

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

In the Matter of the Claim of

ROSE PALFI MAVRAK  
1845 Market Street  
Reno, Nevada

Docket No. Y-461

Decision No. 900

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

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guy 4/19/54*

*ok.  
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FINAL DECISION

Thirty days having elapsed since the claimant herein and the Government of Yugoslavia were notified of the Commission's Proposed Decision on the above claim, and the claimant having filed objections thereto and having filed additional evidence and claimant's objections and additional evidence having received due consideration, such Proposed Decision is hereby adopted as the Commission's Final Decision on the claim.

Done at Washington, D. C.

**AUG 23 1954**

*B.F.  
Lyle.*

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
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PROPOSED DECISION OF THE COMMISSION

This is a claim for \$20,948 by Rose Palfi Mavrak, a citizen of the United States from November 4, 1912 the date of her birth in the United States until November 11, 1945 the date of her expatriation under Section 401(e) of the Nationality Act of 1940 and again from January 3, 1947, the date of her re-patriation and is for the taking by the Government of Yugoslavia of land situated at Jankov Most, Mihajlovo and Nem. Elemir, Yugoslavia, together with a house on the land at Nem. Elemir and various items of personal property.

The Commission finds it established by certified extracts from the Land Register of the District Court of Zrenjanin (Docket Nos. 732, 733, Cadastral District of Mihajlovo), filed by the Government of Yugoslavia, and admissions of that Government that claimant owned a one-half interest in the property recorded under Docket Nos. 732 of the Cadastral District of Mihajlovo and the sole owner of the property registered under Docket No. 733 of the same Cadastral District.

The Government of Yugoslavia states that the foregoing property is being managed by claimant's mother. This Commission's investigator personally inspected the above property and was told by Mrs. Palfi,

*Yak*  
*lyb.*

*Approved*  
*6/9/44*

*OK*  
*June 10, 1944*  
*[Signature]*

claimant's mother, that she (Mrs. Palfi) is now and has been managing the claimant's property in Mihajlevo since the claimant's departure from Yugoslavia.

The land register extracts show that the property still stands recorded in the names of claimant and her husband Josif as to Docket No. 732 and in claimant as to Docket No. 733. The position of the Government of Yugoslavia is that although the record owner has acquired United States citizenship she has not lost Yugoslav citizenship; that the property is, therefore, exempt from nationalization; that no restrictive measures have been applied to it; and that it may be sold or otherwise disposed of in the same way as the property of any citizen of Yugoslavia.

The Government of Yugoslavia in its nationalization program enacted two nationalization laws. The first, the Nationalization Law of December 5, 1946 (Official Gazette No. 98, December 6, 1946), nationalized 42 kinds of "economic enterprises of general, national and republican importance," and did not include agricultural property such as that claimed herein.

The second law, the Nationalization Law of April 28, 1948 (Official Gazette No. 36, April 29, 1948), nationalized additional kinds of "economic enterprises" and certain real property, including "all real property owned by foreign citizens," with certain stated exceptions not here applicable, and authorized the Ministry of Justice to "issue the necessary instructions for the transfer to the State of nationalized real property." Instructions issued on June 23, 1948, pursuant to such authority, contain the following definition of "foreign citizens" (Official Gazette No. 53, June 23, 1948):

"IX. Our emigrants who have acquired foreign citizenship but who have not obtained a release from our citizenship, and who neither have a decree from the Ministry of the Interior stating that they have lost their citizenship nor that their citizenship was revoked, are not considered foreign citizens. Therefore the real property of such persons is not nationalized, regardless of the class of property and regardless of whether they are farmers or not."

Thus it appears that the Nationalization Law of April 28, 1948, as construed by the Ministry of Justice of Yugoslavia under authority conferred in the Act itself, is not applied by the Government of Yugoslavia as a taking of property of "foreign citizens" if such citizens have not lost Yugoslav citizenship. Apparently the claimant has been held to be within that category, and in the absence of actual interference with the property, of which there is no evidence, she is not eligible to receive an award under the Yugoslav Claims Agreement of 1948.

With respect to claimant's claim for land in Janov Most, the Commission finds it established from the Land Register of the District Court of Zrenjanin Docket No. 1364, Cadastral District of Jankov Most that Jovan Mavrak is the record owner. This Commission's investigator reports that he interviewed Mr. Jovan Mavrak, claimant's father-in-law, who stated that he still owns this property.

Claimant's claim for house and land at Nemacki Elemir is based on her alleged purchase of this property on December 23, 1943 from Messrs. Francesco, Rosa and Schlachter. The contract of purchase and sale was never recorded. The Land Register of the District Court of Zrenjanin, Docket No. 54, Cadastral District of Nem. Elemir, discloses title in The Federative Peoples' Republic of Yugoslavia, by confiscation.

The question of ownership and title has been litigated. Claimant and her husband Josif Mavrak, by their attorney-at-law instituted an action in the District Court of Zrinjanin, requesting that the court decree that the property recorded in the name of the State (Yugoslavia) be cancelled and that the ownership be recorded in their names. After a hearing, the court by decree dated May 7, 1948 dismissed plaintiff's complaint, for the reason that, under the laws of Yugoslavia,

the contract of purchase and sale of December 23, 1943 concluded by the plaintiffs (claimant and her husband) with the then record owners (Francesco, Rosa and Schlachter) is void. The burden of establishing a claim with this Commission rests with the claimant. We hold that claimant has not met that burden with respect to her ownership of that property.

Regarding claimant's claim for personal property, she filed no corroborating evidence of taking, by the Yugoslav Government. That Government states that claimant sold her property before her departure from Yugoslavia to the United States. This Commission's investigator reports that he interviewed claimant's mother, Mrs. Magdalena Palfi, her brother-in-law, Mr. Djula Mavrak, her father-in-law, Mr. Jovan Mavrak, and that it was stated by them that none of claimant's personal property was taken by Yugoslav authorities, but by members of her family, or by persons unknown.

For the foregoing reasons, the claim is denied.

Dated At Washington, D. C. June 11, 1954