

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

ALFRED SCHUTZ

Under the Yugoslav Claims Agreement
of 1948 and the International Claims
Settlement Act of 1949

Docket No. Y-1097

Decision No. 637

PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery of \$100,000, the asserted value of real property alleged to have been nationalized or otherwise taken by the Yugoslav Government.

The claim is before this Commission upon the proceeding of the Solicitor of the Commission pursuant to Section 300.16 of the Rules of Practice and Procedure of the Commission.

Evidence before the Commission shows that claimant became a citizen of the United States by naturalization on November 12, 1947; that he was the owner of an improved lot at No. ³/Surdulicka Street, Belgrade, listed under Docket No. 1317, Belgrade. Evidence further shows that all machinery and materials relating to a metal products factory were sold by claimant to one Evgen Radovan in 1935. We are therefore concerned solely with the real property above described.

It appears that the real property was attempted to be nationalized by the Yugoslav Government pursuant to the Law of April 28, 1948, but by a decision of the Presidium of the Government, People's Republic of Serbia, on June 8, 1949, the above described decree of nationalization was set aside upon the appeal of one Jelena Cupic, claimant's agent and sister. Following this, an entry was made in the land register restoring the ownership of this property to the claimant. It therefore appears that claimant's property has not

been nationalized or otherwise taken by the Yugoslav Government within the terms of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949.

The claim is denied in whole.

June 17, 1953

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES
DEPARTMENT OF STATE
Washington, D. C.

In the Matter of the Claim of

ALFRED SCHUTZ

10 East 46th Street
New York, New York

Docket No. Y-1097

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Under the Yugoslav Claims Agreement
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Counsel for Claimant:

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New York 17, New York

FINAL DECISION

By Proposed Decision No. 637, dated June 17, 1953, this claim was denied by the Commission. At the request of the claimant a Hearing was held on April 19, 1954, at which time claimant appeared in person and was represented by counsel. Evidence offered on behalf of claimant was received and oral argument was presented by his counsel. Thereafter claimant's attorney submitted Requested Findings and Conclusions of Law, and a Supporting Brief.

The claim is for \$100,000 by Alfred Schutz, a citizen of the United States since his naturalization on November 12, 1947, and is for the taking by the Government of Yugoslavia of personalty consisting of machinery and materials, and a three-story factory building and adjoining residential building, House No. 3, Surdulicka Street, Belgrade, Yugoslavia.

The claim was denied upon the grounds that the claimant had sold the personalty in 1935, and that real property had not been nationalized or otherwise taken by the Yugoslav Government. At the

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Hearing on April 19, 1954, claimant withdrew his claim for personal property.

The Commission finds it established by a certified extract, dated November 1, 1952, from the Land Register of the County Court of Belgrade (Docket No. 1317, Cadastral District of Belgrade), filed by the Government of Yugoslavia, and admissions of that Government, that claimant owns a parcel of land with a total area of 348.3 square meters with two structures on the property. The extract contains the following entry:

"Rec'd July 21st, 1948. Dn.3530/48
On basis of decision of Ex. Com.
of Peoples' Com, III Precinct, of
the City of Belgrade, No. 19944/48
of July 16, 1948, right of ownership to
property under list (page) is
entered in favor of
Peoples' Common Property"

However, upon an appeal from this Decision by Jelena Cupic, a sister of claimant, the Decision was set aside by a Decision of the Presidium of the Government, People's Republic of Serbia, of June 8, 1949, and an appropriate entry was made in the Land Register restoring ownership to the claimant Alfred Schutz on May 9, 1950.

The effect of the Decision of the Presidium of the Government, People's Republic of Serbia of June 8, 1949, was to nullify the original taking of the property pursuant to the Second Nationalization Act of April 28, 1948 (Official Gazette No. 35 of April 29, 1948), to the same effect as if the property had never been taken. The land register extract shows that the property still stands recorded in the name of Alfred Schutz. Since May 22, 1953, upon application of the claimant, through an attorney in Belgrade acting upon a power of attorney from the claimant, the property has been administered by a

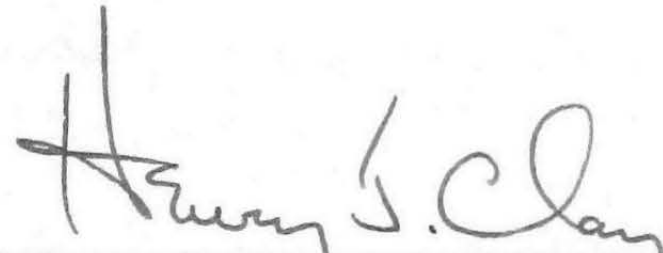
sequester under the jurisdiction of the National Republic of Serbia People's Committee of the Community Zap Vracar, Administration of Apartment Buildings.

Since the ownership of the property has been restored to the claimant, an award by this Commission would not be warranted. In such event, the claimant would be compensated for the property while still retaining ownership. Furthermore, an award of compensation under these circumstances would be unfair to all other claimants who are entitled to share in a fund which may prove inadequate.

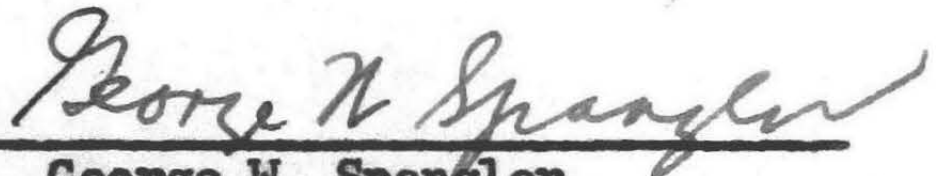
For the foregoing reasons, this claim is denied.

Done at Washington, D. C.

JUN 30 1954



Henry J. Clay
Acting Chairman



George W. Spangler
Acting Commissioner