

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

IN THE MATTER OF THE CLAIM OF

JOSEPH TIMFELD
450 East 81st Street
Apartment No. 4
New York 28, New York

Claim No. CZ-1982

Decision No. CZ- 284

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

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 JOSEPH TIMFELD, a national of the United States by naturalization on December 14, 1931, based on the nationalization of certain real and personal property located in Czechoslovakia.

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 claims by nationals of the United States against the Government of Czechoslovakia for losses arising 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.

The Commission finds that claimant owned House No. 275/1 in Skalica, Czechoslovakia; real property recorded in the cadastral records of the same city as Nos. 1899, 1187, 1415, 2272, 5345, and 5346, consisting of a house and twelve (12) jutars of farmland; and a 60% interest in the knitting firm known as Schindler and Company located at Banska Stiavnica, Czechoslovakia, all of which was placed under national administration by the Government of Czechoslovakia,

and not restored by the said Government, although he has applied for restitution.

Evidence available to the Commission indicates that in restitution actions not previously concluded, proceedings were suspended in December 1949 in anticipation of a claims settlement agreement with the United States. It appears generally that instructions ordering suspension of restitution proceedings were received by local officials on or about December 21, 1949, and that in no instance was favorable action taken thereafter on pending restitution claims. Accordingly, since the record herein discloses that the property hereinbefore described was not restored to the claimant prior to December 21, 1949, the Commission finds that it was effectively taken from the claimant as of that date, and concludes that JOSEPH TIMFELD is entitled to compensation therefor under Section 404 of the Act.

The Commission further finds that the value of House No. 275/1 and the house and 12 jutars of land in Skalica was One Thousand Four Hundred Dollars (\$1,400.00) and Five Thousand Six Hundred Dollars (\$5,600.00), respectively. With respect to claimant's 60% interest in the firm of Schindler and Company in Banska Stiavnica, Czechoslovakia, there is no evidence of record which enables the Commission to determine with any degree of accuracy, its value at the time of taking by the Government of Czechoslovakia. Nevertheless, the Commission, not being bound by the usual rules of evidence, is persuaded that this firm had some value and that claimant suffered a loss as a result of such taking by the Government of Czechoslovakia without the payment of compensation therefor. Denial of this portion of the claim for lack of corroboration of claimant's allegations as to value would not, in the opinion of the Commission, be an act of justice. On the other hand, the absence of such corroboration as to value precludes an award for the full amount claimed. Thus, in the light of the foregoing, the Commission finds that claimant

suffered a loss in the amount of Three Thousand Dollars (\$3,000.00) resulting from the taking of his 60% interest in the firm.

With respect to the portion of the claim based upon claimant's asserted ownership and taking of other real and personal property in Czechoslovakia which is not specifically enumerated hereinbefore, the Commission finds that evidence of record does not establish claimant's ownership of such property, its value or the nationalization or other taking thereof by the Government of Czechoslovakia on and after January 1, 1945. This portion of the claim is, therefore, denied.

In accordance with the foregoing, this claim is allowed in part and the Commission concludes that claimant is entitled to an award under Section 404 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 JOSEPH TIMFELD in the principal amount of Ten Thousand Dollars (\$10,000.00) plus interest at the rate of 6% per annum from December 21, 1949 to August 8, 1958, the effective date of the Act, in the amount of Five Thousand One Hundred Eighty Dollars and Six Cents (\$5,180.06) for a total award of Fifteen Thousand One Hundred Eighty Dollars and Six Cents (\$15,180.06).

Dated at Washington, D. C.

MAR 7 1960

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson
Francis T. Masterson
Clerk of the Commission

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

IN THE MATTER OF THE CLAIM OF

JOSEPH TIMFELD
450 East 81st Street
New York 28, New York

Claim No. CZ-1,982

Decision No. CZ-284

Under the International Claims Settlement
Act of 1949, as amended

FINAL DECISION

The Commission issued its Proposed Decision on this claim on March 7, 1960, granting claimant an award in the principal amount of \$10,000.00 (\$7,000.00 for real property and \$3,000.00 for a 60% interest in a business enterprise known as "Schindler & Co.") plus interest thereon from December 21, 1949, the date of taking of the property by the Government of Czechoslovakia, to August 8, 1958, the effective date of Title IV of the Act, in the amount of \$5,180.06, for a total award of \$15,180.06. A copy of the decision was served upon the claimant who filed objections thereto and requested a hearing on the matter. Hearings were scheduled on several occasions, and adjourned at the request of the claimant. Although claimant failed to appear at the last scheduled hearing, the Commission has reviewed his objections to the Proposed Decision and considered all of the evidence submitted both prior to the issuance of the decision and subsequent thereto.

After due consideration of the entire record the Commission makes the following findings and conclusions.

Real Property

The record establishes that claimant owned, by inheritance or otherwise, numerous parcels of real property the ownership of all of which was transferred under duress during the occupation of

Czechoslovakia by the German forces. Subsequent to the war, claimant, through an attorney in Czechoslovakia, filed thirteen (13) restitution claims (petitions) seeking the return of the property. No return was granted, and thus the Commission affirms its finding that claimant's property was taken without compensation by the Government of Czechoslovakia on December 21, 1949, the date when restitution proceedings involving American-owned property were suspended upon orders of the Government of Czechoslovakia. During the course of the restitution proceedings, it was established that claimant had valid claims for property recorded in the following libers of the land register, the value of which was established as follows:

<u>Claim No.</u>	<u>Liber No.</u>	<u>Location</u>	<u>Value</u>
(1)	4125	Skalica	50,000 crowns
(2)	5346	"	100,000
(3)	5345	"	150,000
(4) - (5)	1899 - 4558	"	350,000
(6)	1415	"	200,000
(7)	1187	"	20,000
(8)	2272	"	120,000
(9)	1187 (additional)	"	30,000
(10)	4532	"	60,000
(11)	4990	"	10,000
(12)	4125	"	50,000
(13)	4731	"	50,000
Total			1,190,000 crowns

The Commission finds that the value of claimant's property referred to in the foregoing thirteen (13) items which includes houses, gardens and various types of farmland, was \$23,800.00 (1,190,000 crowns converted at the official exchange rate of \$1.00 per 50 crowns).

Business Enterprise

No additional evidence has been submitted with respect to the value of the firm of "Schindler & Co." in which claimant inherited a 60% ownership interest and which interest in the firm was taken without compensation by the Government of Czechoslovakia on December 21, 1949. The Commission, therefore, affirms the finding that claimant's interest in the firm had a value of \$3,000.00.

The Commission concludes, therefore, that claimant is entitled to an award pursuant to Title IV of the Act in the principal amount of \$26,800.00 (\$23,800.00 for the real property and \$3,000.00 for the business enterprise) plus interest thereon at the rate of 6% per annum from December 21, 1949, the date the property was taken, to August 8, 1958, the effective date of Title IV of the Act. Accordingly, it is hereby

ORDERED that the Proposed Decision heretofore issued be and the same is hereby amended to conform with the findings and conclusions set forth herein; and that the award be restated to read as follows:

A W A R D

An award is hereby made to JOSEPH TIMFELD in the principal amount of Twenty-six Thousand Eight Hundred Dollars (\$26,800.00) plus interest in the amount of Thirteen Thousand Eight Hundred Seventy-seven Dollars and Eighty-four Cents (\$13,877.84), for a total award of Forty Thousand Six Hundred Seventy-seven Dollars and Eighty-four Cents (\$40,677.84); and it is further

ORDERED that the Proposed Decision as amended herein be and it is hereby entered as the Final Decision on this claim; and that the award granted herein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

JUN 20 1962

Edward J. De
Theodore Joffe
LaVern R. Diweg

COMMISSIONERS

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON JUN 20 1962

am
Clerk of the Commission

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

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IN THE MATTER OF THE CLAIM OF

JOSEPH TIMFELD

450 East 81st Street
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Claim No. CZ-1,982

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GPO 942329

FINAL DECISION

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After due consideration of the entire record the Commission makes the following findings and conclusions.

REAL PROPERTY

The record establishes that claimant owned, by inheritance or otherwise, numerous parcels of real property, ^{the ownership of} all of which was transferred under duress during the occupation of Czechoslovakia by the German forces. Subsequent to the war, claimant, through an attorney in Czechoslovakia, filed thirteen (13) restitution claims (petitions) seeking the return of the property. No return was granted, and thus the Commission affirms its finding that claimant's property was taken without compensation by the Government of Czechoslovakia on December 21, 1949, the date when restitution proceedings involving American-owned property were suspended upon orders of the Government of Czechoslovakia. During the course of the restitution proceedings, it was established that claimant had valid claims for property recorded in the following libers of the land registry, the value of which was established as follows:

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		TOTAL	1,190,000 crowns

The Commission finds that the value of claimant's property referred to in the foregoing thirteen (13) items which includes houses, gardens and various types of farmland, was \$23,800.00 (1,190,000 crowns converted at the official exchange rate of \$1.00 per 50 crowns).

BUSINESS ENTERPRISE

No additional evidence has been submitted with respect to the value of the firm of "Schindler & Co." in which claimant inherited a 60% ownership interest and which interest in the firm was taken without compensation by the Government of Czechoslovakia on December 21, 1949. The Commission, therefore, affirms the finding that claimant's interest in the firm had a value of \$3,000.00.

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