

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

IN THE MATTER OF THE CLAIM OF

VALENT KRIZANEK ✓
P. O. Box 263 ✓
McClellandtown, Pennsylvania ✓

Claim No. CZ-3936 ✓

Decision No. CZ-2216

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimant:

Joseph P. Matuschak, Esq. ✓
Fayette Law Building ✓
Uniontown, Pennsylvania ✓

PROPOSED DECISION

This is a claim against the Government of Czechoslovakia, filed pursuant to the provisions of Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by VALENT KRIZANEK, a national of the United States since his naturalization on September 13, 1928. The claim is based on the nationalization or other taking of real property located at or near Stepanov nad Mijavou, Czechoslovakia, and 3 Czech bank accounts.

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 record herein includes a quit-claim deed executed by one Floyd Bozlk and acknowledged on July 7, 1941 before a notary public, Ingham County, Michigan. Claimant is designated as grantee in said

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instrument which purports to convey "Farming land and residence" situate in the "City of Stepanov in Senica County, State of Bratislov - - - Country of Slovakia". However, since said instrument was not recorded in the local land registers office in Czechoslovakia, in accordance with the law of that country, the grantor's title and interest in the subject real property did not effectively pass to the claimant.

The record also includes certain reports (prihlaskas) which were submitted in 1946 to the Czechoslovakian Consulate, Pittsburgh, Pennsylvania, which relate to three bank accounts stated to have been maintained by claimant in Czechoslovakia. No bank records, such as letters, bank statements or pass-books, were submitted in support of the claim, and the record does not include copies of the aforesaid reports (prihlaskas) bearing the stamp of acknowledgement and verification usually affixed by the depository banks to such documents.

The Commission finds that claimant has failed to submit evidence sufficient to form the basis for findings by the Commission of facts essential to an award under Section 404 of the Act for loss of the real and personal property described herein above.

Section 531.6(d) of the Commission's regulations (45 CFR) 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.

Claimant herein has not established that he owned any property in Czechoslovakia which was nationalized or otherwise taken by the Government of Czechoslovakia. Accordingly, the claim is hereby denied.

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

Dated at Washington, D. C.

APR 19 1961

BY DIRECTION OF THE COMMISSION:

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

MAY 26 1961

Francis T. Masterson
Clerk of the Commission

Clerk of the Commission