

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

In the Matter of the Claim of

ANTHONY KAMPF
2902 North Mildred Avenue
Chicago, Illinois

and

HELEN K, PETERS, nee KAMPF
897 South Cal du Sac
Des Plaines, Illinois

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

Docket No. Y-758

Decision No. 961

Counsel for Claimants:

CLIFFORD K. RUBIN
77 West Washington Street
Chicago, 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.
SEP 15 1954

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES
DEPARTMENT OF STATE
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PROPOSED DECISION OF THE COMMISSION

This is a claim for \$1,500 by Anthony Kampf and Helen K. Peters, nee Kampf, citizens of the United States since January 19, 1914 and June 7, 1918, respectively, the dates of their birth at Chicago, Illinois, and is for the taking by the Government of Yugoslavia of their respective one-fourth interests in two parcels of land located near the center of the town of Srbski Cernja, as recorded under Docket No. 524 of the Cadastral District of Nemacka in the name of their deceased father, Anton Kampf.

Claimant has filed no evidence of ownership, but requested the Commission to obtain such evidence through the Government of Yugoslavia. According to a certified extract from the Land Registry Office of the County Court in Zrenjanin filed by that Government and an admission of that Government, Anton Kampf (claimants' father) was the owner of a one-half interest in two parcels of land, being parcels 805/279b and 806/279, described as building lots, with an area of 516

square fathoms, as recorded under Docket No. 524 of the Cadastral District of Nemacka Crnja. The recorded owner of the remaining one-half interest in that property was the claimants' mother, Barbara B. Kampf; a claim for that interest was filed by her in a separate proceeding (Docket No. Y-576).

The Government of Yugoslavia admits, and the land extract shows, that the property described therein was taken by that Government on February 6, 1945 pursuant to the Enemy Property Law of November 21, 1944 (OFFICIAL GAZETTE No. 2 of February 6, 1945).

Claimants allege that Anton Kampf, the recorded owner of a one-half interest in the above property, died intestate in the City of Chicago, Illinois on January 19, 1920 and that there was no administration upon the estate in Yugoslavia or Illinois. As evidence of the day of death, claimants filed a certificate of death showing that Anton Kampf died on January 19, 1920. Claimant, Anthony Kampf, also filed an affidavit in which he swears:

"He is the claimant . . . and . . . the son of the late Anton Kampf who died . . . on January 19, 1920 . . . that his father . . . was married only once and then to Barbara B. Kampf, the mother of this claimant . . . that there were two children born of the said marriage, to wit Anthony Kampf and Helen K. Peters . . . when Anton Kampf died, he left him surviving his widow, Barbara B. Kampf, and his two children, Anthony Kampf and Helen K. Peters. Anton Kampf left no will and there was no probate of his estate because there was nothing to probate."

On the basis of the above evidence, the Commission is satisfied that claimants' father died intestate on January 19, 1920 and at the time the property was taken he was the recorded owner of a one-half interest therein. Accordingly, the decedent's interest in the real property would pass to his heirs in accordance with the laws of intestacy at the situs of the real property.

The real property owned by Anton Kampf at the time of his death was located in the "Vojvodina area" where there is no code

governing the descent and distribution of real property. Such descent and distribution is governed by the Hungary law which, in effect, states:

"In case deceased died intestate all his property, both inherited and acquired, is inherited by his children in equal shares.

"The surviving wife is entitled to a dower comprising the usufruct for life of the entire estate of the husband."

Upon consideration of the evidence filed, the Commission is satisfied that Anton Kampf left surviving him a wife and two children. Accordingly, each would be entitled a share in the property in accordance with the above law. However, Barbara B. Kampf, a national of the United States since January 27, 1941, the date on which she was naturalized by the United States District Court for the Northern District of Illinois, assigned to these claimants her life estate interest "in that portion of the property which they inherited from my late husband and their father, Anton Kampf, which property is recorded in the Cadastral District of Nemacka Crnja, Docket No. 524".

The Commission is well aware that under the laws of Yugoslavia, the right to legal ownership of inherited real property must be determined by a judicial proceeding in that country. However, the Commission is also of the opinion that even though no such proceedings were had, the heirs of the decedent have certain rights and interests in and with respect to the property which could culminate in legal ownership, and that those rights and interests were included in the agreement between the governments of the United States and Yugoslavia.

As evidence of value, claimants filed the affidavit of their mother who states that she and her deceased husband had sent approximately \$11,000 to \$12,000 to her father-in-law from time to time for the purpose of purchasing property for them. Claimants also furnished receipts totaling \$1,710 for some of the money sent to her late father-in-law.

No evidence was filed as to what part of this money was used for the purchase of the property claimed. Claimants state that the property had a value of \$3,000 at the time of the inheritance and that this information was obtained from their grandfather at that time. A three-party commission appointed by local Yugoslav authorities and an investigator for this Commission independently appraised the claimants' interests in the above property, in accordance with 1938 prices, the former at 1,500 dinars and the latter at 6,450 dinars.

Under the laws of Yugoslavia, persons who succeed to real property by inheritance, such as claimants herein, are obligated to pay inheritance taxes on the value of the property; however, the Commission is of the opinion that in cases of this type, it should follow the principle of "de minimis non curat lex" and accordingly determines that no deduction should be made for the inheritance taxes.

Upon consideration of all the evidence before it, the Commission finds that a fair and reasonable value of the claimants' interest in the property, as of the year 1938, was 6,438 dinars which converted into dollars at the rate of 44 dinars to \$1, the rate adopted by the Commission in making awards based upon valuations for that year, amounts to \$146.59.*

Claimants' counsel has requested the Commission in writing to determine his fee. An agreement of record authorizes a fee of 10% of the award.

AWARDS

On the above evidence and grounds, this claim is allowed and an award is hereby made to Anthony Kamp and Helen K. Peters, nee Kampf, each in the amount of \$73.30 with interest thereon at the rate of 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 \$15.57.* ✓

The Commission determines that 10% of the total paid pursuant to such award shall be paid to Clifford K. Rubin, counsel for claimants.

Dated at Washington, D. C.

JUN 25 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.