT OF  
OFFICIAL ADMINISTRATOR

- - - - -

PERCY G. MASON





IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN PROBATE

IN THE MATTER OF THE ESTATE OF

KIHACHI HIRAYAMA, DECEASED



I, the undersigned, do hereby appoint  
...*Tuesday*.....the....*31<sup>st</sup>*.....day of July 1945,  
at the hour of *1 P m* o'clock in the *after* noon,  
at my Chambers, at the Court House, Georgia Street West,  
Vancouver, B.C., as the time and place for the taxation  
of the Bill of Costs of Percy G. Mason, Solicitor for the  
Administrator.

DATED at Vancouver, B.C., this *30<sup>th</sup>* day of  
July 1945.

*A L Rodway*  
up DISTRICT REGISTRAR  
*J. O. N.*





IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF KIHACHI HIRAYAMA, DECEASED

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BILL OF COSTS OF  
SOLICITOR FOR ADMINISTRATOR

1945

June

Attending on & conference with Official Administrator & received particulars & instructions to apply for Letters of Administration	5.00	
Drawing Petition of Official Administrator 3 folios	.90	
Copy to keep	.45	
Attending on execution of Petition by Official Administrator	1.00	
Drawing affidavit of Official Administrator- 4 folios	1.20	
Copy to keep	.60	
Instructions for affidavit of value & relationship & Inventories	1.50	
Drawing same	3.00	
2 copies	3.00	
Counsel fee revising & settling all documents	10.00	
Preparing Dominion Succession Duty Act Statement (in triplicate)	3.00	

July 5

Attending to swear affidavit of Official Administrator & paid	1.00	.50
Marking 1 exhibit & paid	.25	.25
Attending to swear affidavit of value & relationship (in duplicate) & paid	1.00	1.00
Marking 4 exhibits & paid	1.00	1.00
Making copy of Inventories "X" and "Y" for Official Administrator	1.50	
Drawing praecipe to set down Petition	.30	

Forward	34.70	2.75
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	Forward	34.70	2.75
	Attending Registrar with papers for perusla & approval	1.00	
	Attending to file Dominion Succession Duty Statement (in duplicate)	1.00	
July 9	Attending to set down petition for hearing & file material & paid	1.00	1.00
	Counsel fee on application, when Order made	10.00	
	Attending to bespeak Letters of Administration & paid thereon	1.00	.50
	Paid for office copy of Inventory "X" for Official Administrator		.10
23	Received letter from Official Administrator enclosing original Letters of Administration		
	Making copy of Letters for Land Registry Office	1.50	
	Making copy of Inventory "X" for Land Registry Office & endorsing certificate of true copy	.75	
	Attending Court Registry with copies of Letters & of Inventory "X" to be sealed & paid	1.00	2.00
25	Attending Court Registry to obtain certified copies		
	Letter to Land Registry Office enclosing certified copies for filing & paid	1.00	.50
	Instructions to apply to register Transmission of title to Administrator of parcel of real estate of Deceased	1.50	
	Drawing application to register transmission to Administrator & attending to declare same & paid	1.75	.50
	Attending Land Registry Office with documents for registration of transmission & paid registration fees	1.50	14.20
	Letter to Official Administrator reporting & returning original Letters of Administration	1.00	
	Forward	58.70	21.55



	Forward	58.70	21.55
July 26	Drawing bill of costs	1.75	
	Copy	1.05	
	Drawing appointment to tax & copy	.50	
	Attending to take out appointment & paid thereon	1.00	1.00
	Attending on taxatuon	2.00	
	Paid for Allocatur		<u>1.00</u>
		65.00	23.55
		<u>23.55</u>	
	Presented at	\$88.55	
	Taxed off	\$	<u>55</u>
	Taxed & allowed at - - - - -	\$	<u>68</u>

A. H. Rodway  
Rep. Dist. Reg.



22330 ✓

S.C.B.C. IN PROBATE

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IN THE MATTER OF THE ESTATE

OF

KIHACHI HIRAYAMA, DECEASED

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BILL OF COSTS

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PERCY G. MASON



No. 33330

IN THE SUPREME COURT.

re estate of Kihachi Hirayama, Decd  
AND  
Plaintiff,  
Defendant.



Adlocatur

Dated this

31.

day of

Solicitor for

July, 19 45  
S. Moore  
Dominick Kato

★ 10M (100)-444-8830



ENTERED ON CHAMBERS LIST

33330

No.

IN THE SUPREME COURT.

IN PROBATE

IN THE MATTER OF THE ESTATE OF KIHACHI HIRAYAMA,  
AND

Plaintiff,

DECEASED

Defendant.

REQUIRED set down application by way of Petition for grant of  
administration of property of deceased to Samuel Alfred Moore,  
Official Administrator, before presiding Judge in Chambers on  
Wednesday the 11th day of July 1945.

OK  
all  
OK

Dated this

5th

day of

July

19 45

Solicitor for Petitioner

S. Moore

★ 10M (100)-345-5403 (2)





## 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 KIHACHI HIRAYAMA, deceased.

I, SAMUEL ALFRED MOORE, of the City of Vancouver, Province of British Columbia, Official Administrator for the County of Vancouver,

, make oath and say:—

That I am the applicant for letters of administration to the estate of Kihachi Hirayama, who died on or about the 6th day of September, 1944, 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 of administration be granted to the estate of the said Deceased 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 Deceased 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 hereby exhibited, marked "X," a full, true, and particular account of all the real and personal estate of the said Deceased, or of which the said Deceased 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 \$ 5646.93.

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, charges, 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

Deceased 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

Deceased 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

Deceased was not, to the best of my 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 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 <sup>my</sup> knowledge, information, and belief, no annuity, policy of insurance, or other interest had been purchased or provided by the said deceased, either by h <sup>im</sup> 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 City of Vancouver  
in the Province of British Columbia  
this 4<sup>th</sup> day of July, 19 45.

*Done account*

*Leslie C. Ford*

*Set*

~~A Notary Public for the Province of British Columbia.~~ <sup>A Commissioner, etc.</sup> ✓  
A Commissioner for taking affidavits within British Columbia.



S.C.B.C. IN PROBATE

3330

IN THE MATTER OF THE ESTATE

OF

KIHACHI HIRAYAMA, DECEASED

AFFIDAVIT OF VALUE AND  
RELATIONSHIP

PERCY G. MASON



**INVENTORY X.****"SUCCESSION DUTY ACT" (BRITISH COLUMBIA)****In The** SUPREME COURT OF BRITISH COLUMBIA **IN PROBATE**In the matter of the Estate of KIYACHI HIRAYAMA, Deceased.

1. REAL ESTATE (Give full value of property, setting out encumbrances (if any) in detail, separately)	TOTAL
Lots 14 and 15, Block 38, District Lot 301, Plan 187, Group 1, New Westminster District, City of Vancouver, British Columbia, Assessed value	5210.00



2. MONEYS SECURED BY MORTGAGE OR AGREEMENT OF SALE	PRINCIPAL		INTEREST		TOTAL	
NONE						

3. CASH AND GROSS AMOUNT OF LIFE INSURANCE, INCLUDING INSURANCE MONEYS PAYABLE TO A NAMED BENEFICIARY	PRINCIPAL		INTEREST		TOTAL	
NONE						

4. BOOK DEBTS AND PROMISSORY NOTES, ETC., INCLUDING INTEREST TO DATE OF DEATH	PRINCIPAL		INTEREST		TOTAL	
Credit balance in hands of Custodian, Account No. 3322					436.93	



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.)

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
<p style="text-align: center;">NONE</p>			

6. PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH

**TOTAL**

NONE



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**

NONE

6. PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH

**TOTAL**

NONE



7. PROPERTY TRANSFERRED AS A <i>DONATIO MORTIS CAUSA</i> OR GIFT <i>INTER VIVOS</i>	TOTAL
NONE	

8. REAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY	TOTAL
NONE	

9. PERSONAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY	PRINCIPAL	INTEREST	TOTAL
NONE			



10. PROPERTY PASSING UNDER SETTLEMENT WHEREBY DECEASED RESERVED RIGHT TO RECLAIM OR TO RESETTLE, OR OVER WHICH DECEASED HAD POWER OF APPOINTMENT	TOTAL
NONE	

11. BENEFICIAL INTERESTS FROM ANNUITIES PROVIDED BY DECEASED	TOTAL
NONE	

12. OTHER PROPERTY	TOTAL
Household goods and furniture.....	NONE
Pictures, plate, and jewellery.....	NONE
Farming implements .....	NONE
Horses .....	NONE
Horned cattle .....	NONE
Sheep, swine, and other domestic animals and birds.....	NONE
Farm produce of all kinds.....	NONE
Stock-in-trade, including good-will of business.....	NONE
Other personal property not before mentioned.....	NONE



SUMMARY OF FOREGOING NUMBERED ITEMS (State values of parts within and without British Columbia)		WITHIN BRITISH COLUMBIA	WITHOUT BRITISH COLUMBIA	TOTAL
Item 1.....		5210.00		5210.00
Item 2.....				
Item 3.....				
Item 4.....		436.93		436.93
Item 5.....				
Item 6.....				
Item 7.....				
Item 8.....				
Item 9.....				
Item 10.....				
Item 11.....				
Item 12.....				
TOTALS		5646.93		5646.93

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

B.C. Security Commission, Refund of funeral expenses paid by them	80.00
Mrs. Sode Hirayama, Refund of funeral expenses paid by her	25.00
R. Tagashira & Co., account owing for merchandise supplied to deceased	239.26
Toru Tamura, C/o P.S. Ross & Sons, Amount owing	590.00
Amount owing Japan & Canada Trust Savings Company, c/o P.S. Ross & Sons, under Mortgage on Lots 14 & 15, Blk. 38, D.L. 301, Grp. 1, N.W.D. Plan 187, inclusive interest to date of death	928.20
City of Vancouver, Taxes owing re Lots 14 & 15 Blk. 38, D.L. 301, Grp. 1, N.W.D., Plan 187, including arrears since 1941	1154.32
	<u>\$3016.78</u>

This is Inventory "X" referred to in the affidavit of Value and Relationship \_\_\_\_\_  
of \_\_\_\_\_ Samuel Alfred Moore

SWORN to at \_\_\_\_\_ Vancouver, B.C. \_\_\_\_\_, on the \_\_\_\_\_ 4<sup>th</sup> day of \_\_\_\_\_ July \_\_\_\_\_ A.D. 194 \_\_\_\_\_ 5

Rev. *Leslie C. She*  
Notary Public in and for the Province of British Columbia  
A Commissioner for taking affidavits within British Columbia



