

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

ERNA LINA KLEIN

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

Docket No. Y-861

Decision No. 541

PROPOSED DECISION

MARVEL, CHAIRMAN.

This claim seeks the recovery of approximately nine thousand eight hundred dollars, the asserted value of real property alleged to have been nationalized or otherwise taken by the Yugoslav Government.

The claim is before this Commission upon the proceeding of the Solicitor of the Commission pursuant to Section 300.16 of the Rules of Practice and Procedure of the Commission.

Evidence before the Commission shows that claimant became a citizen of the United States on May 31, 1944.

Evidence further shows that claimant's mother, Marjeta Bros, was the owner of property recorded under Docket No. 322, Maribor; and that this property was nationalized or otherwise taken by the Yugoslav Government pursuant to the law of February 6, 1945. As claimant's mother did not die until February 2, 1946, claimant was not the owner of this property at the date of its nationalization or other taking by the Yugoslav Government. Accordingly, the portion of this claim based on claimant's ownership of this real property is denied.

We find, however, that claimant was the owner of a recorded mortgage upon this property in the sum of 49,140.18 dinars. We conclude that such a mortgage, duly recorded, is immovable or real property

under the law of Yugoslavia and as such is within the terms of the Yugoslav Claims Agreement of 1948 (Article 1). We further conclude that the nationalization or other taking of the real property effectively took from claimant her right to foreclose her mortgage, and such was the taking of an interest in property. We therefore conclude that this portion of the claim is within the terms of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949.

With respect to the value of this interest, we note that the mortgage was not subject to revaluation by the Law on the Settlement of Pre-War Obligations (Official Gazette No. 88 of November 13, 1945), since the nationalization or other taking of the property occurred prior thereto, namely, February 6, 1945. Moreover, such a mortgage obligation was expressly not affected by Article 4 of the Law on Confirmation, Amendments and Additions to the Law on the Settlement of Pre-War Obligations, effective since August 16, 1946 (Official Gazette No. 66 of August 16, 1946).

Converting the sum of 49,140.18 dinars at the rate of 55 dinars to 1 United States dollar, an award will be made in favor of the claimant, Erna Lina Klein, in the amount of \$893.45.

February 11, 1953

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

In the Matter of the Claim of :

ERNA LINA KLEIN

676 Sir Francis Drake Blvd., :
San Anselmo, California

Docket No. Y-861

Decision No. 541

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

ORDER OF THE COMMISSION

The Commission has heretofore made an award, without interest, to claimant, Erna Lina Klein, in the amount of \$223.36.

The property involved was evaluated in accordance with 1938 values and the award thereon was based on a conversion rate of 55 dinars to \$1. For the reasons stated by the Commission in its Proposed Decision on the claim of Joseph Senser, Decision No. 663, it is now the opinion of the Commission that when 1938 property values are used, the correct conversion rate is 44 dinars to \$1 and that interest should be allowed at the rate of 6% per annum, from the date the property was taken to August 21, 1948, the date compensation was paid by the Government of Yugoslavia.

The property involved was taken on February 6, 1945.

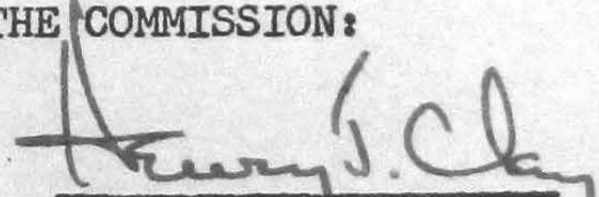
Accordingly, IT IS ORDERED that the award heretofore made be corrected, and in full and final settlement of the claim, that the above-named claimant be, and hereby is awarded the following amounts:

principal \$279.20; interest \$59.30.

Dated at Washington, D. C.

December 1, 1954

FOR THE COMMISSION:


Henry J. Clay
Commissioner