

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

IN THE MATTER OF THE CLAIM OF

AUGUST S. LERMER  
3856 Menlo Avenue  
San Diego 5, California

Claim No. CZ-2,018 ✓

Decision No. CZ- 2574

Under the International Claims Settlement  
Act of 1949, as amended

GPO 942329

PROPOSED DECISION

This is a claim in the amount of \$44,473.00 against the Government of Czechoslovakia under Section 404 of Title IV of the International Claims Settlement Act of 1949, as amended, by AUGUST S. LERMER, a national of the United States since his naturalization on May 17, 1948.

The claim is based on the nationalization or other taking of land, dwellings and structures, livestock, farm implements, household furniture and furnishings, crops, bank deposit, compound interest and cost of preparation of claim.

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 resulting from 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 a one-half interest in certain farm land in Tvrdošín and Maedvedzie, Czechoslovakia, which was taken without compensation by the Government of Czechoslovakia on February 15, 1951. The Commission further finds that the value of the

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property taken was Three Thousand Six Hundred Dollars (\$3,600.00) and concludes that claimant is entitled to compensation under Section 404 of the Act.

A portion of the claim is based on the asserted loss of a one-half interest in structures (dwelling house and auxiliary buildings) located on the subject real property. The record before the Commission discloses that on May 3, 1952 Dr. Foldes of the Advisory Law Offices, Trstena Branch, advised the claimant herein that:

"One-half of the dwelling house and auxiliary and farm buildings is your property as we advised you before.  
\*\*\*\*\*Your share can be sold at any time."

The record fails to establish that these structures were nationalized or otherwise taken by the Government of Czechoslovakia subsequent to the date of the above-mentioned letter. Accordingly, the claim based thereon must be and hereby is denied.

With respect to the claim based on the loss of livestock, farm implements, household furnishings and a bank deposit, claimant has failed to submit documentary evidence of his asserted ownership of such property and the taking thereof by the Government of Czechoslovakia. Accordingly, this portion of the claim must also be and hereby is denied.

The Commission finds that the claim based on "Preparation of this Claim" does not fall within the scope of the Act, since such expenses incurred by a claimant do not constitute the nationalization or taking of property. Accordingly, this portion of the claim is also denied.

Insofar as the claim for compound interest is concerned, the Commission has adopted a rate of 6% as fair and equitable, and within the scope allowed by the local law and in harmony with applicable principles of international law. Such rate of interest is allowed on awards made by this Commission, under Title IV of the Act, from the date of taking of the property to August 8, 1958, the date of enactment of Title IV of the Act.



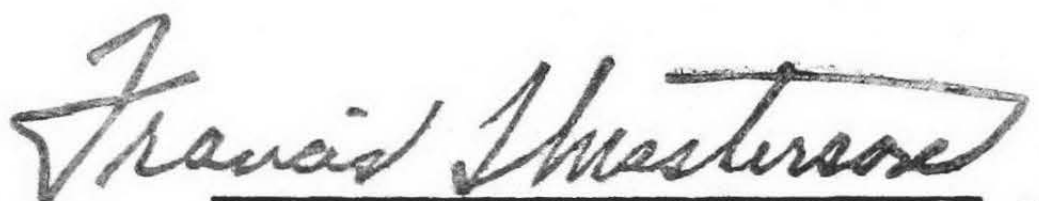
A W A R D

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to AUGUST S. LERMER in the principal amount of Three Thousand Six Hundred Dollars (\$3,600.00) plus interest thereon at the rate of 6% per annum from February 15, 1951 to August 8, 1958, the effective date of Title IV of the Act, in the amount of One Thousand Six Hundred Fifteen Dollars and Seventy-nine Cents (\$1,615.79), for a total award of Five Thousand Two Hundred Fifteen Dollars and Seventy-nine Cents (\$5,215.79).

Dated at Washington, D. C.

AUG 4 - 1961

BY DIRECTION OF THE COMMISSION:



Francis T. Masterson  
Clerk of the Commission

THIS DECISION WAS ENTERED AS THE COMMISSION'S  
FINAL DECISION ON SEP 6 1961



Clerk of the Commission

