



their father's ownership of the property for which they had claimed and its loss through confiscation by the Albanian Communist regime in 1948. In addition, claimant CONSTANCE Z. ZOTOS asserted a new claim for the alleged confiscation of her dowry by the Albanian authorities after her escape from Albania with her mother and sister in 1946. These items, which are said to have included a handmade wedding dress valued at \$250, jewelry valued at \$700, and "two complete bed sheet sets" valued at \$150 each, as well as 50 sheep, 20 chickens, and several other farm animals, assertedly had a total value of \$4,620 at the time of loss. As support for the claim, they have submitted two affidavits by two former residents of Catiste purporting to confirm the existence of the dowry, on the ground that it is "common knowledge" that "all female daughters [sic] in Albania inherit a dowry from their mother." In addition, they have submitted a *Vertetim*, or "Verification," dated October 15, 1996, executed by the "Chairman of the Pogon Commune," one Stavro Xarballa, purporting to verify that claimant CONSTANCE Z. ZOTOS, under the name Kostando Zarballa, had owned 80 *dynym* (8 hectares or about 20 acres) of farmland in the vicinity of Catiste village, including a vineyard with 45 vines and a total of 45 fruit trees, as well as 234 sheep, a cow and two oxen, and 170 *dynym* (about 42 acres) of

pasture land, and that this property was seized by the Albanian Communist regime in 1948, when all farmland in the area was consolidated into collective farms.

Claimants had originally requested an oral hearing before the Commission in which to present their objection and supporting evidence and testimony. In accordance with their request, a hearing was scheduled for April 15, 1997. However, due to delays experienced by the Commission's independent consultant in Albania in completing his investigation of claimants' and other claims, because of the political unrest in the country, the hearing was cancelled and further consideration of the claimants' claim was held in abeyance until May 7, 1998, when the Commission advised the claimants in a letter of that date that a new hearing had been scheduled for June 15, 1998. In addition, they were furnished a copy of the results of the Commission's consultant's investigation of their case.

Claimants did not appear for the oral hearing on the scheduled date, and had not requested a postponement of the hearing beforehand. Therefore, in accordance with its regulations, the Commission considered the objection in a hearing on the record.

The Commission first notes that, by letter dated April 1, 1998, claimant CLEOPATRA BIZOUKAS advised the Commission that she wished to relinquish her rights in the present claim in favor of her sister. Treating this statement as an assignment of her portion of the claim to her sister, the Commission holds that claimant CONSTANCE Z. ZOTOS is entitled to claim for a two-thirds share in the loss of property sustained by her father through confiscation by the Albanian Communist regime, based on her and her sister's status as heirs to respective one-third shares in their father's estate upon his death intestate in New York in 1956. See *Claim of JOHN ZARBALLAS, CONSTANCE ZOTOS and CLEOPATRA BIZOUKAS*, Claim Nos. W-1403 and W-7165, Decision No. W-19815 (1967).

With regard to the nature of the property owned by claimants' father, the Commission's independent consultant in Albania has searched at length among the land records in the archives and cadastral office of the District of Gjirokaster for corroboration of the Vertetim by the chairman of the Pogon Commune which the claimants have submitted, but has been unable to confirm any of the alleged facts set forth in that document. Rather, he reports that he has only been able to confirm that claimants' uncle, Vasil Stavro Zarballas, owned an unspecified amount of farmland in the Catiste vicinity, with one Kostando Zarballas also

being listed as a co-owner of that property. On this point, however, the Commission notes that according to the claim file, Kostando was also the name of the claimants' aunt, the wife of their uncle John Zarballas. The consultant also reports that he found a record in the Cadastral Office reflecting Kostando Zarballas's ownership of a parcel of land covering 666 square meters on which a house may stand or have stood, but claimants have stated that their family's house has remained in the family's possession throughout the years after World War and that they are not asserting a claim for it.

On the other hand, it is also to be noted that in their war damage claims, the Commission determined on the basis of the claimants' testimony and that of their uncle John that the property that had been destroyed included 300 grape vines and 10 fruit trees, as well as 100 sheep, 2 mules and 5 horses. In view of that determination, it is reasonable to assume that their family owned some amount of agricultural land, on which the vines and fruit trees grew and the sheep and goats grazed, and which was cultivated using the mules and horses. Based on the numbers of vines and fruit trees, the Commission finds that the claimants' family owned at least 3,000 square meters (0.3 hectare) of vineyard and 1,000 square meters (0.1 hectare) of orchard, as well as at least one hectare of cropland and two hectares of pasture.

As for the loss of claimants' father's property interest, the Commission is aware that on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." This law provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal owner (Land Reform Law No. 108, GZ 1945, No. 39). This law was then affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." (Alb. Const., 1946, Ch. I, Art. 12).

Based on claimants' statements and the entirety of the record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving claimants' late father of his property, thereby resulting in an uncompensated expropriation by the Government of Albania. According to the file, the property in question was confiscated in 1948. In the absence of a more precise date, the Commission will deem the confiscation to have occurred as of January 1, 1948. Claimant CONSTANCE Z. ZOTOS is accordingly entitled to an award based on her inherited and assigned two-thirds share in her father's claim for his one-fourth

interest in the property<sup>1</sup> as of that date, thereby entitling her to compensation equivalent to one-sixth of the value of the property as of the loss date.

Claimants have not asserted a value for the property in question as of the loss date. Based on comparisons with property involved in other claims, the Commission finds that the property had a value as of the 1948 confiscation of \$1,500.00. Claimant CONSTANCE Z. ZOTOS is therefore entitled to an award in the principal amount of \$250.00 based on her right to claim for one-sixth of the property's value.

As noted above, claimant CONSTANCE Z. ZOTOS also has recently asserted a claim for the confiscation of a handmade wedding dress and a variety of other personal property items that are said to have comprised her dowry, which she had accumulated in anticipation of marriage, in accordance with what is said to have been the standard local custom. She further avers that the dowry items, which were stored in two walnut hope chests in her grandparents' house, were confiscated by the Communist authorities following her escape from Albania in January 1946. As noted above, she asserts that the items had a total value of \$4,620 at that time.

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<sup>1</sup>The other three fourths were held by her uncles John and Vasil and her aunt Doxia.

Based on the evidence and information before it, the Commission considers it plausible that claimant CONSTANCE Z. ZOTOS would have owned the chests, clothing, jewelry and household furnishings for which she has claimed, and finds that these items were confiscated by the Albanian Communist regime on or about February 1, 1946, following her escape from Albania. Accordingly, claimant is entitled to a further award for the loss of those items. The Commission is not persuaded, however, that the items (excluding the farm animals) would have had a value of as much as \$3,890 at that time. On the contrary, the values she has asserted for many of the items—such as, for example, \$150 for a set of bedsheets, \$50 for a "suit," and \$100 for a 12-piece set of silverware—suggest that she has assigned present-day values to the items comprising the dowry, whereas the applicable law requires that the Commission award compensation for the items based on their values at the time of confiscation. In addition, although it is asserted that the 50 gold lira included in the dowry was worth \$500, a gold lira at that time in fact had a value of \$0.05263, which means that 50 gold lira in fact would only have been worth about \$2.63.<sup>2</sup>

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<sup>2</sup>*World Currency Charts*, American International Investment Corporation, San Francisco, CA (1977).



In any event, after careful consideration, and taking into account the apparent overvaluation of the items in question, the Commission is persuaded that the hope chests and the dowry items contained therein would have had a value of at least \$1,000 at the time of loss. Accordingly, claimant CONSTANCE Z. ZOTOS is entitled to an award in this portion of her claim in the principal amount of \$1,000, dating from February 1, 1946.

Finally, as for the farm animals which are said to have comprised a portion of claimant's dowry, the Commission has carefully considered the claimant's statements but is unable to accept the evidence of record as sufficient to establish that she -- who at the time was 12 years old -- would have owned quantities of sheep, goats, chickens, and cows, as well as a donkey and a horse, separate and apart from the animals kept by her family as a whole. Accordingly, this portion of her claim must be and is hereby denied.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant CONSTANCE C. ZOTOS is entitled to interest as part of her award,

amounting to 6 percent simple interest per annum from the dates of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 283.8 percent of her principal award for the agricultural land, or \$709.50, and an interest award of 295.3 percent of the principal award for her dowry items, or \$2,953.00.

The Commission therefore withdraws its denial of this claim set forth in the Proposed Decision, and enters the award set forth below, which will be certified to the Department of Treasury for payment in accordance with sections 5, 7 and 8 of Title I of the International Claims Settlement Act (22 U.S.C. §§ 1624, 1626 and 1627).

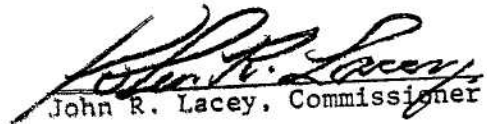
Under the terms of the Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards, so as to prevent double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

This constitutes the Commission's final determination in this claim.

A W A R D

Claimant CONSTANCE Z. ZOTOS is entitled to an award in the principal amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00), plus interest on \$250.00 from January 1, 1948, to April 18, 1995, in the amount of Seven Hundred Nine Dollars and Fifty Cents (\$709.50), and interest on \$1,000.00 in the amount of Two Thousand Nine Hundred Fifty-Three Dollars (\$2,953.00), for a total award of Four Thousand Nine Hundred Twelve Dollars and Fifty Cents (\$4,912.50).

Dated at Washington DC  
and entered as the Final  
Decision of the Commission.

  
John R. Lacey, Commissioner

OCT 29 1998

  
Richard T. White, Commissioner



The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The claimants in this case have stated that the property which is the subject of their claim, which is said to have consisted of some "800 acres" of farmland, vineyards, pastures and groves well as a village home, and livestock, was confiscated by the Albanian government in 1945. The claimants assert that their father, Spirodon S. Zarpalas, a United States national since 1928, was the owner of the property at that time. According to the claimants, their father died in 1956 and their mother died in 1975.

The Commission notes that the claimants previously filed a claim in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. In that program, the Commission determined that claimants' father acquired United States nationality by naturalization on February 2, 1928, that CONSTANCE ZOTOS acquired United States citizenship at birth on April 9, 1933, and that CLEOPATRA BIZOUKAS acquired United States citizenship at birth on January 5, 1940. In its Proposed Decision, the Commission made an award of \$ 595.00 to each of the claimants for their 1/12 interests in the damaged property consisting of a two-story house, stable, barn, cistern, household furnishings, farm tools, livestock, vineyard and orchard that was destroyed or lost as a result of German military operations in January 1944. *Claim of JOHN ZARBALLAS, CONSTANCE ZOTOS, CLEOPATRA BIZOUKAS, Claim No. W-1403/W-7165, Decision No. W-19815 (1967).*\*

By Commission letter dated February 14, 1996, the claimants were asked to provide certain evidence in support of their claim including evidence of their father's ownership of the "800 acres" of farmland which is the subject of the

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\*The Commission notes that in the present case the claimants also assert a claim for personal property. It is unclear whether they are claiming for the personal property which was already included in the War claims or whether they are alleging the loss of other personal property. No evidence in support has been submitted.

claim. By letter dated March 25, 1996, claimant CONSTANCE ZOTOS informed the Commission that to her knowledge no land records exist to establish her father's ownership but that she could obtain "declarations" from elderly villagers who remembered her parents. She also advised the Commission that one of her father's brothers had carried out reconstruction work financed by her father after World War II on their ancestral home and that she was unaware who held title to this property. Finally, the claimant advised the Commission that she had no knowledge whether the agricultural property (presumably the "800 acres") had been returned to any of her relatives.

By a subsequent letter received at the Commission on July 22, 1996, claimant CONSTANCE ZOTOS advised the Commission that she had written directly to the Albanian Land Commission in an effort to obtain some evidence of ownership. To date, no such evidence or other corroborating evidence has been submitted.

At a minimum, the decision in the Commission's War Claims Program establishes that claimants' family indeed once owned a house in which the claimants each held a 1/12 interest. Beyond that, however, there is no evidence in the record that the house that was destroyed in 1944 was reconstructed as claimants assert with funds provided by their father and that the Albanian

government subsequently confiscated that house. In fact, the claimants have asserted that their father's brother, Vasilios Zarapalas, and some cousins, over the years, have resided in the house. As such, there is no basis for a finding that the claimants' 1/12 interests in the property have been adversely affected by actions of the Albanian government.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

The Commission finds that the claimants have not met the burden of proof in that they have failed to submit supporting evidence to establish their father's ownership of the "800 acres" which is the subject of their claim, or any other specific or approximate amount of property nor have they provided any evidence that their interests in the reconstructed house were lost as a result of actions attributable to the government of Albania. In the absence of such evidence, the Commission must conclude that claimants' claim is not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

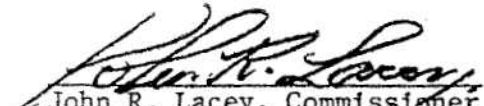


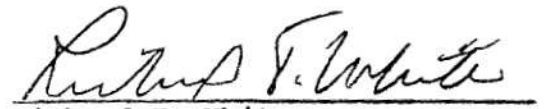
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, DC and entered as the Proposed Decision of the Commission.

NOV 18 1997

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. 531.5 (e) and (g) (1995).