

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

IN THE MATTER OF THE CLAIM OF

ALBERT JOHN FREY
ANNA FREY
1302 Rosemont Avenue
Chicago, Illinois

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

Claim No. RUM-30,285

Claim No. RUM-30,286

Decision No. RUM-421

GPO 16-72126-1

Counsel for claimants:

Clifford K. Rubin, Esquire
77 W. Washington Street
Chicago 2, Illinois

FINAL DECISION

The Commission issued its Proposed Decision on these claims on May 28, 1958, a copy of which was duly served upon the claimants. No objections or request for a hearing having been filed within twenty days after such service 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 the claims, and it is further

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

Dated at Washington, D. C.

JUL 2 1958

Whitney Hilliland

Pearl Pace

Henry S. Clay

COMMISSIONERS

WDM
WB
mgf

H-14;H-19

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ALBERT JOHN FREY
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Act of 1949, as amended

Claim No. RUM-30,285

Claim No. RUM-30,286

Decision No. RUM- *421*

GPO 16-72128-1
Counsel for Claimants:

Clifford K. Rubin, Esquire
77 W. Washington Street
Chicago 2, Illinois

PROPOSED DECISION

These are claims against the Government of Rumania under Section 303(2) of the International Claims Settlement Act of 1949, as amended, each for \$7,900.00 by ALBERT JOHN FREY and ANNA FREY, nationals of the United States since their birth in the United States on August 24, 1906 and November 2, 1909, respectively, for nationalization, compulsory liquidation, or other taking of property in Rumania.

The Commission finds that each claimant owned a one-half ($\frac{1}{2}$) interest in eleven (11) yokes of farmland located in the Communities of Fiscut and Alios, Rumania which were taken without compensation by the Government of Rumania pursuant to Law No. 87 of March 23, 1945 on Agrarian Reform (Official Gazette No. 68 bis.). The Commission also finds that the value of this property taken was Two Thousand Four Hundred Seventy-five Dollars (\$2,475.00).

The Commission further finds that claimants owned a "usufruct" or life estate in the house known as No. 155 at Masloc, Rumania, one (1) yoch of farmland and 1028/1600 yoch of vineyard in the same community and fifteen yochs of farmland in the Communities of Alios and Fiscut, Rumania, which estate was taken pursuant to Law No. 87

of March 23, 1945 on Agrarian Reform (Official Gazette No. 68 bis.).

Accordingly, the Commission finds that claimants are entitled to compensation under Section 303(2) of the Act for the taking of the aforementioned interests in property.

Evidence of record indicates that claimants, ALBERT and ANNA FREY, were 38 and 35 years of Age, respectively, at the time of the destruction of their right of "usufruct" and the value of the interest must be based on longest life expectancy.

The Commission has adopted as a basis for valuation of life and remainder interests the Makehamized mortality table, appearing as Table 38 of United States Life Tables and Actuarial Tables 1939-41, and a 3½% interest rate compounded annually, as prescribed by United States Treasury Department regulations of June 3 and 4, 1952 for the collection of gift and estate taxes, respectively. (See: 17 F. R. 4980, 26 C.F.R. 86.19(f); 17 F. R. 5016, 26 C.F.R. 81.10(i)). According to that method of valuation, a right of "usufruct" or life estate in the property subjected thereto for a person aged 35 years is valued at 67.650% of the entire estate. It is determined by the Commission that the value of the encumbered property involved was \$8,550.00 and the value of the "usufruct" for life is 67.650% of that amount, or \$5,784.00.

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 ALBERT JOHN FREY in the amount of Four Thousand One Hundred Twenty-nine Dollars and Fifty Cents (\$4,129.50) plus interest thereon at the rate of 6% per annum from March 23, 1945 to August 9, 1955, the effective date of the Act, in the amount of Two Thousand Five Hundred Seventy-one Dollars and Ninety-nine Cents (\$2,571.99);

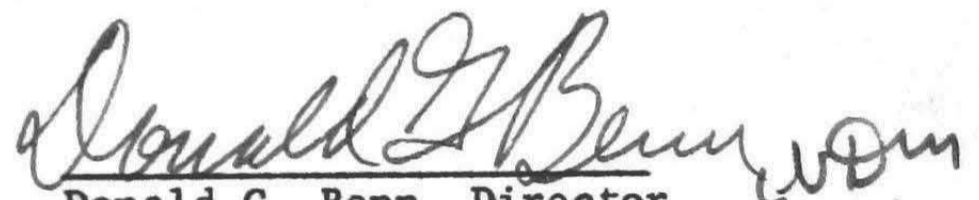
and an award is made to ANNA FREY in the amount of Four Thousand One Hundred Twenty-nine Dollars and Fifty Cents (\$4,129.50) plus interest thereon at the rate of 6% per annum from March 23, 1945 to August 9, 1955, the effective date of the Act, in the amount of Two Thousand Five Hundred Seventy-one Dollars and Ninety-nine Cents (\$2,571.99).

Payment of any part of these awards shall not be construed to have divested the claimants herein, or the Government of the United States, on their behalf, of any rights against the Government of Rumania, for the unpaid balance of the claims, if any.

Dated at Washington, D. C.

MAY 28 1958

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Claims Division

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

of March 23, 1945 on Agrarian Reform (Official Gazette No. 68 bis.).
IN THE MATTER OF THE CLAIM OF

ALBERT JOHN FREY
ANNA FREY
1302 Resmont Avenue
Chicago, Illinois

Claim No. RUM-30,285

Claim No. RUM-30,286

Decision No. RUM-721

Under the International Claims Settlement
Act of 1949, as amended

Consent for Claimants:

Clifford K. Rubin, Esquire
77 W. Washington Street
Chicago 2, Illinois

PROPOSED DECISION

These are claims against the Government of Rumania under Section 303(2) of the International Claims Settlement Act of 1949, as amended, each for \$7,900.00 by ALBERT JOHN FREY and ANNA FREY, nationals of the United States since their birth in the United States on August 26, 1906 and November 2, 1909, respectively, for nationalization, compulsory liquidation, or other taking of property in Rumania.

The Commission finds that each claimant owned a one-half (1/2) interest in eleven (11) yokes of farmland located in the Communities of Fiscut and Alice, Rumania which were taken without compensation by the Government of Rumania pursuant to Law No. 87 of March 23, 1945 on Agrarian Reform (Official Gazette No. 68 bis.). The Commission also finds that the value of this property taken was Two Thousand Four Hundred Seventy-five Dollars (\$2,475.00).

The Commission further finds that claimants owned a "usufruct" or life estate in the house known as No. 155 at Hasloc, Rumania, one (1) yoch of farmland and 1028/1600 yoch of vineyard in the same community and fifteen yochs of farmland in the Communities of Alice and Fiscut, Rumania, which estate was taken pursuant to Law No. 87

and awarded in 1955 to ANNA FREY in the amount of Four Thousand
of March 23, 1945 on Agrarian Reform (Official Gazette No. 68 bis.).

Accordingly, the Commission finds that claimants are entitled to
compensation under Section 303(2) of the Act for the taking of the
aforementioned interests in property.

Evidence of record indicates that claimants, ALBERT and ANNA FREY,
were 38 and 35 years of Age, respectively, at the time of the
destruction of their right of "usufruct" and the value of the interest
must be based on longest life expectancy.

The Commission has adopted as a basis for valuation of life and
remainder interests the Makehamized mortality table, appearing as
Table 38 of United States Life Tables and Actuarial Tables 1939-41,
and a 3½% interest rate compounded annually, as prescribed by
United States Treasury Department regulations of June 3 and 4, 1952 for
the collection of gift and estate taxes, respectively. (See: 17 F. R.
4980, 26 C.F.R. 86.19(f); 17 F. R. 5016, 26 C.F.R. 81.10(i)). Accord-
ing to that method of valuation, a right of "usufruct" or life estate
in the property subjected thereto for a person aged 35 years is valued
at 67.650% of the entire estate. It is determined by the Commission
that the value of the encumbered property involved was \$8,550.00 and
the value of the "usufruct" for life is 67.650% of that amount, or
\$5,784.00.

AWARD

Pursuant to the provisions of the International Claims Settlement
Act of 1949, as amended, an award is hereby made to ALBERT JOHN FREY
in the amount of Four Thousand One Hundred Twenty-nine Dollars and
Fifty Cents (\$4,129.50) plus interest thereon at the rate of 6% per
annum from March 23, 1945 to August 9, 1955, the effective date of the
Act, in the amount of Two Thousand Five Hundred Seventy-one Dollars
and Ninety-nine Cents (\$2,571.99);

and an award is made to ANNA FREY in the amount of Four Thousand One Hundred Twenty-nine Dollars and Fifty Cents (\$4,129.50) plus interest thereon at the rate of 6% per annum from March 23, 1945 to August 9, 1955, the effective date of the Act, in the amount of Two Thousand Five Hundred Seventy-one Dollars and Ninety-nine Cents (\$2,571.99).

Payment of any part of these awards shall not be construed to have divested the claimants herein, or the Government of the United States, on their behalf, of any rights against the Government of Rumania, for the unpaid balance of the claims, if any.

Dated at Washington, D. C.

MAY 28 1958

FOR THE COMMISSION:

Donald G. Benn

Donald G. Benn, Director
Balkan Claims Division