

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

IN THE MATTER OF THE CLAIM OF

AUGUST HOUSEDORF ✓
R.D. #1 ✓
Asbury, New Jersey ✓

ROBERT HOUSEDORF ✓
Box 190, R.D. ✓
Asbury, New Jersey ✓

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-1236 ✓

Decision No. - CZ- 2404

GPO 16-72126-1

PROPOSED DECISION

This is a claim in the amount of \$1,888.86 against the Govern-
ment of Czechoslovakia under Section 404 of Title IV of the Inter-
national Claims Settlement Act of 1949, as amended, by AUGUST
HOUSEDORF and ROBERT HOUSEDORF, nationals of the United States since
naturalization on May 13, 1929 and birth in the United States on
February 1, 1931, respectively.

The claim is based on the nationalization or other taking of
property in Czechoslovakia.

Section 404 of the Act provides, inter alia, for the determi-
nation by the Commission, in accordance with applicable substantive
law, including international law, of the validity and amount of
claims by nationals of the United States against the Government of
Czechoslovakia for losses resulting from the nationalization or other
taking on and after January 1, 1945, of property, including any rights
or interests therein, owned at the time by nationals of the United
States.

Clearly then, it follows from the congressional mandate to the
Commission that there must be a showing, among other things, that the

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Government of Czechoslovakia nationalized or otherwise took property of a claimant in order for the Commission to act favorably on his claim. A study of the history of events with respect to bank accounts and savings accounts in Czechoslovakia reveals that pursuant to Law 41/53 Sb., effective June 1, 1953, those deposits which were made on or prior to November 15, 1945 in old currency were annulled by the Government of Czechoslovakia.

The Commission finds that the amount of 2,000 crowns and 11,092.50 crowns was on deposit in favor of AUGUST HOUSEDORF and ROBERT G. HOUSEDORF respectively, in the Sporitelna Mesta Broumova, Czechoslovakia, that the right to payment of these accounts was property within the meaning of Section 401(1) of the Act which defines property as "any property, right, or interest"; and that this right to payment was taken by the Government of Czechoslovakia on June 1, 1953 by virtue of Section 7 of Law 41/53 Sb., which cancelled such right.

Accordingly, the Commission concludes, with respect to these bank accounts, that claimants are entitled to compensation at the rate of \$1.00 for 50 crowns for such taking under Section 404 of the Act.

Claim is also made for amounts representing interest on the accounts for 29 years and 13 years respectively. It is to be noted in this regard that pursuant to Decree 91/45 Sb., interest payments on accounts ceased as of November 1, 1945. Moreover, no evidence has been submitted to establish that claimants were credited with any interest on their accounts; that any such interest was confiscated by the Government of Czechoslovakia. The portion of this claim based on interest for said periods of time is, therefore, denied. On the other hand, interest from June 1, 1953, the date of annulment of the deposits to August 8, 1958, the date of enactment of Title IV of the Act, is being allowed at the rate of 6% per annum.

Claim is also made by AUGUST HOUSEDORF based on a loan of 14,000 crowns to COELESTIN ADLER and ANNA ADLER and said to be secured by

mortgage on House No. 148 in Rozmítal, Broumov, Czechoslovakia. The record disclosed that the mortgage was not recorded in the office of the local land register. According to Czechoslovak law no lien on real property exists if it is not entered in the Real Estate Register and secured by mortgage. In such case, the creditor has only a personal claim against his debtor.

The Commission has concluded for the reasons stated in the attached copy of Decision No. CZ-734 In the Matter of the Claim of Skins Trading Corporation, Claim No. CZ-3978, that claims based upon unsecured debts due from Czechoslovakian concerns are not compensable under Section 404 of the Act. Accordingly, this part of the claim is denied.

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

A W A R D S

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to August HOUSEDORF in the principal amount of Forty Dollars (\$40.00) plus interest thereon at the rate of 6% per annum from June 1, 1953 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Twelve Dollars and Forty-Seven Cents (\$12.47), for a total award of Fifty-Two Dollars and Forty-Seven Cents (\$52.47);

and an award is made to ROBERT G. HOUSEDORF in the principal amount of Two Hundred Twenty-One Dollars and Eighty-Five Cents (\$221.85) plus interest thereon at the rate of 6% per annum from June 1, 1953 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Sixty-Nine Dollars and Three Cents (\$69.03), for a total award of Two Hundred Ninety Dollars and Eighty-Eight Cents (\$290.88).

Dated at Washington, D. C.

JUN 14 1961

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

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THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON

JUL 13 1961

Francis T. Masterson

Clerk of the Commission