

## Vested Property

IMMEDIATE PROBLEMS

## I Settlement of the Will with necessary papers

A It must be done by Feb, 15, 1955.

B. Various documents possessed by my family,

a My sister has (1) original will, (2) copy of the will, (3) original copy of death certificate.

b My family in Japan has a copy the claim filed by my father. (I am in doubt whether they have a copy of the will and a copy of death certificate. I am almost sure that a copy of death certificate is available anytime in Japan.)

The copy of the claim may have been sent to my sister.

## II In case that the probaton of the will takes place in Hawaii.

a What specific papers are needed? (Original will, original death certificate and a copy of a claim?)

b How and where should those papers be recognized, certified, and authenticated?

## III It seems there are two ways of probating the will in Hawaii assuming that it is to be done there.

FIRST,

a the original will written in Japanese is valid under the Japanese law. The original will in English must be recognized in court, since it is not valid under the Japanese law. The contents of the will in Japanese is very simple. (It does not mention the particulars, as it does in the will by English.)

b The U. S. court should send the necessary forms to Japanese court to be filled out by the witness who thereby swears on oath that the will was prepared by my father.

c With these forms and other documents back in Hawaii, the probaton of the will (original) will be done there.

SECOND,

a It is assumed that if the original will in English is recognized in Japan, only the copy of such recognized will be sent to Hawaii. Instead, it is better to have the original will recognized in Hawaii and send its copy to Japan.

b Since one of the witness is an alien, (Indian from India), he may be able to certify the will at the American Consulate when requested by the U. S. court th the Consulate, after the will is being recognized by the Japanese court under oath by one of the witness, this proceeding being also requested by the same U. S. court to the Japanese court.

c Then with the certified copy of the will and also the certified copy of death certificate, the probaton of the will may be done in Hawaii.

AND DULY AUTHENTICATED BY STEP b ABOVE,

d It was found that the American Consulate in Japan will not **AUTHENTICATE** such documents so easily when requested by the Japanese court alone, by an order from the Department of Justice; therefore, steps b and c, if it can be done, is the wisest and less expensive way of getting the matter over.

#### IV Three questions:

A Will the American Consulate official certify and authenticate the will (and the death certificate) after the will was being recognized by the Japanese court?

B Should the U. S. court have the original will instead of the second copy of the will?

C Is it probable that the inheritance tax be paid to the Japanese government since an American (I) receives the property which formerly belonged to an alien (My father subject to the Japanese rules.)?

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#### V The necessary documents which should be filed by me are:

1 Schedule 9A. (already done)

2 Certified copy of my father's death certificate duly authenticated.

3 Certified copy of his will, duly authenticated as above by an American Consulate official.

\*What is the relationship between these papers, and those papers and those other papers which would be used in probate of the will in Hawaii? Do I have to submit these above papers regardless of probating the will in Hawaii? If filed, is there a necessity of probating the will in Hawaii?

\*Do I need to submit another new claim which should be substantially the same as the one filed by my father? Or, do I only have to file a copy of my father's claim which is in the hand of either my mother or my sister? Who should file the claim, Mr. Stone or I?

#### VI My decision to abandon the Japanese citizenship, since I have a dual citizenship. The papers needed are:

1 Birth certificate

2 Census-register (Kosekiton) <sup>Ho</sup> -- Issued within 6 months from Japan.

3 Certificate of nationality -- How and where can I get it?

It is to be done through the Japanese Consulate official in N. Y.

VII It seems claim filed by my father included the claims against the property having the vesting order nos, 2783, 3567, 5183, 7497. (Reference to 10) It is in doubt whether he filed a claim against the vesting order nos., 13491, 10305, and 11596. (Reference to 5) If it was found that his claim previously filed was impoete so as to omit some of the property to be returned, what steps should be taken?

VIII About Mr. Nakata's claim against 24 shares of J. S. Miwa Co. -- He has no right to claim for those shares, since the shares were registered

and beneficially owned by my father. My mother wants to ask Mr. Nakata when, how, and with what intention he filed such a claim against those 24 shares which he has no right to do. It is one of the ways considered now that the Office of Alien Property should stop dealing with it immediately until all the information on his claim is gathered.

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Corrections, adjustments, and other information,

I In Mr. Stone's letter dated Sep. 3, 1954, vesting order 5983 should be corrected as vesting order 5183.

II In J. S. Miwa Co., the following persons were responsible for the management during my father's absence:

Mr. Murakami\*

Mr. Marumoto\*

Mr. Karimoto

Mr. Nakata (Former Manager)

\*Both of them were corporation lawyers to the Co.,

III Mr. Koyama (Connected <sup>WITH</sup> and worked in the former Yokohama Bank now called as Tokyo Bank.) of Tokyo Bank knows very thoroughly the business of J. S. Miwa Co., which had been financed by Tokyo Bank and Sumitomo Bank of Japan for the last 30 years.

IV Better idea that a biography written by mother about my father and me should be filed with English translation duly corrected by Mr. Stone and me. Question of whether the biography written in Japanese should be attached with English translation when filed.

V Regarding the above II, my father wanted to check up the management thoroughly, since the balance sheet and income statements did not reflect the true conditions of the business. However, it does not mean that he doubted those persons mentioned above. It is the truth that the assets owned by him in the Co., exceeded \$300,000 at least as of 1941, and those same assets were sold in auction at \$130,000, which is considerably a low figure even with the consideration on depreciation and other expenses. There is a question of whether the vested property could be revalued so as to be near the corrected value.

VI There is a need to settle the transactions between Mr. Murakami and Mr. Stone and between Mr. Murakami and me. The contents of the letters which should be written to him should be considered.