

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

IN THE MATTER OF THE CLAIM OF

JENO HARTMANN
83-66 Abingdon Road
Kew Gardens 15, New York

Claim No. HUNG-20,068

Decision No. HUNG- 717

Against the Government of Hungary
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

PROPOSED DECISION

This is a claim under Section 303(2) of the International Claims Settlement Act of 1949, as amended, for \$27,901.26 by JENO HARTMANN, a national of the United States since his naturalization in the United States on July 23, 1946, for the nationalization, compulsory liquidation, or other taking of property in Hungary.

The Commission finds that the claimant was the owner of a plot of land at 6 Epreskert Street, Nyiregyhaza, improved with a building containing living quarters and a bakery consisting of installed equipment, and furnishings, all of which belonged to claimant, although the business was conducted by another, to whom any profits belonged. The Government of Hungary nationalized the bakery on January 6, 1950, under the provisions of Hungarian Law-Decree 1949:20 tvr. (Official Gazette, December 28, 1949).

The operation of the bakery by the Government of Hungary is made possible only through the use of the claimant's real property, for which he has received no compensation. Although the Government of Hungary has stated that title to the real estate in question has not been taken into state ownership, it is hard to conceive of a more effective method of taking of property than appears in the instant case with respect to claimant's realty. Claimant has been prohibited from

entering upon his property, from using and enjoying it, and from alienating it. Accordingly, while the method of taking of claimant's realty utilized in the present situation, leaves the claimant endowed with the indicia of ownership, the Commission nevertheless finds that such realty has been effectively taken from claimant within the meaning of Section 303(2) of the International Claims Settlement Act of 1949, as amended.

The Commission further finds that the value of the property so taken from the claimant was Seven Thousand Five Hundred Dollars (\$7,500.00) and concludes that claimant is entitled to an award under Section 303(2) 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 JENO HARTMANN in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) plus interest at the rate of 6% per annum from January 6, 1950 to August 9, 1955, the effective date of the Act, in the amount of Two Thousand Five Hundred Sixteen Dollars and Twenty Eight Cents (\$2,516.28).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States, on his behalf, of any rights against the Government of Hungary for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

FEB 5 1958

FOR THE COMMISSION:

Donald G. Benn
Donald G. Benn, Director
Balkan Claims Division

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

IN THE MATTER OF THE CLAIM OF

JENO HARTMANN
83-66 Abingdon Road
Kew Gardens 15, New York

Claim No. HUNG-20,068

Decision No. HUNG-717

Against the Government of Hungary
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

Martin M. Mandell, Esquire
570 Seventh Avenue
New York 18, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on February 5, 1958, a certified copy of which was duly served upon the claimant.

Full consideration having been given to the objections of claimant and to the evidence and arguments presented at the hearing held on April 9, 1958, and general notice of the Proposed Decision having been given by posting for thirty days, it is

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

ORDERED that the award granted therein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

APR 30 1958

Whitney Hilliland

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COMMISSIONERS

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