

Docket File
Y-1497

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

MADELINE BERMAN

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

Docket No. Y-1497
Decision No. 426

PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery, in an un-
stated amount, 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.

Evidence before the Commission shows that the property here
involved consists of a parcel #3276, house #27 Vojvode Savatija
Street, with six auxiliary buildings and a yard, recorded in the
People's District Court of Belgrade on December 6, 1946 in the name
of Gerta Lavecki, nee Lansman, wife of Pavel. The evidence further
shows that an attempt was made to transfer this property to claimant
by a deed made in New York and never recorded in Yugoslavia. This
claimant, an American national, has failed to prove ownership of
this property as required by the Yugoslav Claims Agreement of 1948
and the International Claims Settlement Act of 1949, in that there
is no evidence of compliance with a decree enacted July 19, 1946,
regarding the acquisition of immovable property by foreign citizens
(Official Gazette No. 68, of August 23, 1946), which provides inter
alia (Article 1):

All legal acts regarding transfer to foreign citizens, as well as legal acts regarding use leases of real estate to foreign citizens for more than five years are null and void if no approval is granted, and they shall become effective on the day when such an approval is granted.

In view of the failure of proof, the claim is denied in whole.

Commissioner McKeough concurs in the above.

Commissioner Baker will file his concurring opinion.

November 13, 1952