

IN REPLY, PLEASE REFER
TO FILE NUMBER

ABD:DRW:lfb
Claim No. 49490

DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON 25, D. C.

REGISTERED MAIL
RETURN RECEIPT REQUESTED

MAR 3 1958

Sadaya Hirota
P. O. Box 72
Penryn, California

Dear Sir;

Reference is made to the above-numbered debt claim which has been filed with this Office with respect to the insolvent account of the Sumitomo Bank, Ltd. The claim is based upon yen certificates of deposit.

The Director of this Office decided on November 13, 1957, In the Matter of Kunio Abe, et al., Claim No. 55507, Docket No. 55 D 72, which decision the Attorney General has declined to review, that yen certificates of deposit issued by the Yokohama Specie Bank, Ltd. and the Sumitomo Bank, Ltd. are obligations payable in yen in Japan, and that claims based on such certificates of deposit are to be allowed and paid in United States currency at the post war rate of exchange in accordance with the "Judgment Day" rule set forth in Deutsche Bank v. Humphrey, 272 U.S. 517 (1926). Thus, the current rate of exchange of 361.55 yen to one dollar must be used in converting the yen into a dollar amount. Interest is allowable from the date of deposit to the date of payment.

Therefore, if you submit your original certificates of deposit to this Office, I can recommend your claim for allowance in the sum of \$ 0.42 plus interest. If you have lost your certificates, you should so advise me and state the branch in Japan of the Bank to which the remittances were forwarded. We will then attempt to trace your deposits on the records of the Bank.

Payment of your claim, however, will not be made immediately. Under the procedures set forth in section 34(f) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 34(f)), it is necessary that all of the approximately 9000 claims filed against the Sumitomo Bank, Ltd. be reviewed and a schedule issued showing the proposed payments before any payments can be made. Within sixty days after the issuance of the schedule, any aggrieved claimant may file in the District Court of the United States for the District of Columbia a complaint for review of such schedule, naming the Attorney General as defendant. If no complaint for review is filed, payments will be made in accordance with the schedule.

Advice received by this Office is to the effect that yen certificate of deposit accounts are carried on the books of the Sumitomo Bank, Ltd. in Japan, and the funds may be withdrawn in that country. Under the circumstances, you may wish to utilize the funds in Japan rather than await settlement by this Office. If this is done, the Notice of Claim filed with this Office should be withdrawn by signing and mailing the enclosed Notice of Withdrawal card.

If, however, you wish to maintain your claim with this Office, you are requested to submit the original certificates of deposit and to amend your claim to the above amount. A letter stating that you are willing to so amend your claim will be sufficient. In the event you object to the allowance of your claim in this amount, you should submit the certificates to this Office within the next thirty days and file a statement specifying your objections, together with the reasons in support thereof. Upon receipt of your objections, if I consider them to be without merit, I shall apply to the Director of this Office, pursuant to section 502.25(i) of the Rules of Procedure for Claims, a copy of which is enclosed, for the entry of an Order allowing your claim in the principal amount stated, plus interest, and dismissing any portion over and above that amount on the ground that there is no debt due and owing to you by the Sumitomo Bank, Ltd. in excess of that amount. In acting upon my application, the Director will consider the statement of objections that you may have submitted.

On the other hand, if within the next thirty days you do not submit the original certificates of deposit or an explanation as to why they cannot be forwarded, I shall conclude that the claim has been abandoned in its entirety and, without further notice to you, shall apply to the Director for the entry of an Order dismissing the claim on the ground of abandonment, pursuant to section 502.25(g) and (i) of the Rules of Procedure for Claims.

To recapitulate:

1. If you wish to maintain your claim, you should within thirty days forward the original certificates of deposit and:

- a. Amend your claim to the amount stated, or
- b. State your objections to the allowance of the claim in that amount.

2. If you wish to maintain your claim but do not have the original certificates of deposit, you should so advise me within thirty days, giving the name of the branch in Japan to which your funds were remitted, and:

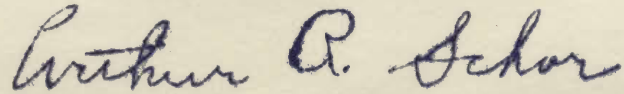
- a. Amend your claim to the amount stated, or
- b. State your objections to the allowance of the claim in that amount.

3. Where objections have been filed, if I consider them to be without merit, I shall apply to the Director for an Order allowing your claim in the principal amount stated, plus interest, and dismissing any portion over and above that amount.

4. If, within thirty days, you do not submit the original certificates of deposit or an explanation as to why you cannot forward them, I shall conclude that the claim has been abandoned and shall apply to the Director for an Order dismissing the claim on that ground.

5. If you prefer to utilize the funds in Japan, you should sign and mail the enclosed Notice of Withdrawal card in order to clear the records of this Office.

Sincerely yours,

A handwritten signature in cursive script that reads "Arthur R. Schor".

Arthur R. Schor
Chief, Claims Section
Office of Alien Property

Enclosures

TITLE 8 - ALIENS AND NATIONALITY
CHAPTER II - OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE

PART 502 - RULES OF PROCEDURE FOR CLAIMS UNDER THE TRADING WITH THE ENEMY ACT

Section 502.25 - MOTION TO DISMISS

Paragraphs (g) and (i) of Section 502.25 of the Rules provide:

- (g) A claim shall be deemed abandoned when after request to do so the claimant has not furnished relevant information in support of his claim, or where by virtue of his failure to respond to inquiries regarding the claim it appears that he does not wish to pursue it further. The Hearing Examiner may on his own motion enter a recommended order dismissing a docketed claim as abandoned when the claimant fails to produce any information or document ordered so produced by the Hearing Examiner.
- (i) Notwithstanding the provisions of this section the Chief of the Claims Section may serve a notice upon the claimant that, after the expiration of a time fixed in the notice, which time shall not be less than thirty (30) days, he intends to apply to the Director for an order dismissing the claim. The notice shall state the grounds for dismissal and the claimant may, within the time indicated in the notice, file a statement specifying his objections to dismissal, together with his reasons in support thereof; any evidence or other material in support of the claim which has not previously been filed with this Office shall be filed by the claimant with the statement of objections. Upon application by the Chief of the Claims Section for an Order dismissing the claim, the Director will consider the objections if any which may have been filed. The Director thereafter may remand the application to the Chief of the Claims Section for further proceeding under the rules in this part, or in the case of non-expected claims if it appears to him that there is no genuine issue may issue an order dismissing the claim. In cases of expected claims where the Director is of the opinion there is no genuine issue he shall transmit the record together with any objections which have been filed to the dismissal of the claim to the Attorney General, and upon approval by the Attorney General, the Director shall enter an order dismissing the claim. (21 F. R. 1582, March 14, 1956)

§502.2(h) provides: "The terms 'expected claim' means (1) any title claim which involves the return of assets having a value of \$50,000 or more and any debt claim in the amount of \$50,000 or more; * * * * *and
§502.2(i) provides: "The term 'non-expected claim' shall mean any claim other than an 'expected claim'." (21 F. R. 1580, March 14, 1956)