

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

In the Matter of the Claim of

ALEXANDER CIMADORI  
985 Tiffany Street (Apt. 5)  
Bronx 59, New York

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

Docket No. Y-789

Decision No. 1500

*affirmed*  
*FE*  
*12-21-54*

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. DEC 29 1954

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ok.  
11-15-54

PROPOSED DECISION OF THE COMMISSION

This is a claim for \$48,090.40 by Alexander Cimadori, a citizen of the United States since his naturalization on November 8, 1944, and is for the taking by the Government of Yugoslavia of claimant's interest in an experimental ranch consisting of land orchards, vineyards, structures and improvements, located near Abbaazia, Yugoslavia.

This Commission's representative in Yugoslavia has reported that the land records of the County Court of Opatija (Abbaazia) disclose that Alfredo Cimadori, claimant's father owned nine parcels of land with structures on some of the parcels, together with orchards and vineyards. The Commission's representative further reports that all of this property was taken by the Government of Yugoslavia on April 28, 1948, pursuant to the Second Nationalization Act of that date (Official Gazette No. 35, of April 29, 1948).

Claimant has filed a certified copy of a death certificate evidencing that his father, Alfredo Cimadori, died on February 2, 1945. He also filed documentary proof which establishes that his

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father died intestate and was survived by his widow, Maria Villatora, and by two children -- the claimant and his sister Vincenza. Consequently, under the law of the situs of the property, claimant inherited a  $1/2$  interest in the above property, subject to a life estate in  $1/3$  thereof in favor of his mother. (Section 581 Italian Code of 1942).

Claimant has filed no corroborating evidence of value.

An investigator for this Commission appraised the claimant's  $1/2$  interest in foregoing property, before deducting the value of his mother's life estate and the applicable Yugoslav inheritance tax, at 265,030 dinars. Claimant's mother was 61 years of age at the time the property was nationalized and the value of her life interest, based upon the Makehamized mortality table employed by the Commission in such cases, is 38.422% of  $1/3$  of 265,030 dinars or 33,943, leaving a balance of 231,087 dinars. The applicable inheritance tax on the latter amount is 10% thereof or 23,109 dinars, which leaves a net balance of 207,978 dinars.

The Commission is of the opinion, on the basis of all evidence and data before it, that the fair and reasonable value of all property of claimant which was taken by the Government of Yugoslavia was 207,978 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 \$4,726.77.\*

#### AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to Alexander Cimadori, claimant, in the



amount of \$4,726.77 with interest thereon at 6% per annum from April 28, 1948, the date of taking, to August 21, 1948, the date of payment by the Government of Yugoslavia, in the amount of \$89.39.\*

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.