

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

In the Matter of the Claim of

**OSCAR GLUECK**  
Blue Point, Long Island  
New York

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

Docket No. **Y-287**

Decision No. **1235**

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Nov 9, 1954

**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. **NOV 10 1954**

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PROPOSED DECISION OF THE COMMISSION

This is a claim for \$7,000 by Oscar Glueck, a citizen of the United States since his naturalization on June 22, 1929, and is for the taking by the Government of Yugoslavia of a house and courtyard, which claimant values at \$6,000, and personal property which he values at \$1,000.

The Commission finds it established by certified extracts from the Land Register of the County Court of Opatija, filed by the Government of Yugoslavia, and admissions of that Government that claimant's sister Ilona Glueck, was the owner of a house and a parcel of land of 193 square meters (Entry No. 604, Parcel No. 23) when they were taken by the Government of Yugoslavia on April 28, 1948, pursuant to the Second Nationalization Law of April 28, 1948 (Official Gazette No. 35 of April 29, 1948).

Claimant (Oscar Glueck), his sister, (Ilona), and his brother (Albert) were the three children of Joseph and Wilhelmine Glueck. It does not appear that either Ilona or Albert was a citizen of the United States. It will be assumed that they were not.

According to a letter dated February 13, 1946, from one Nino Skerl, a tenant on the sister's property since 1941, Ilona Glueck was arrested by the German police in June 1944 and taken to Triest; and that she has neither returned nor has she been heard from since that time. Under date of December 24, 1948, claimant's brother,

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executed a power of attorney authorizing claimant to act for him "in all matters in connection with the death of our deceased sister, Ilona Glueck of Abbazia, formerly Italy, now Yugoslavia." Under date of September 19, 1951, Albert Glueck executed in claimant's favor a renunciation of "all my claims to all the property of our deceased sister Ilona Glück . . . " Both documents were executed at Budapest, Hungary. By a communication dated December 21, 1949, the Government of Yugoslavia advised the American Embassy at Belgrade as follows:

"The villa Ilona in Opatija is according to the Land Register Books the ownership of Glueck Ilona who was, being of Jewish origin, deported by the Germans during the occupation and her property was in major part dispersed.

"According to estimation carried out by a commission the value of the house amounts to 32.750 Italian lira according to rates of exchange in 1938 . . . "

On and after September 15, 1947, by local law of Croatia, in which Opatija is located, one who disappeared during war hostilities, having been taken by the enemy, may be declared dead if no word has been received from the missing person for two years, provided that at least one year has passed since cessation of hostilities (Official Gazette No. 80 of September 17, 1947, a publication abolishing Italian laws in effect in that area between April 21, 1942 and September 17, 1947, and reinstating the Law of April 13, 1918, with reference to death declarations). World War II hostilities in Yugoslavia ceased on May 7, 1945. Both of the time requirements are fulfilled in this case. It is also noted that, in a communication dated September 2, 1953, the Government of Yugoslavia assumes the death of Ilona Glueck. On the basis of the evidence of record, and data before it, the Commission finds that Ilona Glueck may be presumed to have died prior to the taking of her real property by the Government of Yugoslavia on April 28, 1948.



According to a statement of record, claimant's mother died in 1940. Although there is no evidence to the death of the father, this claimant was born in 1885 and it is presumed that the father also died prior to the taking. This is confirmed by the allegation of the claimant that Ilona Glueck left as her survivors only the claimant and his brother Albert. Accordingly, under local law governing the succession to real property, the claimant, Oscar Glueck, and his brother, Albert, inherited the real property of Ilona Glueck in equal shares.

The "renunciation" of Albert Glueck, having occurred on September 19, 1951, long after the taking, is not operative as a transfer of property or property rights cognizable under the Agreement. The power of attorney, or "authorization" from Albert to claimant, dated December 24, 1948, likewise fails to aid claimant in this matter.

Claimant has filed no corroborating evidence of value of the house and parcel of land. A three-party committee designated by local Yugoslav authorities appraised the house and land at 112,899 lire as of 1938. Based upon the 1938 rate of exchange of 5,263 lire to the U.S. cent, or 19.01 lire to the U.S. dollar (Statistical Yearbook of the United Nations, 1951, Table 159, p. 441), that valuation amounts to \$5,938.93. An investigator for this Commission appraised the house at 257,920 dinars and the land at 38,000 dinars, a total of 295,920 dinars, as of 1938.

The Commission is of the opinion, on the basis of all evidence and data before it, that the fair and reasonable value of all the real property of claimant's late sister, which was taken by the Government of Yugoslavia, was 295,920 dinars as of the year 1938.\*

Claimant's interest in the real property is one-half of the value as above-determined, or 147,960 dinars. Claimant's interest,

however, is subject to the Yugoslav inheritance tax of 18% (See Inheritance Tax Decree of March 18, 1947, Official Gazette No. 25 of March 26, 1947). Since inheritance taxes in Yugoslavia are a charge against the inheritance, claimant's compensable interest is the amount he would realize after payment of inheritance taxes. His net interest, therefore, is 147,960 dinars, less 26,633 dinars, or 121,327 dinars. That amount, converted at the rate of 44 dinars to \$1, the rate adopted by the Commission in making awards based upon 1938 valuations, equals \$2,757.45.

With respect to the claim for personal property, the Commission's investigator reports that the household effects for which compensation is sought were taken by Italian occupations forces. It is thus clear that, as to the personal property, there was no nationalization or other taking by the Government of Yugoslavia. That part of the claim is not within the Agreement of July 19, 1948, between the Governments of Yugoslavia and the United States, and is, therefore, denied.

#### AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to Oscar Glueck, claimant, in the amount of \$2,757.45, 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 \$52.13.\*

Dated at Washington, D. C.

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\*Reference is directed to Commission's decision relative to valuations, exchange rate, and award of interest in re SENSER, Joseph, Docket No. Y-1756, Decision No. 663.