

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

ANNA KANUCK, 216 Huron St., Brooklyn 22, N. Y.
JOHN KANUCK, 123 Nobel St., Brooklyn 22, N. Y.
MICHAEL KANUCK, 15 Walter Ave., Hicksville, N.Y.
ANNA BARAN, 110 Kent St., Brooklyn 22, N. Y.
HELEN DIETZ, 4147 Benham St., Elmhurst 73, N.Y.
MARY ANDREYCAK, 103 Grand St., Brooklyn, N. Y.

Claim No. CZ-3756

Decision No. CZ-22

Under the International Claims Settlement
Act of 1949, as amended

FINAL DECISION

The Commission issued an Order and Amended Proposed Decision on this claim on February 28, 1962, granting awards to JOHN KANUCK, MICHAEL KANUCK, ANNA BARAN and HELEN DIETZ. The Proposed Decision, insofar as it denied the claim of ANNA KANUCK, was affirmed. The claim made by MARY ANDREYCAK was denied for her failure to establish her alleged United States citizenship.

Subsequently, MARY ANDREYCAK submitted her Certificate of Birth showing that she was born in the United States on August 5, 1923. In view of such evidence and also upon evidence already on record, the Commission finds that MARY ANDREYCAK owned a 1/6 interest in real property, recorded in land register libers 9, 16, 15, 2 and 27 of Ruska Vola, Czechoslovakia, amounting to 0.9417 hectare of land and a 1/72 interest in a house, which were taken without compensation by the Government of Czechoslovakia on February 28, 1958. The Commission further finds that the value of the interest owned by MARY ANDREYCAK in the property taken amounted to a total of \$225.00 on the date of taking thereof, and such finding is based upon information and evidence amassed in the course of adjudicating claims against the Government of Czechoslovakia concerning similar property. Finally, the Commission concludes that MARY ANDREYCAK is entitled to compensation for such loss under Section 404 of the Act.

Accordingly, it is

ORDERED that the awards be restated as follows:

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 JOHN KANUCK in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00),

an award is granted to MICHAEL KANUCK in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00),

an award is granted to ANNA BARAN in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00),

an award is granted to HELEN DIETZ in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00), and

an award is granted to MARY ANDREYCAK in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the

effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00).

It is further

ORDERED that the awards as restated herein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

APR 25 1962

Edward J. O'Connell
Theodore Jaffe
Lavern R. Dineen

COMMISSIONERS

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON APR 25 1962

Francis H. [unclear]
Clerk of the Commission

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Claim No. CZ-3756

Decision No. CZ- 22

Under the International Claims Settlement
Act of 1949, as amended

GPO 917845

ORDER AND AMENDED PROPOSED DECISION

This claim, originally filed by ANNA KANUCK, was denied on November 13, 1959 by a Proposed Decision on the ground that claimant failed to establish that the property upon which the claim is based was owned by a United States national on the date of nationalization or other taking thereof. Thereafter the five children of ANDREW KANUCK and ANNA KANUCK were joined as claimants herein.

This is a claim against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, in the amount of \$12,000.00. JOHN KANUCK, MICHAEL KANUCK, ANNA BARAN and HELEN DIETZ, became nationals of the United States by naturalization on November 10, 1936, April 8, 1930, August 9, 1938, and by birth in the United States on January 23, 1930, respectively. MARY ANDREYCAK has failed to establish that she is a United States national. The claim is based upon asserted interests in 10 acres of oak forest, and 20 acres of farmland, a house and barn, all situated in Ruska Vola, Czechoslovakia.

The Commission finds that Andrew Kanuck (also known as Andrej Kanuk) owned real property in Ruska Vola, Czechoslovakia, as follows:

land register liber number	area in sq. <u>siah</u>	interest owned	equivalent of interest in sq. <u>siah</u>
9	29,800	1/12	2,483
16	27,000	1/8	3,375
15	55,920	1/30	1,864
2	900	1/1	900
27	10.1508 hectare	1/4	8,622 or 3.1125 hectare
			2.5377 "
			<u>5.6502</u> "

plus a 1/12 interest in the house built on the parcel recorded in land register liber 9 of Ruska Vola as lot 11.

Andrew Kanuck died intestate on December 27, 1952 and under Section 526 of Law 141/50 Sb., the Civil Code of Czechoslovakia, effective on January 1, 1951, JOHN KANUCK, MICHAEL KANUCK, ANNA BARAN and HELEN DIETZ each inherited a 1/6 interest in the Estate of Andrew Kanuck, Deceased, consisting of the above-mentioned interests in real property, amounting to 0.9417 hectare of land and a 1/72 interest in the house, which was taken without compensation by the Government of Czechoslovakia on February 28, 1958.

The claim is filed in the amount of \$12,000.00, but claimants have failed to submit any evidence to support such allegation. Publication by the Federal Agency for Equalization of Burden (Bundesausgleichsamt) of the German Federal Republic^{1/} shows that the average value of farmland in the area where Ruska Vola is situated was 640 to 850 Reichsmark (160.00 to \$212.50) per hectare. Based upon such information the Commission finds that the value of 0.9417 hectare (a 1/6 interest in 5.6502 hectare) of farmland was \$200.00, and the value of a 1/72 interest in the farmhouse, recorded in liber 9 of Ruska Vola as lot 11, was \$25.00, on February 28, 1958, the date of taking thereof, the latter finding being based upon information

^{1/}Verzeichnis der Gemeinde-Hektarsätze mit alphabetischem Kreisverzeichnis der Vertreibungsgebiete (List of per Hectare Land Values, with Alphabetical List of the Countries of the Expulsion-areas), Köln, Bundesanzeiger, 1956-, Supplement 5, p. 280

and evidence amassed in the course of adjudicating claims against the Government of Czechoslovakia concerning similar property. Finally the Commission concludes that JOHN KANUCK, MICHAEL KANUCK, ANNA BARAN and HELEN DIETZ each is entitled to compensation for such loss under Section 404 of the Act.

Since Title IV of the Act provides relief only for nationals of the United States, the claim made by MARY ANDREYCAK is denied for her failure to establish her alleged United States nationality.

The Proposed Decision, insofar as it denied the claim of ANNA KANUCK, is affirmed. Although she inherited an interest in the property upon the death of Andrew Kanuck, this interest was not owned by a United States national on February 28, 1958, when the claim arose, and therefore is not compensable under the Act.

The Commission finds it unnecessary to make determinations with respect to other elements of the claim. Accordingly, it is

ORDERED that the Proposed Decision of November 13, 1959 in this claim be amended by the foregoing, and that awards be granted as follows:

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 JOHN KANUCK in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00),

an award is granted to MICHAEL KANUCK in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six

Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00),

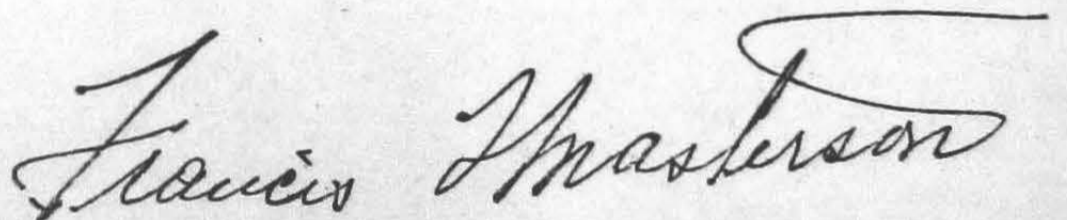
an award is granted to ANNA BARAN in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00),

an award is granted to HELEN DIETZ in the principal amount of Two Hundred Twenty-five Dollars (\$225.00), plus interest thereon at the rate of 6% per annum from February 28, 1958 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Six Dollars (\$6.00), for a total award of Two Hundred Thirty-one Dollars (\$231.00).

Dated at Washington, D. C.

FEB 28 1962

BY DIRECTION OF THE COMMISSION



Francis T. Masterson
Clerk of the Commission

A.K.B.

