

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

LILY BRANT
110-30 70th Avenue
Forest Hills, New York

SOFIE TOLEDO
125 Riverside Drive
New York, New York

Under the International Claims Settlement
Act of 1949, as amended

Claim No. BUL-1,324

Claim No. BUL-1,328

Decision No. BUL 278

GPO 942329

Counsel for Claimant:

Paul Neuberger, Esquire
16 West 46th Street
New York 36, New York

PROPOSED DECISION

These are claims against the Government of Bulgaria under Section 303(2) of the International Claims Settlement Act of 1949, as amended, for \$60,676.20 by LILY BRANT, and for \$88,527.62 by SOFIE TOLEDO, nationals of the United States since their naturalization in the United States on July 9, 1946, and April 29, 1946, respectively, for nationalization or other taking of property in Bulgaria.

Claimants contend that they each purchased a one-fifth interest in various properties from JOSEPH MERKADO, their father, prior to leaving Bulgaria in 1940.

Section 303(2) of the Act authorizes the Commission to receive and determine claims by nationals of the United States arising out of the failure of the Government of Bulgaria ... to pay effective compensation for the nationalization, compulsory liquidation or other taking prior to August 9, 1955 of property of nationals of the United States;...

With respect to so much of the claims as is based upon properties asserted to have been purchased from their father, claimants have failed to submit evidence sufficient to form the basis for findings by the

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Commission of facts essential to an award under Section 303 of the Act.

Section 531.6(d) of the Commission's Regulations (43 C.F.R.

Supplement 290) provides that--

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

Claimants herein have not submitted sufficient evidence with respect to this part of the claim to establish that it involves any of the acts or failures to act for which Bulgaria is responsible under the above-mentioned statute and accordingly, this part of the claims is hereby denied.

The Commission finds that the claimant SOFIE TOLEDO owned an apartment, with furnishings, at 23 Teterenska Street, Sofia, which had been given into the temporary use of a government official, and that in July, 1948, the claimant's representative was unable to gain further access to the apartment, from which the furnishings had been removed by government action. The Commission construes this action as a taking of claimant's property within the meaning of Section 303(2) of the Act and so finds.

Claimant, SOFIE TOLEDO, has been unable to submit evidence which fully substantiates her allegations as to extent of her loss with respect to the apartment in question. Denial of the claim for the lack of corroboration under such circumstances would not, in the opinion of the Commission, be an act of justice. On the other hand, the absence of reliable evidence precludes an award of the full amount claimed. Accordingly, the Commission finds that the value of the apartment was Three Thousand Dollars (\$3,000.00) and that the value of the furnishings was One Thousand Eight Hundred Dollars (\$1,800.00) and concludes that claimant, SOFIE TOLEDO, is entitled to an award under Section 303(2) of the Act.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to SOFIE TOLEDO in the amount of Four Thousand Eight Hundred Dollars (\$4,800.00) plus interest thereon at the rate of 6% per annum from July 15, 1948 to August 9, 1955, the effective date of the Act, in the amount of One Thousand Seven Hundred Forty-seven Dollars and Seventy-three Cents (\$1,747.73).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States, on her behalf, of any rights against the Government of Bulgaria, for the unpaid balance of the claim, if any. *mem*

Dated at Washington, D. C.

DEC 8 1958

FOR THE COMMISSION:

Donald G. Benn
Donald G. Benn, Director
Balkan Claims Division

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