

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

IN THE MATTER OF THE CLAIM OF

MIROSLAV ALOISIUS KOKES
IVAN JOSEPH KOKES
JERRY FRANK KOKES
R. D. #2, Box 84
Lakewood, New Jersey

Claim No. CZ-1,832

Decision No. CZ-85

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimants:

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Strand Theatre Building
Lakewood, New Jersey

PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by MIROSLAV ALOISIUS KOKES, IVAN JOSEPH KOKES and JERRY FRANK KOKES, who state they became nationals of the United States by naturalization in the United States on November 14, 1955, March 1, 1954 and March 1, 1954, respectively.

The claim is based on the asserted nationalization or other taking of a four-story residence with attached garage, three acres of gardens and certain personal property, in Jiloviste, Czechoslovakia.

The claimants assert that the above-mentioned property was nationalized or otherwise taken by the Government of Czechoslovakia during 1948, which is prior to the dates on which they became nationals of the United States.

Section 404 of the Act provides, inter alia, for the determination by the Commission, in accordance with applicable substantive law, including international law, of the validity and amount of

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claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property, including any rights or interests therein, owned at the time by nationals of the United States.

Section 405 of the Act provides that:

"A claim under section 404 of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission."

Claimants further state that they believe that the "recording of ownership" of the properties was not "filed" until 1956 and that, therefore, their claims fall within the scope of Section 405 of the Act in that claimants were nationals of the United States at the time of the taking of their property. The Commission has consistently held, however, that it is the physical act of taking of property and not the formality of recordation of title which constitutes such taking.

Accordingly, since it has not been established that the property upon which this claim is based was owned by a United States national on the date of nationalization or other taking thereof, the claim must be and hereby is denied.

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

Dated at Washington, D. C.

BY DIRECTION OF THE COMMISSION:

JAN 18 1960

Francis Masterson

Francis T. Masterson
Clerk of the Commission

U.S.A.
WB

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THIS DECISION WAS PRINTED AT THE COMMISSION'S
FINAL DECISION ON FEB 15 1960

[Signature]

Clerk of the Commission