

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

HENRY LANDESMANN
71-36 110th Street
Forest Hills 75, New York

Claim No. CZ-1,976

Decision No. CZ-2892

Under the International Claims Settlement
Act of 1949, as amended

AMENDED FINAL DECISION

The Commission issued its Proposed Decision on this claim on December 6, 1961 proposing an award to the claimant under Title IV of the International Claims Settlement Act of 1949, as amended, in the amount of \$41,500.00 plus interest as compensation for the loss resulting from the taking of certain real property in Zatec (Saaz), Czechoslovakia. No objections or request for a hearing having been filed, the decision was entered as the Final Decision on the claim under date of January 3, 1962.

Subsequently, claimant advised the Commission that the District Office of Zehlendorf, Berlin-Dahlem, Germany, acting upon an order of the Equalization of Burdens Office of the Federal Republic of Germany, paid into the bank account of the claimant the amount of \$5,478.59 as compensation on account of the same loss with respect to which the award herein was granted.

Section 407 of the Act provides:

"In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made."

Accordingly, it is

ORDERED that the award herein be and the same is hereby reduced from the principal amount of \$41,500.00 to \$36,021.41; and that the interest allowed be reduced appropriately as specified below; and it is further

ORDERED that the award be restated as follows and as restated be certified to the Secretary of the Treasury:

A W A R D

An award is hereby made to HENRY LANDESMANN in the principal amount of Thirty-six Thousand Twenty-one Dollars and Forty-one Cents (\$36,021.41) plus interest thereon at the rate of 6% per annum from June 26, 1952 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Thirteen Thousand Two Hundred Nineteen Dollars and Eighty-six Cents (\$13,219.86), for a total award of Forty-nine Thousand Two Hundred Forty-one Dollars and Twenty-seven Cents (\$49,241.27).

Dated at Washington, D. C.

AUG 29 1962

Edward S. DeLoach
Theodore Joffe
Lavern R. Dieveg

COMMISSIONERS

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Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

PROPOSED DECISION

This claim was asserted in the amount of \$40,000.00 by HENRY LANDESMANN, a national of the United States since his naturalization on June 17, 1946. The claim is based on the nationalization or other taking of improved real property located in Zatec (Saaz), Czechoslovakia.

The foregoing claim was filed against the Government of Czechoslovakia under the provisions of Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended. Section 404 of the Act provides, in brief, for the determination by the Commission in conformance with applicable substantive law and international law of the validity and amount of claims filed by nationals of the United States for their respective losses arising on or subsequent to January 1, 1945, which resulted from nationalization or other taking by the Czechoslovakian State of real or personal property, including any rights or interests therein, owned at the time of such loss by nationals of the United States.

The subject property is described as three building lots numbered 511, 1133/1 and 1134/2, improved with houses Nos. 1908, 977 and 1907. and an orchard (lot No. 233). The Commission finds

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that claimant herein was the sole owner of the property in question, having inherited same from his father, SAMUEL LANDESMANN, in 1929.

The record includes a report by the Legal Aid Bureau in Zatec, Czechoslovakia, dated January 14, 1959, which establishes that the subject property was taken without compensation by the Government of Czechoslovakia ". . . according to official abolition decree of June 26, 1952, Order No. 6012-6-1952, Warehouse for Hops, a state enterprise in Zatec. . ."

In arriving at the value of the subject property, the Commission considered data submitted by claimant, including information on the size and dimensions of the land and improvements. Further, the Commission considered the results of its investigation with respect to property values of this and similar property in Czechoslovakia. On the basis of the entire record the Commission finds that the value of the subject property at time of taking was Forty-one Thousand Five Hundred Dollars (\$41,500.00).

Although, as heretofore indicated, claimant asserted in his statement of claim that the value of the subject property was Forty Thousand Dollars (\$40,000), it seems obviously unjust to hold him to said statement where the evidence of record proves a loss in excess of the amount claimed.^{1/}

Accordingly, the Commission concludes that the claimant is entitled to an award under Section 404 of the Act in the principal amount of Forty-one Thousand Five Hundred Dollars (\$41,500.00), together with appropriate interest.

A W A R D

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made

^{1/} In the Matter of the Claim of HILDA SMOLER, Claim No. SOV-41,238, Decision No. SOV-1,626. See Tenth Semiannual Report of Foreign Claims Settlement Commission to the Congress of the United States for the period ending June 30, 1959.

to HENRY LANDESMANN in the principal amount of Forty-one Thousand Five Hundred Dollars (\$41,500.00), plus interest thereon at the rate of 6% per annum from June 26, 1952 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Fifteen Thousand Two Hundred Thirty Dollars and Fifty Cents (\$15,230.50), for a total award in the amount of Fifty-six Thousand Seven Hundred Thirty Dollars and Fifty Cents (\$56,730.50).

Dated at Washington, D. C.

DEC 6 1961

BY DIRECTION OF THE COMMISSION:

Wgt. Eye J
Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON JAN 3 1962

Francis T. Masterson

Clerk of the Commission