

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

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In the Matter of the Claim of

MICHAEL and MARIE KREDLER  
1965 Penfield Street  
Philadelphia, Pennsylvania

Docket No. Y-309

Decision No. 359

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

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ORDER OF THE COMMISSION

The Commission has heretofore made the following awards herein,  
without interest:

Michael Kredler	\$846.60
Marie Kredler	\$937.49

The property involved was evaluated in accordance with 1938 values and the awards thereon were based on a conversion rate of 55 dinars to \$1. For the reasons stated by the Commission in its Proposed Decision on the claim of Joseph Senser, Decision No. 663, it is now the opinion of the Commission that when 1938 property values are used, the correct conversion rate is 44 dinars to \$1 and that interest should be allowed at the rate of 6% per annum, from the date the property was taken to August 21, 1948, the date compensation was paid by the Government of Yugoslavia.



The property involved was taken on February 6, 1945.

Accordingly, IT IS ORDERED that the awards heretofore made be corrected, and in full and final settlement of the claim, that claimants be, and hereby are awarded the following total amounts:

Michael Kredler:

Principal	\$1,058.25
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Interest	\$ 224.75
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Marie Kredler:

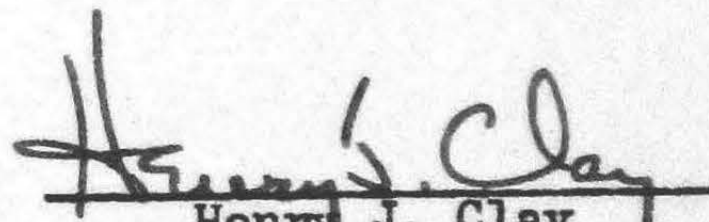
Principal	\$1,171.86
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Interest	\$ 248.88
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Dated at Washington, D. C.

December 1, 1954

FOR THE COMMISSION:

  
Henry J. Clay  
Commissioner



DEPARTMENT OF STATE  
INTERNATIONAL CLAIMS COMMISSION  
OF THE UNITED STATES

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PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery of \$5,000, the asserted value of real property alleged to have been taken by the Yugoslav Government in 1945.

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 claimants had a joint interest in real estate located in the County and Township of Bocar, Yugoslavia, more particularly identified by the Land Register Docket as follows:

<u>Land Register Docket</u>	<u>Size</u>	
1640	1	yutar
1655	1	"
1896	1	"
1932	1	"
2044-1642	3/5	"
2044-1640	1-5/16	"
2060	1	"
1346	4	"
1979	3	"

In addition, claimant Marie Kredler was the owner of a one-seventh interest in real estate described by Land Register Docket 619. There is evidence that all this property passed into State ownership



pursuant to a decree of Yugoslavia dated November 21, 1944, entitled "Decree Covering Transfer Into State Ownership of Enemy Property, State Administration of Property Belonging to Absent Persons and Sequestration of Property Alienated by Force by the Occupation Authorities (Official Gazette No. 2, February 6, 1945). This decree was confirmed with amendments on July 31, 1946 (Official Gazette No. 63, August 6, 1946 and No. 105, December 27, 1946).

In its Decision No. 291, In the Matter of the Claim of Marie Rotter Gerrick (Y-269), this Commission held that the effective date of the taking under such decree was February 6, 1945. We here hold that confiscations under this law constitute a taking within the meaning of the Yugoslav Claims Agreement of 1948 and that such claims were settled thereby.

The evidence shows that claimant Michael Kredler became a national of the United States by naturalization on September 19, 1927 and that claimant Marie Kredler became a national of the United States by naturalization on October 3, 1928, and since such times both claimants have continued to be nationals of the United States. There is evidence that the Yugoslav Government asserts that both claimants have always been nationals of Yugoslavia, as they have neither demanded nor received denationalization from the Yugoslav Government. We are thus presented with the question whether these claimants, who are dual nationals, are eligible to assert a claim against the fund established by the Yugoslav Claims Agreement of 1948.

A reading of the Yugoslav Claims Agreement of 1948, particularly Articles 2 and 3 thereof, leads to the conclusion that possession of nationality of the United States at the time of the nationalization or other taking is the only requirement with respect to nationality. This view applies likewise to the International Claims Settlement Act of



1949. This position is fortified by the Report of the Senate Committee on Foreign Relations (Calendar No. 810, Report No. 800, 81st Congress, 1st Session), relating to the International Claims Settlement Act of 1949, which stated:

Insofar as eligibility to participate in the Yugoslav claims fund is concerned, no distinction is drawn as between United States nationals based on their state of origin. Thus, if United States nationals are under Yugoslav law also Yugoslav nationals, and under international law are so-called "dual nationals", the condition of dual nationality does not affect eligibility. This appears also from the negotiating history where it is clear that the two Governments agreed that dual nationals would not be excluded from the settlement if otherwise eligible.

We therefore conclude that these claimants are eligible to assert a claim by reason of the confiscation of their real property by the decree of the Yugoslav Government referred to above.

We conclude that the following is the value of each parcel of property involved and the proportionate share of each claimant:

<u>Land Register Docket</u>	<u>Value</u>	<u>Marie Kredler</u>	<u>Michael Kredler</u>
1640	10,000 Dinars	5,000	5,000
1655	10,000 "	5,000	5,000
1896	10,000 "	5,000	5,000
1932	10,000 "	5,000	5,000
2044-1642	6,000 "	3,000	3,000
2044-1640	13,125 "	6,562	6,563
2060	6,000 "	3,000	3,000
1346	16,000 "	8,000	8,000
1979	12,000 "	6,000	6,000
619 1/7 =	<u>5,000</u> "	<u>5,000</u>	
Total	98,125 "	51,562	46,563

Converting the above sums at the rate of 55 dinars to 1 United States dollar, an award will be made in favor of Michael Kredler in the amount of \$846.60, and in favor of Marie Kredler in the amount of \$937.49.

Commissioner McKeough concurs in the above.



Commissioner Baker's views as to the use of 1938 values and the exchange rate of 55 dinars to one dollar are stated in his concurring opinion filed in Proposed Decision No. 353 (Karl Hoegler and Luise Hoegler, Docket No. Y-1414).

October 14, 1952