

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

In the Matter of the Claim of

KORNELIE ABRAHAMS
452 Fort Washington
New York, New York
EMIL FRIED
2575 Sedgwick Avenue
Bronx, New York
HERMAN FRIED
914 Hoe Avenue
Bronx, New York
MARTHA HERTZ
1056 Boynton Avenue
New York 72, New York
BERTHA HOCHMUTH
975 Tinton Avenue
Bronx, New York
OLGA LAHR
2238 Adams Place
New York 57, New York
LEAH THEBNER
1123 Tiffany Street
Bronx, New York

Claim No. CZ-4904

Decision No. CZ-28

Under the International Claims Settlement
Act of 1949, as amended

FINAL DECISION

The Commission issued its Proposed Decision on this claim on August 16, 1961, a copy of which was duly served upon the claimants. Full consideration having been given to the objections of claimant OLGA LAHR, filed within the twenty-day period after such service which has now expired, and general notice of the Proposed Decision having been given by posting for twenty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

NOV 8 1961

Edward J. [Signature]
Theodore Jaffe
Lester R. Dineen

COMMISSIONERS

G.C.O.
CC-111301
RECEIVED

[Handwritten initials]

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

In The Matter Of The Claim Of

KORNELIE ABRAHAMS
452 Fort Washington
New York, New York

Claim No. CZ-4904

Decision No. CZ-28

EMIL FRIED
2575 Sedgwick Avenue
Bronx, New York

HERMAN FRIED
914 Hoe Avenue
Bronx, New York

MARTHA HERTZ
1056 Boynton Avenue
New York 72, New York

BERTHA HOCHMUTH
975 Tinton Avenue
Bronx, New York

OLGA LAHR
2238 Adams Place
New York 57, New York

LEAH THEBNER
1123 Tiffany Street
Bronx, New York

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This is a claim in the amount of \$17,500.00 against the Government of Czechoslovakia under Section 404 of Title IV of the International Claims Settlement Act of 1949, as amended, by KORNELIE ABRAHAMS, EMIL FRIED, HERMAN FRIED, MARTHA HERTZ, BERTHA HOCHMUTH, OLGA LAHR and LEAH THEBNER, nationals of the United States since naturalization on March 8, 1948, April 9, 1934, July 11, 1935, August 24, 1939, September 6, 1927, May 18, 1953 and March 6, 1939, respectively.

The claim is based on the nationalization or other taking of property 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 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.

Section 405 of the Act provides as follows:

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.

Czech Law 80/52 Sb., effective January 1, 1953, compelled owners of buildings with an annual gross rental income of 15,000 koruna or more, to deposit the rent in special accounts. From such accounts, a real property tax (45 to 50% of the gross rent) and an inheritance tax, if any, were deducted. Additionally, at least 30% of the rent was then transferred into a building repair account. Thus, in Czechoslovakia, the owner of a building larger than a one-family dwelling having an annual gross rental income of 15,000 koruna, or more, was and is precluded from the free and unrestricted use of his realty and the fruits of such realty. To all intents and purposes, the owner of the property, despite the fact that he may have remained the record owner, lost all control over the property and was little more than a collecting agent for the Czechoslovakian Government. In view of the foregoing, the Commission has concluded that improved real property having a gross rental of 15,000 koruna, or more, per year is considered as constructively taken by the Government of Czechoslovakia on January 1, 1953.

The Commission finds that:

- (1) Claimants KORNELIE ABRAHAMS, EMIL FRIED, HERMAN FRIED, MARTHA HERTZ and BERTHA HOCHMUTH each owned a 1/20th interest in a house known as Hlohovec, Hlohova 68, Czechoslovakia;
- (2) Claimant LEAH THEBNER owned a 3/50ths interest in the aforementioned house;
- (3) The subject property had a gross annual rental in excess of 15,000 crowns and was constructively taken by the Government of Czechoslovakia without compensation on January 1, 1953, and
- (4) The value of the property described in item (1) above, when taken, was \$8,000.00.

In arriving at the aforesaid values, the Commission considered the evidence submitted by the claimants, as well as the sworn affidavit of OLGA LAHR, dated May 12, 1961.

Accordingly, the Commission concludes that 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 a bank account assertedly owned by the late Sarolta Fried is denied for the reason that the claimants failed to establish that she owned said property and that same was nationalized or otherwise taken by the Government of Czechoslovakia on or after January 1, 1945.

The claim of OLGA LAHR is denied since it affirmatively appears that she was not a national of the United States at the time of the taking of the subject real property (See Section 405 of the Act, supra).

A W A R D S

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to KORNELIE ABRAHAMS in the principal amount of Four Hundred Dollars (\$400.00), 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 One Hundred Thirty-Four Dollars and Forty-Seven Cents (\$134.47), for a total award of Five Hundred Thirty-Four Dollars and Forty-Seven Cents (\$534.47);

and an award is hereby made to EMIL FRIED in the principal amount of Four Hundred Dollars (\$400.00), 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 One Hundred Thirty-Four Dollars and Forty-Seven Cents (\$134.47), for a total award of Five Hundred Thirty-Four Dollars and Forty-Seven Cents (\$534.47);

and an award is hereby made to HERMAN FRIED in the principal amount of Four Hundred Dollars (\$400.00), 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 One Hundred Thirty-Four Dollars and Forty-Seven Cents (\$134.47), for a total award of Five Hundred Thirty-Four Dollars and Forty-Seven Cents (\$534.47);

and an award is hereby made to MARTHA HERTZ in the principal amount of Four Hundred Dollars (\$400.00), 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 One Hundred Thirty-Four Dollars and Forty-Seven Cents (\$134.47), for a total award of Five Hundred Thirty-Four Dollars and Forty-Seven Cents (\$534.47);

and an award is hereby made to BERTHA HOCHMUTH in the principal amount of Four Hundred Dollars (\$400.00), 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 One Hundred Thirty-Four Dollars and Forty-Seven Cents (\$134.47), for a total award of Five Hundred Thirty-Four Dollars and Forty-Seven Cents (\$534.47);

and an award is hereby made to LEAH THEBNER in the principal amount of Four Thousand and Eight Hundred Dollars (\$4,800.00), 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 One Thousand Six Hundred Thirteen Dollars and Sixty-Two Cents (\$1,613.62), for a total award of Six Thousand Four Hundred Thirteen Dollars and Sixty-Two Cents (\$6,413.62).

Dated at Washington, D. C.

AUG 16 1961

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 ~~NOV 8 1961~~

Francis T. Masterson

Clerk of the Commission

mgs
lyla