

BEFORE THE OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE

RE: Seigo Miwa, deceased
Claim Number 36891

MEMORANDUM IN SUPPORT OF FINDING IN PARAGRAPH 2 OF SUPPLEMENTAL VESTING ORDER NUMBER 5183 THAT: 24 SHARES REGISTERED IN THE NAME OF SHIGERU NAKATA, ARE BENEFICIALLY OWNED BY
J. S. MIWA

Comes now Lawrence Fumio Miwa, by his counsel, and represents as follows:

1. That Lawrence Fumio Miwa is the successor-in-interest to his father, the late Seigo Miwa in the above-captioned claim;

2. That by Claim Number 4700 dated 28 December 1945, Shigeru Nakata, a citizen of Japan, sought to assert a claim to twenty-four (24) shares of One Hundred Dollar (\$100) par value capital stock of J. S. Miwa & Company, Ltd., thereby attempting to do indirectly what he dared not attempt directly inasmuch as, to the best of the information and belief of Lawrence Fumio Miwa, up until May 23, 1954, the date of Seigo Miwa's death, he never indicated to Seigo Miwa that he had this claim or otherwise attempted to assert it;

3. That in his claim Shigeru Nakata admits that he did not pay cash for this stock, but suggests that the consideration for the registering of these stocks in the name of Shigeru Nakata was the cancellation of a credit balance in favor of Shigeru Nakata. However, the existence of this credit balance is conjectural: Shigeru Nakata alleges no particulars which gave rise to the credit balance; he adduces no documentary evidence of the existence of this balance, but merely talks

vaguely of "a claim against Seigo Miwa for an undetermined sum in connection with J. S. Miwa Shokai of San Francisco";

4. Shigeru Nakata predicates his claim upon the allegation that he was a partner in J. S. Miwa Shokai of San Francisco, although he admits that ostensibly this was not a partnership, and he proffers no evidence by way of partnership agreement or the like in support of his intimation that he was a partner and not merely the San Francisco manager of the establishment;

5. That Seigo Miwa intended that his son, Lawrence Fumio Miwa, should succeed to him in owning his business in Honolulu, and that he willed his son his claim in connection therewith, and informed him in detail as to the status of that business, stating that he, Seigo Miwa, was the sole proprietor of the corporation and he never indicated that Shigeru Nakata had any claim, legal, equitable, or otherwise;

6. That as a result of all of the foregoing, Shigeru Nakata has no valid claim to the twenty-four (24) shares of J. S. Miwa & Company, Ltd.; that at best there may be evidence of stock registered in the name of Shigeru Nakata which was part of a business transaction which was never consummated and for which Shigeru Nakata gave no consideration;

7. That since Shigeru Nakata has never made a timely assertion against either Seigo Miwa or Lawrence Fumio Miwa as successor-in-interest of his father's claim to this stock, the claim of Shigeru Nakata should not now be granted. Such denial, it is contended, is mandatory where, as here, there is presented no evidence in support of claimant's vague self-serving statements.

Respectfully submitted,

O. E. Stone
Attorney for Lawrence Fumio Miwa

NEW YORK, N. Y.; SS:

Lawrence Fumio Miwa, being first duly sworn, according to law, deposes and says that he has read the foregoing Memorandum and knows the contents thereof; that the matters and things therein set forth as to his personal knowledge are true and those based upon information and belief he believes to be true.

Lawrence Fumio Miwa

Subscribed and sworn to before me this _____ day of
September, 1955.

Notary Public

Copy of the foregoing Memorandum mailed by registered mail, Return Receipt requested, to Shigeru Nakata, 1017 Alewa Drive, Honolulu, Hawaii, this _____ day of September, 1955.

O. E. Stone