

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

In the Matter of the Claim of

FRANZ B. SCHICK

and

META SCHICK

University of Utah

Annex 127

Salt Lake City 1, Utah

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

Docket No. Y-315

Decision No. 1439

*approved*  
*12-14-54*

FINAL DECISION

By Proposed Decision No. 1439 of November 2, 1954, claimants were awarded \$66.67 each with interest thereon of \$14.16.

No formal objections were filed by the claimants. Claimant Franz B. Schick, however, in his letter of November 16, 1954, raised the question why an equal amount of \$66.67 and interest thereon was not awarded to Meta Schick as assignee of Robert A. Schick who, according to the Proposed Decision, appears to be entitled to such an award.

The Government of Yugoslavia filed objections stating, inter alia, that the amount of 10,000 dinars which was the basis for the award, should have been reduced to 3,742.86 dinars pursuant to the Yugoslav Law on Pre-War Obligations of 1945.

The Commission has carefully considered the aforesaid objections and found that Robert A. Schick was not and is not a claimant before this Commission. He may be entitled to one-third of his father's estate under California laws, but his share would have

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accrued as an additional award to Meta Schick only in case, if claimants had submitted evidence that Robert A. Schick was a citizen of the United States at the time of taking of the property involved (February 6, 1945), and that he had duly assigned his inherited share. Robert A. Schick executed an affidavit on December 6, 1954 stating that he became a citizen of the United States by naturalization on November 24, 1944. In the same affidavit he stated that he assigned his claim amounting to \$66.57 plus interest to his mother, at the time of the filing of the claim. The Commission is of the opinion that the instrument of assignment should have been executed at the time when the assignment allegedly was made in order to entitle the claimant Meta Schick to an additional award.

Not having been a claimant before this Commission prior to the issuance of the Proposed Decision, Robert A. Schick cannot execute a formal assignment of his claim now. Under the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949, as amended, the Commission is obligated to submit copies of all Statements of Claim to the Government of Yugoslavia. The Commission is also under obligation to complete the final determinations of all claims until December 31, 1954. The claim assigned under an instrument dated December 6, 1954 is in the nature of a new claim, heretofore not presented to the Commission and the Commission must decline to entertain the claim at such a late date.

The Commission is also of the opinion that the bank account, upon which the claim is based, was confiscated on February 6, 1945, pursuant to the Law on Enemy Property of November 21, 1944 (Official Gazette No. 2 of February 6, 1945), as submitted by the Government of Yugoslavia in its brief of July 15, 1953. The Law on the Settlement







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PROPOSED DECISION OF THE COMMISSION

This is a claim for 30,532 dinars by Franz B. Schick and Meta Schick, his mother, who have been naturalized citizens of the United States since May 12, 1942 and January 8, 1945, respectively, and is for the taking by the Government of Yugoslavia of bank deposits in the following amounts: 15,000 dinars in the City Savings Bank of Veliki-Beckerek, 1906.50 dinars in the Postal Savings Bank of Ljubljana, 540.50 dinars in the Yugoslav National Bank at Belgrade, and 3,200 dinars in the Postal Savings Bank at Belgrade.

Claimants allege that the aforementioned deposits were made before World War II by Julius Schick on behalf of the firm of Julius Schick & Company of Vienna of which claimant Franz B. Schick was the sole owner. Julius Schick, who was the husband of Meta Schick and the father of Franz B. Schick, became a citizen of the United States in 1943 and died on March 8, 1949, in the State of California where he was domiciled. His survivors were his widow and two sons, Franz B. and Robert A. Schick. The latter is not a claimant and presumably is not a citizen of the United States. It is alleged that Julius Schick died intestate and that there was no administration of his estate because it did not exceed \$1000.



As proof of ownership, claimants filed evidence which may be summarized as follows:

1. A copy of a letter, dated June 6, 1938, from the Postal Savings Bank of Zagreb, stating that account No. 40,211 had a credit balance of 363.32 dinars.
2. A copy of a letter, dated February 27, 1939, to Julius Schick from the Postal Savings Bank of Zagreb stating that his credit balance in the amount of 540.50 dinars was being transferred to the Yugoslav National Bank of Belgrade.
3. A copy of a letter, dated February 28, 1939, from the Postal Savings Bank of Ljubljana, showing a credit balance in an account on January 1, 1939, of 1906.50 dinars.
4. A letter, dated April 24, 1951, to Franz B. Schick from the Yugoslav National Bank of Belgrade stating that the sum of 10,000 dinars had been deposited by Julius Schick of Vienna in 1936 with the City Savings Bank of Veliki-Beckerek; that the bank had been confiscated after World War II; that the deposit after the Yugoslav currency reform of 1945 was 3,742.86 dinars, which had subsequently been confiscated as the deposit of a foreign subject under a special decree of the Ministry of Finance.

The Government of Yugoslavia has advised that no deposits in the name of Julius Schick could be found in either the Yugoslav National Bank or the Postal Savings Bank of Ljubljana and pointed out that during World War II all accounts of Austrian firms were transferred to Vienna. It also advised that in the former City Savings Bank of Veliki-Beckerek there was a deposit in the name of Julius Schick in the amount of 3,742.86 post-war revalued dinars, which deposit was confiscated on February 6, 1945, pursuant to the Law on Enemy Property of November 21, 1944 (Official Gazette No. 2 of February 6, 1945).

Copies of letters are not persuasive evidence of ownership.



Also, since the Yugoslav report is not controverted credence must be given to it. Hence, the claim with respect to the deposits at Postal Savings Bank of Zagreb and the Postal Savings Bank at Ljubljana must be denied.

The claim for the deposit at the City Savings Bank of Veliki-Beckerek will be allowed to the extent of claimants' interests therein.

Under the laws of the State of California, where Julius and Meta Schick were domiciled and living as husband and wife at the time of Julius Schick's death in 1949, personal property acquired by either spouse after marriage, as were the claimed bank deposits, and situated outside of the State, is considered the separate property of the acquiring spouse if the two parties were not domiciled in California at the time of acquisition (California Code, Section 164). Since Julius and Meta Schick resided in Vienna as citizens of Austria at the time all the bank deposits were made, the funds in the City Savings Bank of Veliki-Beckerek were the sole property of Julius Schick at the time of their confiscation in 1945. Thus, at his death in 1949, Julius Schick was seized of a claim against the Yugoslav Government for the confiscation of these funds. The right to this claim passed to his heirs, Meta, Franz B. and Robert A. Schick. Under California law, the share of a surviving spouse in the separate property of a deceased spouse is one-third if the decedent left more than one child. In such a case, the surviving children share the other two-thirds of the estate (Probate Code of California, Section 220). In the present case, Meta and Franz Schick are each entitled to one-third of the decedent's property.

The Commission is of the opinion it has been established that the sum of 10,000 dinars, in the City Savings Bank of Veliki-Beckerek was taken by the Government of Yugoslavia on February 6, 1945, under



the Enemy Property Law of November 21, 1944 (Official Gazette No. 2, February 6, 1945), prior to the Yugoslav Devaluation Law of October 27, 1945 (Official Gazette No. 88 of November 13, 1945). That amount converted into dollars at 50 dinars to \$1, the official rate of exchange immediately after World War II, equals \$200.\*

AWARD

On the above evidence and grounds, this claim is allowed and awards are hereby made to Franz B. Schick and Meta Schick, claimants, each in the amount of \$66.67, with interest thereon at 6% per annum from February 6, 1945, the date of taking, to August 21, 1948, the date of payment by the Government of Yugoslavia, each in the amount of \$14.16.\*

Dated at Washington, D. C.

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\* For the Commission's reasons for use of 1938 valuations, use of exchange rate of 44 to 1, and the allowance of interest, see attached copy of its decision in the claim of Joseph Sensor.