

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

THE MATTER OF THE CLAIM OF

TONCHO TENEV

Claim No. BUL-2-010

Decision No. BUL - 31

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim, for \$74,450.00, against the Government of Bulgaria under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of a house with land and home furnishing at Selimiza, near Kladniza, Bulgaria. The claimant, TONCHO TENEV, has been a national of the United States since his naturalization on June 8, 1959.

Under Section 303, Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955), 22 U.S.C. §§1641-1641q (1964)), as further amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), the Commission is given jurisdiction over certain claims of nationals of the United States included within the terms of the Bulgarian Claims Agreement of 1963, which provides, among other things, for

(b) Claims of nationals of the United States of America for the nationalization, compulsory liquidation or other taking of property and of rights and interests (direct and indirect) in and with respect to property prior to the effective date of this agreement;(Article I(1)(b) of Agreement Between the Government of the United States of America and the Government of the People's Republic of Bulgaria Regarding Claims of United States Nationals and Related Financial Matters, July 2, 1963, 14 UST 969, TIAS 5387 (1963)).

On the basis of affidavits by Alexander Grekov, Kalin Koicheff, Dimitri Lozewe, Nedelko Deltsef and Luben Kowatschew, letters and other reports, the Commission finds that on and prior to February 2, 1960, the claimant, TONCHO TENEV, owned about 3,000 square meters of land improved by a dwelling house at Selimiza, near Kladniza, Bulgaria; and that such property was nationalized or otherwise taken by the Government of Bulgaria on or about February 2, 1960.

It is alleged by the claimant that on the date of loss, the property had the value of \$54,000.00, and submitted affidavits by the above-mentioned persons in support thereof.

On the basis of the evidence of record, the Commission finds that the property was a Cape Cod-type mountain cottage with approximately 250 square meters of dwelling area, equipped with water and sewer systems, bathroom and electricity.

After full consideration of the record, including evidence of value of comparable property in Bulgaria, the Commission finds that on February 2, 1960, the date of loss, the subject property had the value of \$18,000.00; and concludes that the claimant is entitled, under Section 303(b) of the Act, to compensation in such amount.

The evidence of record shows that prior to its nationalization the property was used by the "Pernik" Mines for recreational purposes, and the claimant did not have possession of the property for several years prior to its taking in 1960. In view of such fact, and in absence of evidence indicating the presence of any of the claimed home furnishings on the premises, the Commission finds that the claimant has failed to establish that any of the personal property (articles of furniture etc.) was taken by the Government of Bulgaria on February 2, 1960, in connection with the taking of his real property at Selimiza. Therefore, the portion of the claim which is based upon furnishing of the house at Selimiza must be and it is hereby denied.

The Commission has concluded that in granting awards on claims under Section 303(4) of the Act for the nationalization or other taking of property interest shall be allowed at the rate of 6% per annum from the date of loss to March 30, 1960, the effective date of the Rumanian Claims Agreement. (See Claim of John Hedio Proach, Claim No. PO-3197; FCSC Dec. & Ann. 549 (1969).

A W A R D

An award is hereby made to TONCHO TENEV in the principal amount of Eighteen Thousand Dollars (\$18,000.00), with interest thereon at the rate of 6% per annum from February 2, 1960, the date when the claim arose, to July 2, 1963, the date when the Bulgarian Claims Agreement entered into force, in the sum of Three Thousand Six Hundred Ninety Dollars (\$3,690.00).

Dated at Washington, D. C.
and entered as the Proposed
Decision of the Commission

MAR 3 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended.)