

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
Washington, D. C.

In the Matter of the Claim of :

THERESA BEIN  
18304 Highlnd Avenue  
Homewood, Illinois

: Docket No. Y-657

: Decision No. 671

:

:

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

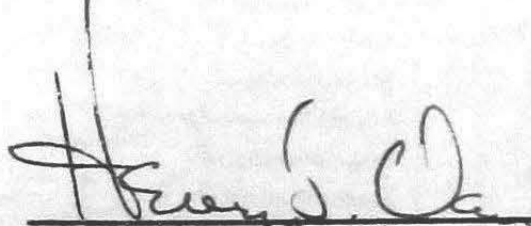
Counsel for Claimant:

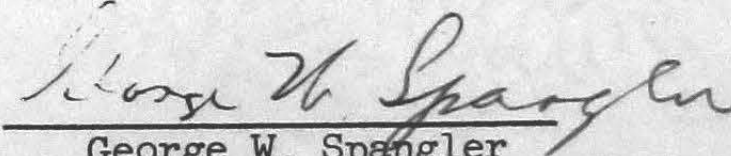
CLIFFORD K. RUBIN, Esquire  
77 West Washington Street  
Chicago 2, Illinois

FINAL DECISION

Thirty days having elapsed since the claimant(s) herein and the Government of Yugoslavia were notified of the Commission's Proposed Decision on the above claim, and the claimant(s) having filed no objections thereto, and a brief filed by the Government of Yugoslavia having received due consideration, such Proposed Decision is hereby adopted as the Commission's Final Decision on the claim.

Done at Washington, D.C. June 29, 1954.

  
Henry J. Clay  
Acting Chairman

  
George W. Spangler  
Acting Commissioner

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
Washington, D. C.

OK 10N m 4/19/54

OK  
RWB

ok  
3/11/54

In the Matter of the Claim of

THERESA BEIN  
18304 Highland Avenue  
Homewood, Illinois

Docket No. Y-657

Decision No. 671

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

Counsel for Claimant:

CLIFFORD K. RUBIN, Esq.  
77 West Washington Street  
Chicago 2, Illinois

PROPOSED DECISION

This claim is by Theresa Bein, a national of the United States since December 1, 1927, the date on which she was naturalized by the Circuit Court of Cook County, Illinois, and is for the taking by the Government of Yugoslavia of her three-fourths interest in  $4\frac{1}{2}$  yochs of land at Bereg, Yugoslavia, which is valued by her at \$3,000. Claimant's daughter Magdalen Lowe, nee Bein, has filed a claim for the remaining one-fourth interest in the property. (Docket No. Y-656.)

As evidence of ownership, claimant filed a photostatic copy of a contract dated August 13, 1922, according to which she and her deceased husband, Jovan Bein, purchased the property claimed. Claimant filed no documentary proof that she owned the property at the time of taking, but requested the Commission to obtain such evidence through the Government of Yugoslavia. That Government filed a certified extract from the Land Register of Sombor, according to which claimant was the owner of record of a one-half interest in four parcels of property, as recorded under Docket No. 2256, of the Cadastral District of Backi Breg, and described as follows:

ok.  
de ①  
3/11/54



Parcel No.	Description of Land	Area in Yutars of 1600 Sq. Fathoms	
		Yutars	Sq. Fathoms
3940	A field, in subdivision by the woods	4	14
4015	Field, in subdivision Kidjos		359
4016	Marsh, in subdivision Kidjos		100
4017	Field, in subdivision Kidjos		266

That extract also shows that Jovan Bein, claimant's husband, was the record owner of the remaining one-half interest. To corroborate claimant's interest in the property recorded in the name of her deceased husband, claimant filed a certified copy of his will which was admitted to Probate on June 3, 1935 in the Probate Court of Cook County, State of Illinois. According to the will claimant succeeded to one-half of the property and her daughter Magdalen Lowe to the other half. Claimant alleges that the will was made a matter of record at Sombor but the Government of Yugoslavia denies the existence of such record. Assuming, therefore, that her succession to the interest of her deceased husband was not established in Yugoslavia, under the laws of that country she does not have title to his share. However, she had a right or interest in and with respect to the property which could have been converted into legal title by appropriate legal procedure. The Yugoslav Claims Agreement of 1948 provides compensation for the taking of "rights" and "interests" in property.

Although the land extract does not show that the property has been taken, the Government of Yugoslavia states that it has been distributed among agrarian applicants. The Commission's own representative investigated and reported that the property was taken on August 23, 1945, apparently, pursuant to the Agrarian Reform Act of that date. (Official Gazette No. 64 of August 28, 1945.)

Claimant alleges that the property was worth \$4,000 at the time of taking on the theory that it cost \$2,500 in 1922 and that it increased in value. Claimant also filed an affidavit of her brother, Joseph Kalupski, who alleges that the purchase price was the equivalent of \$2,500 and that the property was worth \$4,000 in 1945.

A three-party Commission appointed by local Yugoslav authorities in 1952 appraised the property in accordance with 1938 values at 26,180 dinars. The Commission's own representative appraised the property in accordance with 1938 values at 35,695 dinars, pointing out that it is first-class land but that its proximity to the Hungarian border and distance from markets detracted from its value.

Upon consideration of all the evidence before it, the Commission is of the opinion that the fair value of the entire tract, as of the year 1938, was 35,695 dinars. Claimant's one-half interest which was acquired by purchase, therefore, amounts to 17,847.50 dinars. Claimant's one-fourth interest which was acquired under the will of her deceased husband therefore amounts to 8923.75 dinars less a Yugoslav inheritance tax of 2%, amounting to 179 dinars, or the net sum of 8,744.75 dinars. (See Inheritance Tax Decree of March 18, 1947; Official Gazette No. 25 of March 25, 1947.) Since inheritance taxes in Yugoslavia are a charge against the inheritance, it is obvious that the value of claimant's interest is the amount she would realize after establishing her right to the inheritance. Therefore, the value of claimant's three-fourths interest in the property is 26,592.25 dinars, which, converted into dollars at the rate of 44 dinars to one United States dollar, the rate adopted by



the Commission in making awards based upon evaluations for the year 1938, amounts to \$604.37.\*

Claimant's counsel has requested the Commission, in writing, to determine his fee.

On the above evidence and grounds, the Commission decides that this claim should be allowed in the amount of \$604.37 with interest thereon at 6% per annum from August 23, 1945 to August 21, 1948 in the amount of \$110.08 and the claim is accordingly allowed in those amounts and apportioned as follows:

Theresa Bein

Principal	\$543.94
Interest	99.07

Clifford K. Rubin

Fee on Principal	\$ 60.43
Fee on Interest	11.01

Dated at Washington, D. C.

This 31st day of March , 1954

\* Reference is directed to Commission's decision relative to valuations, exchange rate, and award of interest in re SENSER, Joseph, Docket No. Y-1756, Decision No. 663.