

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

In the Matter of the Claim of

FRANK BUHN and
ANNA BUHN
148-05 84th Drive
Jamaica 35, New York

Claim No. RUM-30,039

Decision No. RUM-328

Against the Government of Rumania
Under Section 303 of the International
Claims Settlement Act of 1949, as amended

Counsel for Claimants:

Saul Grover Wlodaver, Esquire
475 Fifth Avenue
New York, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on February 19, 1958, a certified copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

APR 16 1958

Whitney Gilliland
Pearl Pace
Henry S. Clay

COMMISSIONERS

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Decision No. *Sum 328*

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72128-1

Counsel for Claimants:

Saul Grover Wlodaver, Esquire
475 Fifth Avenue
New York, New York

PROPOSED DECISION

These are claims against the Government of Rumania under Section 303(2) of the International Claims Settlement Act of 1949, as amended. According to claimants' statements, certain real property in which they claim interest was nationalized or otherwise taken by the Government of Rumania in 1945 and 1948.

Section 303(2) of the Act provides, inter alia, for 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 Rumania, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Rumania.

It is implicit from the language of the statute that in a claim against the Government of Rumania under Section 303(2) of the Act, it must be established, among other things, that the claimant owned or had an interest in the property for which claim

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is made and that his property interest in Rumania was nationalized, compulsorily liquidated, or otherwise taken by the Government of Rumania prior to August 9, 1955.

Claimants have stated in their application that several pieces of real property in Rumania were owned by them, some individually and some jointly, and that certain parcels were taken under the Land Reform Laws of 1945 and the remainder under the nationalization decrees of 1948. In response to suggestions that evidence be submitted to establish ownership of the property in question, and the fact and date of nationalization or other taking thereof, claimants submitted a statement dated at Codlea, April 16, 1946, to the effect that FRANK BUHN has a "usufruct" in certain real property inherited from his father but that the property is recorded in the name of his brother. It was further stated therein that ANNA BUHN has a "lifelong usufruct" in certain real property in Codlea but that the property is recorded in the name of another pursuant to a court decision of March 19, 1934.

There is no indication that this statement was made upon examination of the official land records covering the property in question. Another piece of property involved in the claim and not referred to in the statement of April 16, 1946 is asserted to be recorded in the name of the sister of FRANK BUHN. From the information available to the Commission, it appears that none of the property for which claim is made was recorded in the names of the claimants either jointly or individually. Furthermore, there is no evidence to establish that any of the property in question was nationalized or otherwise taken by the Government of Rumania prior to August 9, 1955.

The Commission finds that it has not been established that the claimants owned or had any interest in any property for which

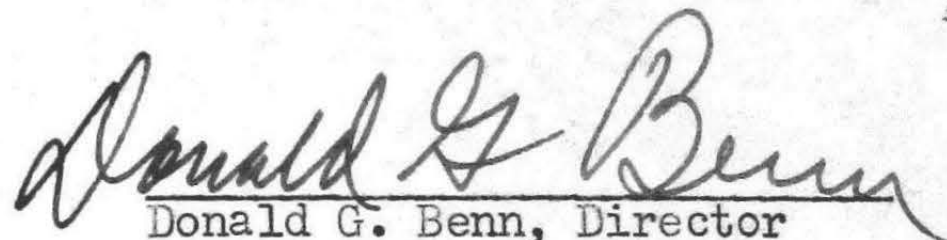
claim is made. Moreover, it has not been established that any of the property in question, assuming the claimants had an interest therein, was nationalized or otherwise taken by the Government of Rumania prior to August 9, 1955.

For the foregoing reasons, the claims are denied. The Commission deems it unnecessary to make determinations with respect to other elements of these claims.

Dated at Washington, D. C.

FEB 19 1958

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Claims Division

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