

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

IN THE MATTER OF THE CLAIM OF

JOHN JURENKA
317 East 73rd Street
New York 21, New York

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-3,341

Decision No. CZ-

312

GPO 942329

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 JOHN JURENKA, who states that he became a national of the United States by naturalization on September 27, 1918.

The claimant states in effect, that a house and garden in Myjava, Czechoslovakia, in which he had a one-half interest, was nationalized in 1958, and that 32,186 crowns were deposited in a bank as compensation for such nationalization. He claims a one-half share of said bank deposit or 16,093 crowns.

In support of his claim, claimant submitted a statement from the bank in Myjava, Czechoslovakia which shows that as of July 29, 1958, the sum of 32,186 crowns was deposited in favor of Samuel Jurenka of Myjava, Czechoslovakia. Additionally, the record contains a letter dated November 25, 1957 from the local authorities at Bratislava, Czechoslovakia, addressed to the claimant, in which the claimant was offered 13,894 crowns for his one-half interest in the property. Claimant states that his brother, Samuel Jurenka, owned the other one-half interest in the property, was in charge of the property, and for these reasons the deposit was made in favor of Samuel Jurenka.

CZ-5
CZ-7

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 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.

While claimant's property may have been nationalized in 1958 as he alleges, it appears that fair and adequate compensation was paid therefor. The record shows that 32,186 crowns was paid whereas the initial offer of purchase was in the sum of 27,768 crowns. It appears that the claimant suffered no losses as a result of the nationalization or other taking of the real property in question, within the meaning of Section 404 of the Act. This conclusion is further buttressed by the fact that the claimant is merely seeking to recover 16,093 crowns, being a one-half share of the bank deposit in question.

With respect to the bank deposit, the Commission finds that it has not been established that the deposit was nationalized or otherwise taken on or prior to August 8, 1958, the effective date of the Act. If it were shown that the deposit was taken after August 8, 1958, the claim would be denied for the reasons specified in the attached copy of Proposed Decision No. CZ-55 In the Matter of the Claim of ZUZANA FILKO, Claim No. CZ-4,583.

For the foregoing reasons, this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

MAR 14 1960

BY DIRECTION OF THE COMMISSION:

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

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON

APR 11 1960

Francis T. Masterson
Clerk of the Commission

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The Commission finds that:

(1) MARGIT E. ELSOHN and GERDA SUBAK each owned a one-fourth interest in certain real property recorded in Liber Nos. 345, 347, 507 and 702 for the community of Podklasteri, Czechoslovakia.

(2) GERDA SUBAK and WILLIAM J. SUBAK each owned a one-half interest in an estate situated at 525 Brafova Ulice, Trebic, Czechoslovakia.

(3) WILLIAM J. SUBAK owned a one-fourth interest in certain real property and machinery which were formerly owned by the firm of A. M. Grunberger, in Trebic, Czechoslovakia.

(4) The value of each one-fourth interest in the property described in item (1) above, when taken was \$2,655.90.

(5) The value of each one-half interest in the property described in item (2) above, when taken was \$11,000.

(6) The value of the one-fourth interest in the property described in item (3) above was \$5,771.25.

(7) The property described in items (1) and (2) above, was taken without compensation by the Government of Czechoslovakia on January 1, 1953, and item (3) above, on December 21, 1949.

In arriving at the value of the property described in item (1) above, the Commission considered the entire record, including the description of the property, and the assessed valuation of the one-fourth interest therein of Ella Subak, namely, 132,795 crowns, as set forth in a letter dated June 19, 1947 to MARGIT ELSOHN from Jiri Nevosad, Esquire.

The Commission in arriving at the value of the property described in item (2) above, considered the description and photographs thereof, and the offer made to WILLIAM J. SUBAK of 1,100,000 crowns for subject property as set forth in a letter dated February 20, 1948 to WILLIAM J. SUBAK from Jiri Nevosad, Esquire, and converted same into dollars at the existing rate of exchange on the date of the offer.

In arriving at the value of the property described in item (3) above, the Commission considered the valuation of machines, equipment and buildings, set forth in WILLIAM J. SUBAK's motion for restitution dated February 27, 1946, wherein it appears that from a balance sheet of March 31, 1939, machines and equipment were valued at 370,000 crowns, minus 112,015 crowns for equipment apparently sold by the German firm "Semenarska spolecnost" during the occupation by the Germans. The buildings were valued at 417,000 crowns. These figures were then converted into dollars at the 1939 prevailing rate of exchange.

Accordingly, the Commission concludes that the claimants are entitled to compensation under Section 404 of the Act, commensurate with their respective interests in the property.

The portion of the claim that is based upon the asserted inheritance of the one-fourth interest of Max Grunberger and the one-fourth interest of Emil Grunberger in real property and machinery formerly owned by the firm of A. A. Grunberger is denied for failure to establish that WILLIAM SUBAK inherited said interests.

A W A R D S

An award is hereby made to MARGIT E. ELSOHN in the principal amount of Two Thousand Six Hundred Fifty-five Dollars and Ninety Cents (\$2,655.90), plus interest thereon at the rate of 6% per annum from January 1, 1953 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Eight Hundred Ninety-two Dollars and Eighty-three Cents (\$892.83) for a total award of

Three Thousand Five Hundred Forty-eight Dollars and Seventy-Three Cents (\$3,548.73);

and an award is made to GERDA SUBAK in the principal amount of Thirteen Thousand Six Hundred Fifty-five Dollars and Ninety Cents (\$13,655.90) as follows: \$2,655.90 for her one-fourth interest in the Podklasteri property, and \$11,000 for her one-half interest in the estate at 525 Brafova Ulice, Trebic, plus interest thereon at the rate of 6% per annum from the respective dates of taking to August 8, 1958, the effective date of Title IV of the Act, in the sums of \$892.83 and \$3,697.87, respectively, for a total award of Eighteen Thousand Two Hundred Forty-six Dollars and Sixty Cents (\$18,246.60);

and an award is hereby made to GERDA SUBAK, Executrix of the Estate of WILLIAM SUBAK, deceased, in the principal amount of Sixteen Thousand Seven Hundred Seventy-one Dollars and Twenty-five Cents (\$16,771.25) as follows: \$11,000 for the one-half interest in the estate at 525 Brafova Ulice, Trebic, and Five Thousand Seven Hundred Seventy-one Dollars and Twenty-five Cents (\$5,771.25) for a one-fourth interest in the real property and machinery formerly owned by the firm of A. M. Grunberger, plus interest thereon at the rate of 6% per annum from the respective dates of taking to August 8, 1958, the effective date of Title IV of the Act, in the sums of \$3,697.87 and \$2,988.53, respectively, for a total award of Twenty-three Thousand Four Hundred Fifty-seven Dollars and Sixty-five Cents (\$23,457.65).

Dated at Washington, D. C.

JUN 6 1962

BY DIRECTION OF THE COMMISSION

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON

JUN 9 1962

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