

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

IN THE MATTER OF THE CLAIM OF

ARTHUR DOBOZY
3918 Fulton Street, N.W.
Washington 7, D. C.

VICTOR and PAUL DOBOZY
2225 Main Street
Bridgeport 6, Connecticut

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-21,300

Decision No. HUNG-1,257

GPO 16-72128-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on July 16, 1958, in which it determined that approximately 73-1/2 hold of farmland and a house in Kajaszoszentpeter, Hungary had been taken and proposed equal awards to ARTHUR DOBOZY and VICTOR DOBOZY in the amounts of Seven Hundred Dollars (\$700.00) plus interest from March 15, 1945 to August 9, 1955, and denied the claim of PAUL DOBOZY. Claimants filed objections. Full consideration having been given to the objections of the claimants, filed within the twenty-day period after such service which has now expired, and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim with the following changes:

The Commission finds that, out of the entire estate, approximately 9-1/3 hold of farmland remained undisturbed and the claim for this amount of land is denied for the reason that it has not been established that this property was nationalized, compulsorily liquidated, or otherwise taken prior to August 9, 1955. The Commission further finds that the rest of the estate comprising approximately 113-1/2 hold of farmland and a house in Kajaszoszentpeter, Hungary, in which each of the three claimants herein had a 1/24 interest was expropriated without compensation by the

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Government of Hungary pursuant to Decree No. 600/1945 of March 15, 1945. This includes the 50 hold of farmland which was the subject of a denial in the Proposed Decision.

✓ The value of the 1/24 interest in the property taken is determined to be One Thousand Two Hundred Sixty-Five Dollars and Sixty-Three Cents (\$1,265.63) and it is concluded that ARTHUR and VICTOR DOBOZY are entitled to awards under Section 303(2) of the Act.

A W A R D S

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, this claim is allowed in part and an award is hereby made to ARTHUR DOBOZY in the amount of One Thousand Two Hundred Sixty-Five Dollars and Sixty-Three Cents (\$1,265.63) plus interest thereon at the rate of 6% per annum from March 15, 1945 to August 9, 1955, the effective date of the Act, in the amount of Seven Hundred Ninety Dollars and Forty-Five Cents (\$790.45);

and an award is made to VICTOR DOBOZY in the amount of One Thousand Two Hundred Sixty-Five Dollars and Sixty-Three Cents (\$1,265.63) plus interest thereon at the rate of 6% per annum from March 15, 1945 to August 9, 1955, the effective date of the Act, in the amount of Seven Hundred Ninety Dollars and Forty-Five Cents (\$790.45).

Payment of any part of these awards shall not be construed to have divested ARTHUR and VICTOR DOBOZY, claimants herein, or the Government of the United States on their behalf, of any rights against the Government of Hungary for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

OCT 6 1958

COMMISSIONERS

Paul Pace
Robert L. King

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Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-21,300

Decision No. HUNG-1257

GPO 16-72126-1

PROPOSED DECISION

This is a claim for \$31,678.75 against the Government of Hungary under Section 303(2) of the International Claims Settlement Act of 1949, as amended, by ARTHUR, VICTOR, and PAUL DOBOZY, nationals of the United States since their nationalization in the United States on December 23, 1928, October 3, 1929, and November 10, 1947, respectively, for the expropriation of certain real property in Hungary.

The record shows that claimants' uncle, a resident of Hungary, died on February 12, 1945, owning approximately 123½ hold of farmland and a house in Kajaszoszentpeter, Hungary. Proceedings to determine title to the property were had on July 28, 1946, at which time it was found that the deceased had left a Will which was destroyed during World War II, and that claimants and another brother, a resident of Hungary, succeeded to equal shares in one-sixth of the estate. It further appears that all of the property in question was taken by the Government of Hungary in the spring of 1945 pursuant to the Land Reform laws of 1945 and that upon appeal 50 hold was returned. At the proceedings, the heirs residing in Hungary appeared and "renounced" their shares, as a result of which the court determined by order dated August 2, 1946 that Arthur and

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Victor Dobozy were entitled to a $23/24$ interest in the estate in equal shares and Paul Dobozy was entitled to a $1/24$ interest.

Section 303(2) of the Act provides for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Hungary, among others, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property in Hungary of nationals of the United States.

Under well established principles of international law, in order for a claim to be compensable, the property upon which the claim is based must have been owned by a national or nationals of the United States at the time of loss and the claim which arose from such loss must have been owned by a national or nationals of the United States continuously thereafter.

The Commission holds that the claimants each acquired a $1/24$ interest in the property in question upon the death of their uncle and that the "renunciation" in 1946 of the interests acquired by the other heirs was in effect an assignment to claimants of interests previously held by individuals who were not nationals of the United States.

The Commission, therefore, finds, with respect to the claim of Paul Dobozy and with respect to the portion of the claim of Arthur and Victor Dobozy for interests in excess of $1/24$ each, that it has not been established that the claim was owned by a national of the United States at the time it arose and continuously thereafter. Accordingly, these portions of the claim are denied. ✓

The portion of the claim based upon the 50 hold of land which was returned is denied for the reason that it has not been established that the property was nationalized or otherwise taken prior to August 9, 1955.

The Commission deems it unnecessary to make determinations with respect to other elements of these portions of the claim.

The Commission finds that the claimants, Arthur and Victor Dobozy each owned a $1/24$ interest in approximately $73\frac{1}{2}$ hold of farmland and a house in Kajaszoszentpeter, Hungary which were expropriated without compensation by the Government of Hungary pursuant to Decree No. 600/1945 of March 15, 1945.

The Commission further finds that the value of a $1/24$ interest in the property taken was seven hundred dollars (\$700.00) and concludes that Arthur and Victor Dobozy are entitled to awards under Section 303(2) of the Act.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, this claim is allowed in part and an award is hereby made to ARTHUR DOBOZY in the amount of seven hundred dollars (\$700.00) plus interest thereon at the rate of 6% per annum from March 15, 1945 to August 9, 1955, the effective date of the Act, in the amount of four hundred thirty-six dollars and eighty cents (\$436.80);

and an award is made to VICTOR DOBOZY in the amount of seven hundred dollars (\$700.00) plus interest thereon at the rate of 6% per annum from March 15, 1945 to August 9, 1955, the effective date of the Act, in the amount of four hundred thirty-six dollars and eighty cents (\$436.80).

Payment of any part of these awards shall not be construed to have divested Arthur and Victor Dobozy, claimants herein, or the Government of the United States on their behalf, of any rights against the Government of Hungary, for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

JUL 16 1958

FOR THE COMMISSION:

Donald G. Benn
Donald G. Benn, Director
Balkan Claims Division

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