

FOREIGN CLAIMS SETTLEMENT COMMISSION

INSTRUCTIONS FOR FCSC FORM 1-04: STATEMENT OF CLAIM FORM

(Claims Against Albania for Property Losses of United States Nationals)

Title I of the International Claims Settlement Act of 1949, as amended, and the Settlement Agreement between the Government of the United States of America and the Government of the Republic of Albania, effective April 18, 1995 (copy enclosed), authorize the Foreign Claims Settlement Commission to receive and determine the value of certain claims for loss of property which was nationalized, expropriated or otherwise taken by the Socialist Republic of Albania or other takings for which the Socialist Republic of Albania may be responsible.

Please read these Instructions carefully. They will help you fill out the Statement of Claim form (FCSC Form 1-04) and will tell you what other documents or evidence you will need to prove your claim.

WHEN AND WHERE TO FILE YOUR CLAIM

Your Statement of Claim form (FCSC Form 1-04) should be filed as soon as possible. The sooner it is filed, the sooner the Commission can start action on your claim. You may submit additional material later, if you wish to do so. You will have time to provide more information about your claim after it is filed. Send your Statement of Claim form to: Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, D.C. 20579.

ADDITIONAL CLAIMANTS

If more than one claimant has an interest in any of the property claimed, each claimant may file a separate Statement of Claim form for his or her interest in the loss. Or you may list the name and address of each additional claimant on a piece of paper and attach it to one claim form. Answer Questions 4, 5 and 6 for each additional claimant. State the percentage of each claimant's interest in the losses claimed. Submit proof of each claimant's United States citizenship. Each claimant must sign either the Statement of Claim form or the page on which his or her name and address appear.

WHAT LOSSES MAY BE CLAIMED

The Settlement Agreement covers any and all claims by nationals of the United States--that is, individual citizens, corporations, and other legal entities--against Albania resulting from uncompensated nationalization, expropriation, confiscation, or other taking of real property and other property rights and interests by the Albanian regime which took power at the end of World War II. If you do not file a claim, any claim you may have against Albania will be considered to have been waived and you will have no other opportunity to seek compensation through the United States Government at any time in the future.

The Commission will decide in each case whether the claimant has proved a valid claim.

If you are not sure whether your claim is valid under the law, you should file a Statement of Claim form giving all details. Then the Commission can decide if your loss is covered.

HOW TO PROVE A VALID CLAIM

To make a valid claim for losses in Albania, the claimant must prove:

1. That the owner of the property was a United States national on the date the property was taken;
2. That the property was lost as the result of an uncompensated nationalization, expropriation, or other taking by the Albanian government, *and* the date of that taking;
3. That the claim arising from the taking was continuously owned by a United States national from the date of loss until April 18, 1995, the effective date of the U.S.-Albania Claims Agreement;
4. That the claimant was the owner of the property on the date of loss or the legal successor in interest to the owner;
5. The value of the property taken.

OWNERSHIP OF PROPERTY AND CLAIMS BY UNITED STATES NATIONALS

A claim is valid only if the property interest which was taken was owned, directly or indirectly, in whole or in part, by a United States national *at the time the property interest was taken*. In addition, the claim for the loss must have been continuously held by one or more United States nationals from the date the property interest was taken until April 18, 1995, the effective date of the U.S.-Albania Claims Agreement.

Therefore, to prove your claim you must show *who* the owner of the property interest was *at the time the property was taken*. In addition, you must show that the property was owned directly or indirectly, in whole or in part, by a United States national at the time it was taken. You must also provide the name and nationality of anyone else who has had an interest in the claim from the time the property was taken until the claim is filed.

HOW TO PROVE UNITED STATES CITIZENSHIP

There are several ways to prove the United States citizenship of yourself or of another person whose citizenship is important, such as the owner of the property at the time it was taken. *If* you or the other person filed a claim with this Commission in its General War Claims program, citizenship may already have been proved. The Commission will check this for you if you provide the claim number of the previous claim and the full name of the claimant in that claim.

If United States citizenship has not been proved in some other claims program, and you or the person whose citizenship you must establish was born in the United States, provide a copy of the birth certificate. If the birth certificate is not available, provide a baptismal certificate for consideration by the Commission.

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If you or the person whose citizenship you must prove were naturalized as a United States citizen, you must provide a copy of the certificate of naturalization.

If United States citizenship is claimed through marriage to a United States citizen, or through parents who were United States citizens, provide all details to the Commission.

HOW TO PROVE OWNERSHIP OF PROPERTY

Official Albanian government records or recorded deeds are the best proof of ownership of property. If you cannot get these, submit other proof such as deeds, wills, leases, receipts for rent, taxes paid, tax bills or affidavits of persons who knew the facts of ownership.

HOW TO PROVE TAKING OF PROPERTY

Official decrees and notices issued by the Albanian government are the best way to prove that property was taken and the date it was taken. If you cannot get these, submit other proof such as letters or other documents written at the time the property was taken, which refer to the taking of the property. Or submit a sworn statement describing how and when the property was taken. Be sure you provide all the information you can about the taking of the property.

HOW TO PROVE VALUE OF PROPERTY

To rule on your claim, the Commission must decide the value of the property *at the time it was taken*. In many cases this may be less than the value of the property now. You should submit these kinds of evidence to help prove the value of your property: assessment or tax records; if the property was purchased, the date of purchase and price paid; any unpaid mortgages; appraisals of the property or of similar property located nearby; affidavits of persons who were familiar with your property; photographs; and, in the case of business property, inventories, corporate books, and proof of rental income. Most important, you should give a *detailed description of the claimed property*, including the size of any piece of land, and the age, condition and kind of any buildings or other improvements to the property.

PREPARING THE CLAIM FORM

PLEASE READ the Instructions below **BEFORE** you start to fill out the Statement of Claim form. If you need more space to respond to any of the questions, please attach additional sheets.

Questions 1-4: This information will help the Commission contact you or your lawyer (if you have a lawyer). Please give your present full name and any other names you have used in the past. (For example, maybe you legally changed your name or have a married name.) Also be sure to give the ZIP CODES for all addresses.

NOTE: IF YOU CHANGE YOUR ADDRESS, BE SURE TO TELL THE COMMISSION.

You can represent yourself before the Commission, OR you can have a lawyer represent you. Commission rules do not require claimants to have lawyers.

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If you do decide to have a lawyer represent you, be sure that your lawyer is licensed to practice law in a State or Territory of the United States or in the District of Columbia.

Note that Commission rules limit a lawyer's *fees* (not expenses) to 10% of the total amount paid on any award certified by the Commission.

If more than one claimant has an interest in any of the property claimed, please read the instructions for "Additional Claimants" on page 1 above. Those instructions explain what additional information you must provide.

Questions 5-6: This information will help the Commission decide nationality issues relating to your claim. Those issues are listed in point 1 and point 2 under "How To Prove A Valid Claim," on page 2 of these Instructions. Claimants should provide complete and accurate information, giving exact dates.

If claimant did not own the property at the time it was taken, claimant must prove the chain of ownership of the claim. To do this, claimant must provide the name and nationality of everyone who has had an interest in the claim from the time the property was taken until the filing of this claim form.

If there is a corporation, partnership or other kind of business in the chain of ownership of the claim, claimant must provide other information too. This is explained below.

If you are filing a claim for a corporation, partnership or other kind of business, you must submit a copy of the certificate of incorporation or other documents showing that it was established as a business in a state or territory of the United States or the District of Columbia or Puerto Rico. You must also submit a sworn statement by an officer of the organization certifying that, at all times it has held the claim, at least 50% of the shares or other beneficial interests in the organization have been owned by United States citizens. This same information must be provided for any corporation, partnership or other kind of business which was in the chain of ownership of the claim at any time.

Questions 7-8: This information tells the Commission the kinds of property losses in your claim and your best estimate of the amount of those losses.

Give your best estimate of the value *at the time the property was taken*. If the Commission decides that your property was worth more than you estimated, the Commission will award you the higher amount. On the other hand, the Commission may award less than your estimate if the evidence does not support your estimate.

Question 9: Answer all parts of this question if you are claiming for loss of land or buildings. Please give all information for *each* piece of land and for *each* building. The Commission must have a *complete* history of ownership and *complete* information about how the property was taken. Please also give a detailed description of the property and information about its value.

If your claim is for more than one piece of land or one building, give the same information for each on a separate piece of paper. Answer all parts of Question 9 for each piece of land and each building.

Question 10: Answer all parts of this question if you are claiming for loss of personal property, such as household furniture, jewelry, vehicles, livestock, or other movable items. List and describe each item of

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personal property in your claim. Also give complete information about when, where and how the personal property was taken, and the value of that property.

Question 11: Answer this question if you are claiming for loss of business interests (see Question 11a), OR if you are claiming for a debt (see Question 11b), OR if you are claiming for any other kind of loss (see Question 11c). List and describe the lost property in detail, and explain when, where and how the loss happened. You should also estimate the value of the lost property.

If you are claiming for loss of a business interest, you must also state the percentage of your ownership of the partnership, corporation or other business.

Question 12: Use these lines to provide any other information that may help the Commission decide your claim. You can attach more pages to the Statement of Claim form if you need more room for your answers.

Questions 13-15: This information may help the Commission get information about your claim from another government agency or from another proceeding for compensation. This may speed up handling of your claim.

HOW YOUR CLAIM WILL BE HANDLED

The Foreign Claims Settlement Commission will review your Statement of Claim form as soon as you file it. The Commission will tell you if more information is needed. Then you will have time to get that information. After all information is submitted, the Commission will make a Proposed Decision on your claim. A copy of the Proposed Decision will be sent to you or your lawyer (if you have one). The Proposed Decision then becomes the Final Decision of the Commission, unless you file an Objection.

If you do not agree with the Proposed Decision, you may file an Objection. Your Objection should explain why the Proposed Decision is wrong. Your Objection should also include any more proof you want the Commission to consider. You may also ask for an oral hearing with the Commission. At a hearing, you or your lawyer (if you have one) can present arguments, more evidence, and live statements by witnesses, and the Commission can ask questions. The Commission will consider your Objection and the hearing (if there is a hearing). Then the Commission will make its Final Decision on your claim. A copy of the Final Decision will be sent to you or your lawyer (if you have one).

Even after the Final Decision, you can ask the Commission to re-open your claim if you find new evidence that might change the Final Decision. But you cannot wait. You must ask the Commission to re-open your claim as soon as you get the new evidence.

PAYMENT OF AWARDS

If the Commission finds you entitled to an award, it will certify the Final Decision on your claim to the Department of the Treasury for payment of the award out of the Albanian Claims Fund established in the United States Treasury. By law, the initial payment is limited to \$1,000 of the principal amount of the award (that is, not including interest), or the entire principal amount, whichever is less. No payments of interest awards will be made until after all of the principal amounts of awards made in the claims program have been paid. The amount of the final award payments will depend on whether the balance left

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in the Fund after payment of all of the principal amounts is sufficient to cover the interest amounts awarded; if not sufficient, the final payments will be prorated.

FOR MORE INFORMATION

If you have questions or need help filling out the Statement of Claim form, you can call the offices of the Foreign Claims Settlement Commission (202-616-6975) Monday to Friday, 9:00 a.m. to 5:30 p.m. Or you can write to the Commission:

**Foreign Claims Settlement Commission
600 E Street, N.W. Room 6002
Washington, D.C. 20579**