



Affidavit of Michèle Hay #2  
Sworn: July 17, 2019

No. S-1813807  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE PART XIII OF THE  
*BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C. B-6,  
AS AMENDED

AND

IN THE MATTER OF MASAHIKO NISHIYAMA,  
BANKRUPT UNDER THE LAWS OF JAPAN

**AFFIDAVIT**

I, **MICHÈLE HAY**, Legal Assistant, of Suite 2300 – 550 Burrard Street, Vancouver, BC, SWEAR THAT:

1. I am employed with the firm of Gowling WLG (Canada) LLP, counsel for Hiroshi Morimoto, the Trustee in Bankruptcy of Masahiko Nishiyama, and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be based on information and belief, and where so stated I verily believe them to be true.

2. I am advised by the Trustee and verily believe it to be true that the Trustee delivered copies of the Notice of Application and Affidavit of Anthony Tillman #1, each filed on June 3, 2019, on the following parties:

- (a) Masahiko Nishiyama at his residential address and through his counsel, Mr. Murao and Ms. Shiina;
- (b) Hatsumi Nakajima, through her counsel, Mr. Ishigawa;

- (c) Atsuma Nishiyama and Masako Nishiyama, at their residential addresses, and through their counsel, Ms. Shiina;

Copies of the delivery receipts are attached hereto and marked as Exhibit "A" to this my Affidavit.

3. Attached hereto and marked as Exhibit "B" to this my Affidavit is a copy of the translation of the Minutes of Creditors Meeting in Bankruptcy of Masahiko Nishiyama, dated June 26, 2019, prepared by the Trustee.

**SWORN BEFORE ME** at Vancouver, this  
17 day of July, 2019.

A Commissioner for taking Affidavits within  
the Province of British Columbia

*Michele Hay*  
MICHELE HAY

**COLIN BROUSSON**  
**GOWLING WLG (CANADA) LLP**  
 BARRISTER & SOLICITOR  
 550 BURRARD STREET - SUITE 2300  
 BENTALL 5 - VANCOUVER, B.C. V6C 2B5  
 TELEPHONE: (604) 683-6498

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THIS IS EXHIBIT "A" REFERRED TO IN THE  
AFFIDAVIT OF **MICHÈLE HAY**, SWORN BEFORE ME AT  
VANCOUVER, BC, THIS 17<sup>th</sup> DAY OF  
JULY, 2019.

  
A Commissioner for taking Affidavits within British Columbia

**COLIN BROUSSON**  
GOWLING WLG (CANADA) LLP  
BARRISTER & SOLICITOR  
550 BARRARD STREET - SUITE 2300  
BENTALL 5 - VANCOUVER, B.C. V6C 2B5  
TELEPHONE: (604) 683 6498

VANCOUVER, B.C. V6C 2B5  
TELEPHONE: (604) 683 6498

契 12-18 印

## 郵便物等配達証明書

受取人の氏名	西 山 正彦 様
お問い合わせ番号	151-51-70808-4 号
<p>上記の郵便物等は、1 年 6 月 7 日に配達しましたので、これを証明します。</p>	
<p>日本郵便株式会社</p> <p>大津中央局</p>	

ユ07370 (29・SYE)

契 1.6.7 印

12-18

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## 郵便物等配達証明書

受取人の氏名	弁護士法人キャスト 大阪事務所 弁護士 村尾 龍雄 様
お問い合わせ番号	151-51-70811-0 号
<p>上記の郵便物等は、1 年 6 月 7 日に配達しましたので、これを証明します。</p>	
<p>日本郵便株式会社</p> <p>大阪北局</p>	

ユ07370 (2018・SYE)

契 1.6.7 印

18-24

## 郵便物等配達証明書

受取人の氏名	石側り法律事務所 弁護士 石側り 亮太 様
お問い合わせ番号	151-51-70812-1 号
<p>上記の郵便物等は、1 年 6 月 7 日に配達しましたので、これを証明します。</p>	
<p>日本郵便株式会社</p> <p>中京郵便局</p>	

ユ07370 (2018・SYE)

契 1.6.13 印

12-18

## 郵便物等配達証明書

受取人の氏名	西山 篤磨 様
お問い合わせ番号	151-51-70809-5 号
<p>上記の郵便物等は、1 年 6 月 13 日に配達しましたので、これを証明します。</p>	
<p>日本郵便株式会社</p> <p>大阪北局</p>	

ユ07370 (2018・SYE)

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そばにいるから、できることがある。

Contact (Japanese Version Only) | Skemap (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
151-51-70808-4	Registered Mail

## History information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/06/2019 17:50	Posting/Collection		KITAHAMA	OSAKA
			541-0042	
06/06/2019 22:00	Dispatched at Exchange Office		OSAKAKITA	OSAKA
			530-8799	
06/07/2019 05:00	Dispatched at Exchange Office		KYOTO	KYOTO
			610-8799	
06/07/2019 07:03	Processing at delivery Post Office		OTSUCHUO	SHIGA
			520-8799	
06/07/2019 11:44	Final delivery		OTSUCHUO	SHIGA
			520-8799	

## Office contact information

Case class	Office	Phone number
Acceptance	KITAHAMA	06-6231-0190
Delivery	OTSUCHUO	0570-943-020

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

Check the local office (Japanese Only). ▶

Item No. search ▶

Serial No. search ▶

## Mail

Registered Mail  
Cash Registration Mail  
Simplified Registered Mail  
Acceptance-recorded Mail



LETTERPACK  
LETAX



## Parcel

Yu-Pack  
Yu-Packet

## International Mail

EMS  
International Parcel

8 ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## ✉ 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
転居・転送サービス  
発送オプション  
郵便  
速達  
特定配達  
配達日指定

商品・サービス一覧

## よくあるご質問

ネットでも転居届を出す  
ことが出来るって本当？  
ネットでも切手やはがきを  
買ったりできるの？  
郵便局でもふるさと納税を  
支援しているの？

よくある質問一覧



そばにいるから、できることがある。

Contact (Japanese Version Only) | Sitompp (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
151-51-70811-0	Registered Mail

## History information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/06/2019 17:50	Posting/Collection		KITAHAMA 541-0042	OSAKA
06/06/2019 23:01	Processing at delivery Post Office		OSAKAKITA 530-8799	OSAKA
06/07/2019 11:31	Final delivery		OSAKAKITA 530-8799	OSAKA

## Office contact information

Case class	Office	Phone number
Acceptance	KITAHAMA	06-8231-0190
Delivery	OSAKAKITA	0570-943-387

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

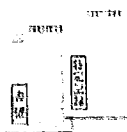
Check the local office (Japanese Only). ▶

Item No. search ▶

Serial No. search ▶

## Mail

Registered Mail  
Cash Registration Mail  
Simplified Registered Mail  
Acceptance-recorded Mail



LETTERPACK  
LETAX



## Parcel

Yu-Pack  
Yu-Packet  
Click Post



## International Mail

EMS  
International Parcel  
Registered Mail  
Insured Mail



Item No. search ▶

Serial No. search ▶

ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## ✉ 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
郵便・転送サービス  
発送オプション  
書留  
速達  
特定記録  
配達日指定

商品・サービス一覧

## よくあるご質問

ネットでも郵便局を出すことが出来るって本当？  
ネットでも切手やはがきを買った？できるの？  
郵便局でもふるさと納税を支援しているの？

よくある質問一覧



そばにいるから、できることがある。

Contact (Japanese Version Only) | Sitemap (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
151-51-70812-1	Registered Mail

## History information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/06/2019 17:50	Posting/Collection		KITAHAMA	OSAKA
			541-0042	
06/07/2019 00:10	Dispatched at Exchange Office		OSAKAKITA	OSAKA
			530-8799	
06/07/2019 05:30	Dispatched at Exchange Office		KYOTO	KYOTO
			610-8799	
06/07/2019 05:49	Processing at delivery Post Office		NAKAGYO	KYOTO
			604-8799	
06/07/2019 12:05	Final delivery		NAKAGYO	KYOTO
			604-8799	

## Office contact information

Case class	Office	Phone number
Acceptance	KITAHAMA	06-6231-0190
Delivery	NAKAGYO	0570-943-903

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

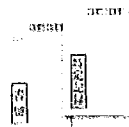
Check the local office (Japanese Only) ▶

Item No. search ▶

Serial No. search ▶

## Mail

Registered Mail  
Cash Registration Mail  
Simplified Registered Mail  
Acceptance-recorded Mail



LETTERPACK  
LETAX



## Parcel

Yu-Pack  
Yu-Packet

## International Mail

EMS  
International Parcel

ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## ☐ 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
転居・転送サービス  
発送オプション  
集荷  
速達  
特定記録  
配達日指定

商品・サービス一覧

## よくあるご質問

ネットでも転居届を出すことが出来るって本当？  
ネットでも切手やはがきを買ったりできるの？  
郵便局でもふるさと納税を支援しているの？

よくある質問一覧



そばにいるから、できることがある。

Contact (Japanese Version Only) | Sitemap (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
151-51-70809-5	Registered Mail

## History information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/06/2019 17:50	Posting/Collection		KITAHAMA	OSAKA
			541-0042	
06/06/2019 23:01	Processing at delivery Post Office		OSAKAKITA	OSAKA
			530-8799	
06/07/2019	Absence, Attempted delivery.		OSAKAKITA	OSAKA
			530-8799	
06/12/2019	A request for re-delivery was received.		INTERNET/IVR	
06/12/2019	A request for re-delivery was received.	Scheduled delivery date: Jun 13 From 16:00 to 18:00	INTERNET/IVR	
06/13/2019 15:59	Final delivery		OSAKAKITA	OSAKA
			530-8799	

## Office contact information

Case class	Office	Phone number
Acceptance	KITAHAMA	06-6231-0180
Delivery	OSAKAKITA	0570-943-387

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

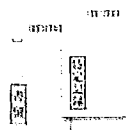
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Item No. search ▶

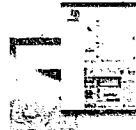
Serial No. search ▶

## Mail

Registered Mail  
Cash Registration Mail  
Simplified Registered Mail  
Acceptance-recorded Mail



LETTERPACK  
LETAX



## Parcel

## International Mail

ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
転居・転送サービス  
発送オプション  
貴重  
速達  
特定記録  
配達日指定

商品・サービス一覧

## よくあるご質問

ネットでも転居届を出すことが出来るって本当？  
ネットでも切手やはがきを買ったりできるの？  
郵便局でもふるさと納税を支援しているの？

よくある質問一覧





そばにいるから、できることがある。

Contact (Japanese Version Only) | Sitemap (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
151-51-70810-6	Registered Mail

## History information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/06/2019 17:50	Posting/Collection		KITAHAMA 541-0042	OSAKA
06/07/2019 00:10	Dispatched at Exchange Office		OSAKAKITA 530-8799	OSAKA
06/07/2019 05:30	Dispatched at Exchange Office		KYOTO 610-8799	KYOTO
06/07/2019 06:41	Processing at delivery Post Office		SAKYO 606-8799	KYOTO
06/07/2019	Absence. Attempted delivery.		SAKYO 606-8799	KYOTO
06/15/2019	Returned to Sender	Retention	SAKYO 606-8799	KYOTO
06/16/2019 14:00	Dispatched at Exchange Office		SAKYO 606-8799	KYOTO
06/16/2019 18:00	Dispatched at Exchange Office		KYOTO 610-8799	KYOTO
06/17/2019 05:10	Dispatched at Exchange Office		SHINOSAKA Branch 539-8799	OSAKA
06/17/2019 06:04	Processing at delivery Post Office		OSAKAHIGASHI 541-8799	OSAKA
06/17/2019 11:32	Returned to sender		OSAKAHIGASHI 541-8799	OSAKA

## Office contact information

Case class	Office	Phone number
Acceptance	KITAHAMA	06-6231-0100
Delivery	OSAKAHIGASHI	0570-943-189

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

Check the local office (Japanese Only). ▶

 ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
転居・転送サービス  
発送オプション  
重箱  
運賃  
特定記録  
配達日指定

商品・サービス一覧

## よくあるご質問

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ことが出来るって本当？  
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よくある質問一覧



そばにいるから、できることがある。

Contact (Japanese Version Only) | Sitemap (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
6261-7332-0743	LETTERPACK Lite

## History information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/25/2019 16:12	Posting/Collection		OSAKAKITA	OSAKA
			530-8799	
06/26/2019 02:49	Processing at delivery Post Office		SAKYO	KYOTO
			606-8799	
06/26/2019 14:58	Final delivery		SAKYO	KYOTO
			606-8799	

## Office contact information

Case class	Office	Phone number
Acceptance	OSAKAKITA	0570-943-387
Delivery	SAKYO	0570-943-469

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

Check the local office (Japanese Only). ▶

Item No. search ▶

Serial No. search ▶

## Mail

Registered Mail  
Cash Registration Mail  
Simplified Registered Mail  
Acceptance-recorded Mail



LETTERPACK  
LETAX



## Parcel

Yu-Pack  
Yu-Packet  
Click Post



## International Mail

EMS  
International Parcel  
Registered Mail  
Insured Mail



Item No. search ▶

Serial No. search ▶

8 ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## ✉ 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
転居・転送サービス  
発送オプション  
書留  
速達  
特定記録  
配達日指定

商品・サービス一覧

## よくあるご質問

ネットでも郵便局を出すことが出来るって本当？  
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支援しているの？

よくある質問一覧



そばにいるから、できることがある。

Contact (Japanese Version Only) | Sitemap (Japanese Version Only) | 日本語

Details of search result  
[Mail]

## Delivery Status Details

Item number	Class of goods
173-36-42080-2	Registered Mail

## History Information

Date	Shipping track record	Details	Office	Prefecture
			ZIP code (Postal code number)	
06/25/2019 15:57	Posting/Collection		KITAHAMA 541-0042	OSAKA
06/25/2019 20:00	Dispatched at Exchange Office		OSAKAKITA 530-8799	OSAKA
06/26/2019 05:00	Dispatched at Exchange Office		SHINTOKYO Branch 137-8799	TOKYO
06/26/2019 08:08	Processing at delivery Post Office		GINZA 100-8799	TOKYO
06/26/2019 11:14	Final delivery		GINZA 100-8799	TOKYO

## Office contact information

Case class	Office	Phone number
Acceptance	KITAHAMA	06-8231-0190
Delivery	GINZA	0570-843-814

\* Please click the handling office in case of inquiry. (Japanese only)

Top ▶

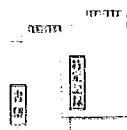
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Item No. search ▶

Serial No. search ▶

## Mail

Registered Mail  
Cash Registration Mail  
Simplified Registered Mail  
Acceptance-recorded Mail



LETTERPACK  
LETAX



## Parcel

Yu-Pack

## International Mail

EMS

ビジネスで  
利用されるお客さまへ

## Q 便利な機能

郵便番号検索  
料金の計算  
お届け日数を調べる  
郵便局をさがす  
集荷のお申し込み  
配達のお申し込み  
追跡サービス

## 郵便

商品・サービス  
手紙・はがき  
レターパック  
ゆうパック  
ゆうメール  
国際郵便  
切手  
転居・転送サービス  
発送オプション  
書留  
速達  
特定記録  
配達日指定

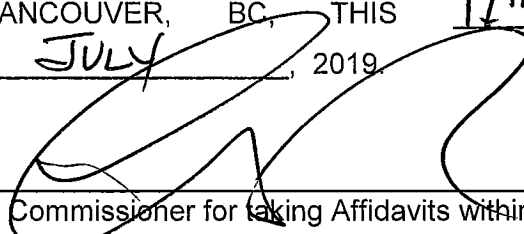
商品・サービス一覧

## よくあるご質問

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郵便局でもふるさと納税を支援しているの？

よくある質問一覧

THIS IS EXHIBIT "B" REFERRED TO IN THE  
 AFFIDAVIT OF **MICHÈLE HAY**, SWORN BEFORE ME AT  
 VANCOUVER, BC, THIS 17<sup>th</sup> DAY OF  
JULY, 2019.

  
 A Commissioner for taking Affidavits within British Columbia

**COLIN BROUSSON**  
 GOWLING WLG (CANADA) LLP  
 BARRISTER & SOLICITOR  
 550 BURRARD STREET - SUITE 2300  
 DOWNTOWN - VANCOUVER, B.C. V6C 2B5  
 TELEPHONE: (604) 681-6408

## Minutes of Creditors Meeting in Bankruptcy of Masahiko Nishiyama

○Date: June 26, 2019 From 4:45p.m. to 5:00p.m.

○Attendees (titles omitted)

Kyoto District Court: Judge Kubota, Judge Koyama, Judge Saito, Taniguchi (clerk)

RCC: Lawyer Moriguchi, Lawyer (Tetsu) Nakanishi, Egawa

Bankrupt: Masahiko Nishiyama

<K P> Morimoto, Sakamoto, Ujita

(Morimoto) We haven't received an inventory of property from the bankrupt since this bankruptcy proceeding was commenced by petition submitted by a creditor. The bankrupt visited my office and we met on June 17 of this year. As I explained before in the (Kyoto) Detention House and the (Shiga) Prison, I told him again that he is obliged to report to me on the full details of the assets in Japan and overseas. Although he promised to visit my office at 3 p.m. on June 25 to report to me on the papers of the assets, that was canceled (by the bankrupt). We collected the assets in Singapore and Hong Kong. The assets are now being collected in Canada

(Kubota) Do the creditors have any question?

(Moriguchi) No, we don't.

(Masahiko) I can't hear well as I am hard of hearing. Can I move my desk closer to the bench? (He moved his folding desk to the Judge and trustee's bench)

(Kubota) You can't move your desk closer to us without permission.

\* Masahiko put his desk back to the original position.

The trustee explained again (details are omitted as he repeated the same explanation). Judge Kubota asked Masahiko in the middle of his explanation whether or not he can hear it, and he answered he can.

(Kubota) Do you have any documents that you want to disclose today?

(Masahiko) No, I don't.

(Kubota) Does that mean you don't have anything to be declared, or you didn't bring any documents today?

(Masahiko) I don't have anything that I can explain as this has happened during my travel (to Japan). I have no idea what is going on unless you disclose to me the things that you have found (assets). I can't submit anything because I'm not permitted to go abroad. I

was imprisoned in jail. Although I sent a letter to (the court in) Canada, the letter was sent back because the form was different. The documents from (the court in) Canada were forwarded to the trustee. I asked Mr. Murao, a lawyer in Tokyo to write the letter, but it was sent back. I can't explain anything because I don't know how much asset you have finished (collecting).

(Kubota) What the trustee says is that you should explain as long as you can remember.

(Masahiko) I don't want to explain what I'm uncertain about in the court. Is it ok to explain wrong things to the trustees?

(Morimoto) We can confirm correct information by referring to the banks. Please just tell us what you know.

(Masahiko) Won't I be held liable if the actuals turn out to be different from (my) memory? May I just specify the banks I remember?

(Kubota) Making a mistake is unavoidable, but you should not cause confusion. You will not be held liable just because you are wrong.

(Masahiko) I know I have a responsibility for explaining.

(Kubota) You will be held liable if you interfere by telling a lie.

(Masahiko) Will I be held liable if nothing is found as I have stated?

I received the documents for Canada (trial) about 3 days before the hearing. Despite the fact that the trustee is the plaintiff and I am the defendant of the trial, I am prevented from going to Canada by the authority of the trustee. Isn't that a deviation from authority?

(Kubota) The court will examine if you submit a document. It is not appropriate to make a conclusion here and now. If you are prepared to disclose the assets, please do so.

(Masahiko) The trials have been concluded in Hong Kong and Singapore. I would like to obtain the case name, date of filing and decision of each trial.

(Morimoto) As for the trials in Singapore and Hong Kong, you rejected the receipt of the served documents. Both trials have been already concluded after rendition of judgments. I am not obligated to answer.

(Masahiko) I rejected the receipt because there was little space to store documents in prison cell and I was told to bring them to the storage. Besides, I was not capable of reading those documents written in English. I sent a handwritten letter to Singapore, but it was rejected by the Singaporean court as it was written by hand. I asked a prison officer to let me use a typewriter, which was denied.

Date for the Next Meeting

September 18, Wednesday

From 4:15p.m. to 4:30p.m.

(END)

No. S-1813807  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE PART XIII OF THE  
*BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985,  
C. B-6, AS AMENDED

AND

IN THE MATTER OF MASAHIKO NISHIYAMA,  
BANKRUPT UNDER THE LAWS OF JAPAN

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**AFFIDAVIT**

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