

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

IN THE MATTER OF THE CLAIM OF

VICTOR A. CORDOVI
MARCEL A. CORDOVI

Under the International Claims Settlement
Act of 1949, as amended

Claim No. BUL-2-023

Decision No. BUL-2- 15

PROPOSED DECISION

This claim, for \$210,000.00, 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 certain interests in the real properties at No. 13 Passage Sveti Nikola and No. 2 Arda Street in Sofia, and at Ovcha Koupel in Krasno Selo, all in Bulgaria and house furnishings at the above-mentioned addresses. The claimants, VICTOR A. CORDOVI and MARCEL A. CORDOVI, state that they have been nationals of the United States since their naturalization on April 29, 1943, and December 12, 1947, respectively.

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 (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)).

The jurisdiction of the Commission is set forth in Section 303(4) of the Act, supra, which authorizes 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 Bulgaria arising out of the failure of that government to pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States between August 9, 1955 and July 2, 1963, the effective date of the Bulgarian Claims Agreement.

It is clear, therefore, that this new section of the Act does not confer jurisdiction upon the Commission to consider all claims which were settled and discharged under the Bulgarian Claims Agreement of 1963 but rather, provides for a limited class only, namely, those which arose between August 9, 1955 and July 2, 1963, as a result of the nationalization, compulsory liquidation, or other taking of property.

It is important to note that other classes of claims settled and discharged by the Agreement which arose prior to August 9, 1955 were provided for pursuant to Subsection (1), (2) and (3) of Section 303 of the Act, supra. That program was completed on August 9, 1959 pursuant to an express statutory mandate.

Evidence submitted by the claimants shows as follows:

(1) On October 17, 1922, Avram M. Cordovi and Venezia M. Cordovi purchased the real property at No. 13 Passage Sveti Nikola in Sofia;

(2) On September 15, 1930, Venezia Avram Cordovi purchased a one-half interest in the real property at corner of Targovska and Arda Streets in Sofia; and

(3) On May 15, 1947, Moise Cordovi, Pepo Cordovi, Victor Cordovi, and Marcel Avram Cordovi were recognized as owners of a dwelling in Building "A", on the first floor, Section I, consisting of 160/5185th

part of the cooperative apartment project at Ovcha Koupel in Krasno Selo. No evidence has been submitted to establish the claimants' ownership of the household furnishings upon which a portion of this claim is based. On the Statement of Claim, claimants stated that the date of nationalization or other taking of the subject property by the Government of Bulgaria was not known.

In view of such evidence, the claimants were advised by Commission letter dated August 25, 1970, that the primary issue controlling the compensability of their claim appeared to be the date when the subject property was taken by the Government of Bulgaria. In that letter the claimants were also advised as to the type of evidence proper for submission and the sources from which it may be obtained. No reply to that letter was received, nor was any documentation submitted.

Thereafter, by letter dated November 17, 1970, the claimants were informed that this matter had been reached for determination. In that letter it was again suggested that supporting evidence be submitted within 30 days from the date thereof and the claimants were informed that after that date it may become necessary for the Commission to make a determination on the basis of the record then available.

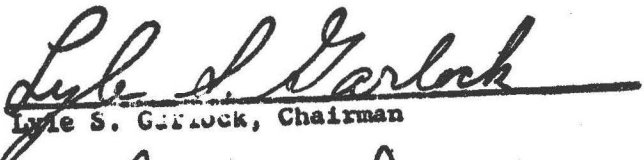
On December 4, 1970, VICTOR A. CORDOVI advised the Commission that he and his co-claimant were unable to offer additional evidence.

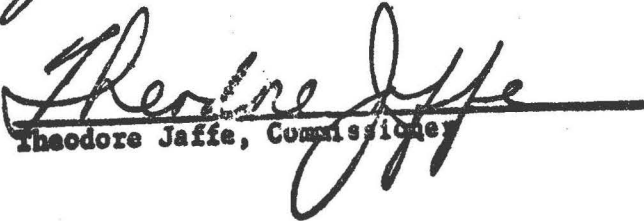
In view of the foregoing, the Commission finds that the claimants have failed to meet the burden of proof in that they have failed to establish that their property in Bulgaria was nationalized or otherwise taken by the Government of that country between August 9, 1955, and July 2, 1963, as required for compensation. Accordingly, this claim must be and it is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

JAN 6 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.)

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

Bob

THE MATTER OF THE CLAIM OF

VICTOR A. CORDOVI
MARCEL A. CORDOVI

Claim No. BUL-2-023

Decision No. BUL-2-15

under the International Claims Settlement
Act of 1949, as amended

appeal and objections from a Proposed Decision entered on January 6, 1971

hearing on the record held on February 17, 1971

FINAL DECISION

This claim against the Government of Bulgaria, under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, was presented by VICTOR A. CORDOVI and MARCEL A. CORDOVI, in the amount of \$210,000.00 based upon the asserted ownership and loss of certain real and personal property in Bulgaria.

By Proposed Decision dated January 6, 1971, the claim was denied for the claimants' failure to meet the burden of proof in that they failed to establish that their property in Bulgaria was nationalized or otherwise taken by the Government of that country between August 9, 1955, and July 2, 1963, as required for compensation.

The claimants filed objections to the Proposed Decision of January 6, 1971, but failed to submit evidence to establish that their property in Bulgaria was nationalized or otherwise taken by the Government of that country during the period covered by the Act.

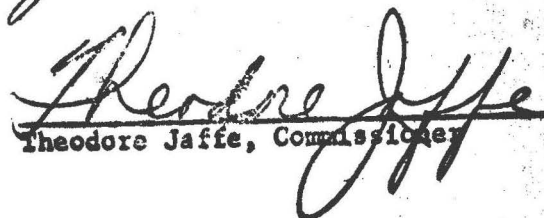
Full consideration having been given to the entire record, including the claimants' objections, and general notice of the Proposed Decision having been given by posting for twenty days, the Commission finds that the claimants' objections do not warrant any change in the Proposed Decision. Accordingly, it is

ORDERED that the Proposed Decision of January 6, 1971, be and it is hereby affirmed.

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

FEB 24 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner