

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

CHARLES D. SUSMAN

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

Docket No. Y-1602

Decision No. 580

PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery of approximately six hundred thousand dollars, 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.

In support of his claim the claimant has submitted the following documents:

1. An extract from the Land Register, dated July 14, 1947, showing that Elsa Susman was owner of one-third of the real property recorded under Docket No. 14216 of the City of Zagreb.
2. An extract from the Land Register, dated January 3, 1951, showing that Slavoljub Deutsch and Serafina Deutsch were owners, each in one-half, of the real property recorded under Docket No. 9671 of the City of Zagreb.
3. An Inheritance Decree of the District Court of Zagreb, dated May 17, 1948, according to which Elsa Susman inherited one-half of the real property owned by Slavoljub Deutsch and Serafina Deutsch, recorded in the Land Register under Dockets No. 9671 of the City of Zagreb, and No. 14216 of the City of Zagreb.
4. An extract from the Land Register, dated August 21, 1947, showing that Dr. Lav Susman owned certain real property recorded under Docket No. 3875 of the City of Zagreb.

5. An indenture showing that on July 13, 1938, one Julio Koenig and one Julia Koenig, of Zagreb, mortgaged their real property, located at Zagreb, to the mortgagees, Serafina Deutsch, Elso Susman and Irene Huber of Zagreb, to secure promissory notes in the amount of 3,000,000 dinars.

Claimant also submitted photostatic copies of two assignments, purportedly executed on April 1, 1948, wherein Leo Susman and Elsa Susman assigned all their rights, title and interest in the above described properties in Zagreb and Belgrade, and the interest in the mortgage described under Item 5, supra. It thus appears that this claim is based on the assignments allegedly executed on April 1, 1948. It further appears that such assignments were not recorded in Yugoslavia as required by Section 4 of the Law on Land Register Books of May 18, 1930 (Yugoslav Official Gazette No. 146, June 1, 1930). Further, it does not appear that the provisions of the Decree of July 19, 1946 (Official Gazette No. 68, August 23, 1946) have been complied with. Furthermore, the assignments do not meet the requirements of Section 434 of the Austrian Civil Code or of Section 294 of the Serbian Civil Code. The failure of the alleged assignments to meet these requirements renders them ineffective.

Consequently it appears that the claimant was not the owner of real property in Yugoslavia which was nationalized or otherwise taken by the Yugoslav Government during the period September 1, 1939 to July 19, 1948, and thus this claim fails to come within the terms of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949.

The claim is denied in whole.

March 31, 1953