

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

IN THE MATTER OF THE CLAIM OF

RISA BACKHAUT
12737 Victory Boulevard
North Hollywood, California

Claim No. RUM-30,189

Decision No. RUM-149

Against the Government of Rumania
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

Frank Alef, Esquire
727 West 7th Street
Los Angeles, California

FINAL DECISION

The Commission issued its Proposed Decision on this claim on June 12, 1957, a certified copy of which was duly served upon the claimant. Full consideration having been given to the objections of the claimant, 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, and it is further

ORDERED that the award granted therein be certified to the Secretary of the Treasury.

Dated at Washington, D.C.

SEP 11 1957

Whitney Gilliland

Henry S. Clay

COMMISSIONERS

Handwritten initials and marks

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Counsel for Claimant:

Maurice Schulman, Esquire
Roosevelt Building
727 West 7th Street
Los Angeles 17, California

PROPOSED DECISION

This is a claim for thirty thousand six hundred fifty-two dollars and fifty cents (\$30,652.50) under the provisions of Section 303(3) of the International Claims Settlement Act of 1949, as amended, against the Government of Rumania by RISA BACKHAUT, a citizen of the United States since her naturalization on April 15, 1930, for the failure of the said government to meet its contractual obligations.

The record shows that claimant holds nine bonds of the issue known as Kingdom of Roumania Monopolies Institute 7% Guaranteed External Sinking Fund Gold Bond, Stabilization and Development Loan of 1929, each in the principal amount of one thousand dollars (\$1,000.00), bearing numbers M22438 through M22440, M22442, and M23484 through M23488, acquired by her upon the death on March 2, 1951, of her husband, Alexander Backhaut, who had been a citizen of the United States since his naturalization on September 30, 1915, and who had acquired the bonds prior to September 1, 1939.

Under the terms of the bond contracts, the Government of Rumania as primary obligor guaranteed to holders payment of the sum of thirty-five dollars (\$35.00) for each one thousand dollars (\$1,000.00) in principal

amount held, semiannually on February 1 and on August 1 of each year until the maturity date of the bond issue on February 1, 1959. It appears that payment of only 50% of the amount due holders thereof on February 1, 1934 was made, and that commencing with the payment which fell due on February 1, 1936, no payments on account of interest have been made to date by the Government of Rumania with respect to claimant's bonds numbered M23484 through M23488, and commencing with the payment which fell due on August 1, 1937, no payments on account of interest have been made to date by the Government of Rumania with respect to claimant's bonds numbered M22438 through M22440 and M22442.

The record further shows that claimant holds 80 coupons of the issue known as Caisse Autonome Des Monopoles Du Royaume De Roumanie, Obligation Exterieur Amortissable 7 $\frac{1}{2}$ % Or 1931, bearing numbers 881,742 through 881,821, each setting forth the guarantee of the Government of Rumania of payment on October 1, 1933 of thirty-six dollars and sixty-two and one-half cents (\$36.625), or its equivalent in certain other currencies; and that the claimant succeeded to ownership of the said coupons upon the death of her husband, Alexander Backhaut, who had acquired them prior to September 1, 1939. It further appears that payment of only 50% of the amount due holders of the coupons has been made by the Government of Rumania.

Section 303(3) of the Act authorizes the Commission to receive and determine, among other claims, those based on the failure of the Government of Rumania to--

meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to . . . September 1, 1939, in the case of . . . Rumania, and which became payable prior to September 15, 1947.

Accordingly, the Commission has concluded that any award under the above provisions of the Act may include only unpaid amounts which by the terms of the bond and coupon contracts were payable prior to September 15, 1947, and may not include any amounts which became payable thereafter. Thus, the Commission finds that from October 1, 1933 to September 15, 1947,

the Government of Rumania failed to meet its obligations under claimant's bond and coupon contracts to make payments totalling eight thousand seven hundred sixty-two dollars and fifty cents (\$8,762.50).

A W A R D

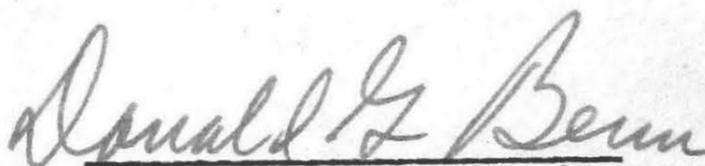
On the above evidence and grounds, this claim is allowed and an award is hereby made to RISA BACKHAUT, claimant herein, in the amount of eight thousand seven hundred sixty-two dollars and fifty cents (\$8,762.50), plus interest thereon at the rate of 6% per annum from the respective due dates of the obligations represented by the above award to August 9, 1955, the effective date of Section 303, in the amount of seven thousand eight hundred ninety dollars and seventy-nine cents (\$7,890.79).

Payment of the award herein shall not be construed to have divested claimant herein or the Government of the United States, on her behalf, of any rights against the Government of Rumania, for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

JUN 12 1957

FOR THE COMMISSION:



Donald G. Benn, Director
Balkan Claims Division

For the reasons stated in the attached copy of the Final Decision in the Matter of the Claim of Arthur Zentler, RUM-30,044, Commissioner Clay would also include in the award, the principal amount of the obligations on which the claim is based.


WB
