

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

In the Matter of the Claim of	::	
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GEZA SCHUMACHER and	::	
ELSIE SCHUMACHER	::	Docket No. Y-349
156 Huntsbridge Road	::	
Yonkers 4, New York	::	
	::	Decision No. 1305
Under the Yugoslav Claims Agreement	::	
of 1948 and the International Claims	::	
Settlement Act of 1949	::	

*approved
HE
12-15-54*

FINAL DECISION

By Proposed Decision dated September 23, 1954, the Commission found that claimant, Geza Schumacher, was the owner of certain fractional interests in property recorded under Docket Nos. 3060, 3928 and 1511, Cadastral District of Crvenka, which was taken by the Government of Yugoslavia on February 6, 1945, pursuant to the Enemy Property Law of November 21, 1944 (OFFICIAL GAZETTE No. 2 of February 6, 1945). The Commission also determined that the value of Geza Schumacher's interest in that property was \$4,409.10, and made an award in that amount, plus interest. The Commission denied the claim of Elsie Schumacher.

Claimant, Geza Schumacher, stated that he and his wife, Elsie Schumacher, also owned jointly a farm with an area of 20 ketten located at Sivac. An objection was also filed in the form of a letter dated October 5, 1954 signed by both claimants.

A further investigation by the Commission's Belgrade Office established that claimants, Geza Schumacher and Elsie Schumacher, each owned a one-half interest in four parcels of land having an area

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of 24 yutars and 855 square fathoms, with a farmhouse on one of the parcels, recorded under Docket No. 2972, Cadastral District of Sivac, and that this property was also taken by the Government of Yugoslavia on February 6, 1945, pursuant to the Enemy Property Law of November 21, 1944 (supra).

Claimants have submitted no corroborative evidence of value of this property and the Yugoslav Government has submitted no appraisal. An investigator for this Commission appraised the land at 368,016 dinars and the building at 25,000 dinars, for a total of 393,016 dinars, on the basis of 1938 values.

As stated in the Commission's Proposed Decision, claimant, Elsie Schumacher, became a citizen of the United States on July 22, 1948. The Agreement of July 19, 1948 between the Governments of the United States and Yugoslavia settled "all claims of nationals of the United States" for the "nationalization or other taking by Yugoslavia of property" (Article 1), who were nationals of the United States "at the time of nationalization or other taking" (Article 2). It expressly excluded nationals of the United States "who did not possess such nationality at the time of the nationalization or other taking" (Article 3). Since claimant, Elsie Schumacher, was not a national of the United States at the time of taking, her claim was not settled by the Agreement, and is not, therefore, within the jurisdiction of this Commission.

On the basis of all the evidence and data before it, the Commission is of the opinion that the fair and reasonable value of the property recorded under Docket No. 2972, Cadastral District of Sivac, was 393,016 dinars as of the year 1938.* Claimant's, Geza Schumacher's, one-half interest in the property was worth 196,508

dinars. That amount, converted into dollars at the rate of 44 dinars to \$1, the rate adopted by the Commission in making awards based upon 1938 valuations, equals \$4,466.09.*

DECISION

On the above evidence and grounds, an additional award is hereby made to Geza Schumacher, claimant, in the amount of \$4,466.09, with interest from February 6, 1945 to August 21, 1948 in the amount of \$948.52, making a total award to Geza Schumacher of \$8,875.19, with total interest in the amount of \$1,884.94.* The claim of Elsie Schumacher is denied.

Dated at Washington, D. C. DEC 15 1954

* 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 Senser.

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GEZA SCHUMACHER
ELSIE SCHUMACHER
156 Huntsbridge Road,
Yonkers 4, New York

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

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PROPOSED DECISION OF THE COMMISSION

This is a claim for \$24,280 by Geza and Elsie Schumacher, citizens of the United States since October 4, 1929 and July 22, 1948, respectively, the dates of their naturalization, and is for the taking by the Government of Yugoslavia of 36 yochs of land, two houses and other buildings in and around Crvenka, Yugoslavia, and for 55,000 dinars loaned by claimants in 1941 to Anna Sirucek, a sister of one of the claimants, for the purchase of a house in Sombor, Yugoslavia.

The Commission finds it established by certified extracts from the Land Register of the County Court of Kula (Cadastral District of Crvenka) filed by the Government of Yugoslavia and from the report of its investigator that claimant Geza Schumacher was the owner of a one-half interest in one parcel of land with an area of 1,454 square fathoms (Docket No. 3060 of Crvenka), of a one-third interest in two parcels of land with an area of 35 jutros (Docket No. 3928 of Crvenka) and of a one-fourth interest in a house and one parcel of land with an area of 482 square fathoms (Docket No. 1511 of Crvenka). No property was discovered recorded in the name of claimant Elsie Schumacher.

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It is also noted that claimant Elsie Schumacher became a national of the United States on July 22, 1948, long after the taking of the property by the Government of Yugoslavia. Therefore, in no event would she have standing to maintain the claim.

The extracts and the report of the Commission's investigator show that all of the above described property was taken by the Yugoslav Government on February 6, 1945, pursuant to the Enemy Property Law of November 21, 1944 (Official Gazette No. 2 of February 6, 1945).

Claimants filed no corroborative evidence of value. A three-party committee appointed by local Yugoslav authorities appraised the one-third interest of claimant Geza Schumacher in the property recorded under Docket No. 3928 of Crvenka at 111,882 dinars and his one-fourth interest in the property recorded under Docket No. 1511 of Crvenka at 17,732.50 dinars. An investigator from this Commission appraised Geza Schumacher's interest in the property listed under Docket No. 3928 of Crvenka at 175,000 dinars and his interest in the property listed under Docket No. 1511 of Crvenka at 16,511 dinars. The investigator also appraised the property recorded under Docket No. 3060 of Crvenka (not included in the valuation of the Yugoslav Government) and valued claimant Geza Schumacher's one-half interest in it at 6,816 dinars. All of these appraisals were made on the basis of 1938 values.

Both the Yugoslav Government and this Commission's investigator have reported that neither Anna Sirucek or claimants are recorded as the owners of any property in Sombor, Yugoslavia, and it has not been established that Anna Sirucek ever purchased a house there with the 55,000 dinars assertedly loaned to her by claimants for that purpose.

Since the claim for recovery of this sum is against a private individual and no taking by the Government of Yugoslavia is involved, such claim must be denied as not coming within the scope of the Yugoslav Claims Agreement of 1948 which provides for compensation only for the nationalization or other taking by the Yugoslav Government of property and rights therein owned by United States nationals at the time of taking, if such taking occurred between September 1, 1939 and July 19, 1948.

The house and parcel of land recorded under Docket No. 1511 of Crvenka, and described above, were encumbered with a life estate in favor of Katherine Schumacher, the widow of claimant Geza Schumacher's father. According to evidence of record she was seventy-one years of age at the time of taking. Claimant Geza Schumacher's interest in the property listed under Docket No. 1511 of Crvenka was, therefore, a remainder interest, and the value of that interest must be determined.

The Commission does not have actuarial and income data with respect to Yugoslavia and so far as it has been able to determine, reliable data for Yugoslavia is not available. It has, therefore, adopted as a basis for the valuation of life and remainder interests the Makehamized mortality table, appearing as Table 38 of United States Life Tables and Actuarial Tables 1939-41, and a 3 1/2% interest rate, compounded annually, as prescribed by United States Treasury Department regulations of June 3 and 4, 1952 for the collection of gift and estate taxes, respectively. (See 17 F.R. 4980, 26 C.F.R. 86.19 (f); 17 F.R. 5016, 26 C.F.R. 81.10 (i).) According to that method of valuation a remainder interest in property which is subject to a life estate of a person aged seventy-one years is valued at .73795% of the entire estate. Therefore, since the total value of the encumbered property is 66,045 dinars, the remainder interest is .73795% of that

amount, or 48,737.91 dinars, of which claimant Geza Schumacher's one-fourth interest amounts to 12,184.48 dinars.

It is not clear whether the claim also embraces a request for compensation for the taking by the Government of Yugoslavia of personal property, including, particularly, furniture and household effects. In any event, both the Commission's investigator and the Government of Yugoslavia have reported that any such personal property was presumably carried away during the war since none remained at the time the real property was taken by the Government of Yugoslavia. A claim in that respect, therefore, would not be within the Agreement of July 19, 1948, between the Governments of the United States and Yugoslavia.

The Commission is of the opinion, on the basis of all evidence and data before it, that the fair and reasonable value of the interests of claimant Geza Schumacher in all of the above-described property which was taken by the Government of Yugoslavia was 194,000.48 dinars as of the year 1938.* That amount converted into dollars at the rate of 44 dinars to \$1, the rate adopted by the Commission in making awards based upon 1938 valuations, equals \$4,409.10.*

DECISION

On the above evidence and grounds, the claim of Elsie Schumacher is denied and the claim of Geza Schumacher is allowed and an award is hereby made to claimant Geza Schumacher in the amount of \$4,409.10 with interest thereon from February 6, 1945, the date of taking, to August 21, 1948, the date of payment by the Government of Yugoslavia, in the amount of \$936.42.*

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 Senser.