

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

In the Matter of the Claim of

EMMA DEBELJAK
8034 Georgia Street
Detroit 13, Michigan

Under the Yugoslav Claims Agreement
of 1948 and the International Claims
Settlement Act of 1949

Docket No. Y-1726

Decision No. 1161

ok.
11-3-54

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FINAL DECISION

Thirty days having elapsed since the claimant(s) herein and the Government of Yugoslavia were notified of the Commission's Proposed Decision on the above claim, and the claimant(s) having filed no objections thereto, and a brief filed by the Government of Yugoslavia having received due consideration, such Proposed Decision is hereby adopted as the Commission's Final Decision on the claim.

Done at Washington, D. C. **NOV** 4 1954

J. A. Kiviat

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>DESCRIPTION</u>	<u>AREA IN YUTARS OF 1600 SQUARE FATHOMS</u>		<u>CLAIMANT'S INTEREST</u>
			<u>YUTARS</u>	<u>SQUARE FATHOMS</u>	
3345	6016	House No. 703 and Courtyard		103	all
	6015	Garden		103	
	6014	Garden		452	
	6013	Meadow		149	
	6416/2	Plowland	1		
324	5245	House Nos. 323 and 324 with Courtyard		115	1/2
	5244	Garden		185	

Claimant has filed no corroborative evidence of value.

A three-party committee appointed by local Yugoslav authorities in 1953 appraised claimant's interest in the above property at 47,000 dinars. An investigator for this Commission inspected the above property and appraised claimant's interest therein at 118,970 dinars. Both appraisals were made in accordance with 1938 values.

On the basis of all evidence and data before it, the Commission is of the opinion that the fair and reasonable value of the real property of claimant, which was taken by the Government of Yugoslavia, was 118,970 dinars as of the year 1938.*

Claimant also asks compensation for the following items of personal property:

- Bedroom set
- Bed, mattress and night cabinet
- Kitchen furniture
- Sewing machine
- Radio
- Pillows, comforts and feather blankets
- Jewelry (watches, rings, earrings, etc.)
- Ladies' undergarments and linen
- Topcoats, overcoats, suits and dresses
- Kitchenware, dishes, service sets, etc.
- Hogs and a goat (sanska-breed)
- Corn
- Flour

Claimant has filed no evidence of ownership or taking of the above personalty. However, the Government of Yugoslavia admits claimant's

ownership and the taking on February 27, 1948 of that personal property listed in the exhibit attached to this Decision. This Commission's investigator could find no trace of any other personal property. Accordingly, on the basis of the evidence before us, we find that the Government of Yugoslavia had taken only that personalty which is described in the attached list.

Claimant has filed no corroborative evidence as to the value of the personal property taken. The Yugoslav Government and this Commission's investigator have both reported that the fair and reasonable value of the personal property taken was 33,355 dinars. Accordingly, on the basis of all evidence and data before us, we are of the opinion that the fair and reasonable value of the personal property taken by the Government of Yugoslavia was 33,355 dinars.

Claimant also asks compensation for the taking of "cash on hand - 7,000 dinars". However, she has filed no evidence of ownership or taking. We have repeatedly held that the burden of establishing a claim before this Commission rests upon the claimant. Accordingly, the claimant has not sustained that burden with respect to the ownership or taking of this item of the claim and it is, therefore, denied.

This Commission is also requested to compensate claimant for lost earnings from 1947 (due to her detention in a concentration camp); hospital expenses; attorney expenses, telephones, cables, etc.; and for mental and physical cruelty suffered. The Agreement of July 19, 1948 between the Governments of the United States and Yugoslavia settled claim for "the nationalization and other taking by Yugoslavia of property and of rights and interests in and with respect to property" (Article 1). It is our view that losses, injuries and expenses,

such as those claimed herein, are not a "nationalization" or "taking" of property by the Government of Yugoslavia. We, therefore, hold that claims for those items were not settled by the Agreement of July 19, 1948 and are not within the jurisdiction of this Commission to determine or award.

The Commission is of the opinion, on the basis of all evidence and data before it, that the fair and reasonable value of all property of claimant which was taken by the Government of Yugoslavia was 152,325 dinars, as of the year 1938.* That amount, converted into dollars at the rate of 44 dinars to \$1, the rate adopted by the Commission in making awards based upon 1938 valuations, equals \$3,461.93.*

AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to Emma Debeljak, claimant, in the amount of \$3,461.93, with interest thereon at 6% per annum from February 27, 1948, the date of taking, to August 21, 1948, the date of payment by the Government of Yugoslavia, in the amount of \$100.16.*

Dated at Washington, D. C.

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* For the Commission's reasons for use of 1938 valuations, use of exchange rate of 44 to 1, and the allowance of interest, see attached copy of its decision in the claim of Joseph Senser.