

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

IN THE MATTER OF THE CLAIM OF

WALTER FORMAN
18 Keogh Lane
New Rochelle, New York

Claim No. CZ-1,135

Decision No. CZ-3525

Under the International Claims Settlement
Act of 1949, as amended

Counsel for Claimant:

Reiner & Orens
19 Rector Street
New York 6, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on June 29, 1962, a copy of which was duly served upon claimant.

Full consideration having been given to the objections of the claimant and to the evidence and oral arguments presented at the hearing on August 17, 1962, it is

ORDERED that the findings set forth in the Proposed Decision be re-stated as follows:

This is a claim in the amount of \$390,945.64 against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by WALTER FORMAN, a national of the United States by naturalization on July 27, 1944.

The claim is based on the nationalization or other taking by Czechoslovakia of the following property:

I. A 50% interest in the "Fistag Corporation" (manufacturing starch and oil products), Prague, Czechoslovakia.

II. A 2/7 interest in the improved property located at 29 Sedlatschek Street, Pilsen, Czechoslovakia, with an interest in the local brewery.

Section 404 of the Act provides, inter alia, for the determination 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.

I. "Fistag Corporation"

The Commission finds it established that claimant inherited a fifty percent interest in the "Fistag Corporation" (hereinafter referred to as corporation) upon the death of his father, Moritz Freund, who died during World War II. The Commission further finds that the corporation was nationalized without compensation by the Government of Czechoslovakia pursuant to Law 114/48 Sb. effective on January 1, 1948. It is concluded that claimant is entitled to compensation under Section 404 of the Act for this loss.

In determining the value of claimant's interest in the corporation, the Commission considered all the evidence of record including the March 25, 1945, the December 31, 1945 and the December 31, 1946 balance sheets of the corporation.

The Commission finds that the fair and reasonable value of the corporation at the time of nationalization is best shown by the balance sheet of December 31, 1946:

Total assets	26,179,762.45 crowns
Total liabilities	<u>13,289,651.80</u>
Net worth	12,890,110.65 crowns

Therefore, the net worth of "Fistag Corporation" was 12,890,110.65 crowns or, converted at \$.02 per crown prevailing in 1946, the amount of \$257,802.21. Accordingly, the Commission concludes that the value of claimant's 50% interest in the corporation was \$128,901.11.

The record further shows that claimant received from the Office of Alien Property the amount of \$47,121.64 on account of this loss.

Section 407 of the Act provides as follows:

In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any

source on account of the same loss or losses with respect to which such award is made.

Accordingly, the amount received by claimant must be deducted in determining the amount to which he is entitled under Section 404 of the Act. Thus, claimant's net loss with respect to his interest in the corporation was \$81,779.47.

II. House and Brewery Rights

The Commission finds it established that claimant owned a 2/7 interest in the improved property located at 29 Sedlatschek Street, Filzen, with a recorded interest in the Citizens Brewery of Filzen known as "Mestansky Pivovar"; that the "Mestansky Pivovar" was nationalized without compensation by the Government of Czechoslovakia pursuant to Decree 101/45 Sb. effective October 27, 1945; that the improved property was transferred from its owners during the occupation of Czechoslovakia by the German forces; and that such property was never restored after the war, although claimant was entitled to restitution of the property under the laws of Czechoslovakia.

The Commission has consistently held that the failure to restore property to American owners who were eligible for restitution constituted a taking of property within the meaning of Section 404 of the Act; and the date of taking in such cases was December 21, 1949, the date when all restitution proceedings in Czechoslovakia were suspended with respect to American-owned property. The Commission further finds that the house was taken without compensation by the Government of Czechoslovakia on December 21, 1949.

In determining the value of the house including the share in the Citizens Brewery, the Commission considered all the evidence of record including an award granted by the British Compensation Commission with respect to a 1/7 interest in the house and information obtained as a result of the Commission's independent investigation. Based upon the entire

record, the Commission finds that the improved property had a value of \$7,762.50.

The Commission has had occasion to consider the value of a share in the "Mestansky Pivorar" (In the Matter of the Claim of JOSEPHINE E. LUHAN, et al., Claim No. CZ-1,469) and has determined that a share had a value of \$40,450.00.

Accordingly, the Commission finds that the value of claimant's 2/7 interest in the house was \$2,217.88 and in the "Mestansky Pivorar" was \$11,557.16. It is concluded that claimant is entitled to compensation under Section 404 of the Act for these losses.

A W A R D

An award is hereby made to WALTER FORMAN in the principal amount of Ninety-five Thousand Five Hundred Fifty-four Dollars and Fifty-one Cents (\$95,554.51) as follows: \$81,779.47 for the "Fistag Corporation", \$2,217.88 for the house and \$11,557.16 for the brewery right, plus interest thereon at the rate of 6% per annum from the respective dates of taking to August 8, 1958, the effective date of Title IV of the Act, in the amount of Sixty-two Thousand Thirty-six Dollars and Fifty-one Cents (\$62,036.51), for a total award of One Hundred Fifty-seven Thousand Five Hundred Ninety-one Dollars and Two Cents (\$157,591.02).

It is further

ORDERED that the Proposed Decision as amended herein be entered as the Final Decision on this claim; and it is further

ORDERED that the award granted herein be certified to the Secretary
of the Treasury.

Dated at Washington, D. C.

AUG 29 1962

Edward J. He
Theodore Joffe
Lavern R. Diweg

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

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Decision No. CZ-3525

Counsel for Claimant:

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PROPOSED DECISION

This is a claim in the amount of \$390,945.64 against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by WALTER FORMAN, a national of the United States by naturalization on July 27, 1944.

The claim is based on the nationalization or other taking by Czechoslovakia of the following property:

- I. A 50% interest in the "Fistag Corporation" (manufacturing starch and oil products), Prague, Czechoslovakia.
- II. A 1/7 interest in the improved property located at 29 Sedlatschek Street, Pilsen, Czechoslovakia, with an interest in the local brewery.

Section 404 of the Act provides, inter alia, for the determination 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.

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corporation) upon the death of his father, Moritz Freund, who died during World War II. The Commission further finds that the corporation was nationalized without compensation by the Government of Czechoslovakia pursuant to Law 114/48 Sb. effective on January 1, 1948. It is concluded that claimant is entitled to compensation under Section 404 of the Act for this loss.

In determining the value of claimant's interest in the corporation, the Commission considered all the evidence of record including the March 25, 1945, the December 31, 1945 and the December 31, 1946 balance sheets of the corporation.

The Commission finds that the fair and reasonable value of the corporation at the time of nationalization is best shown by the balance sheet of December 31, 1946:

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The record further shows that claimant received from the Office of Alien Property the amount of \$47,121.64 on account of this loss.

Section 407 of the Act provides as follows:

In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made.

Accordingly, the amount received by claimant must be deducted in determining the amount to which he is entitled under Section 404 of the Act. Thus, claimant's net loss with respect to his interest in the corporation was \$81,779.47.

II. House and Brewery Rights

The Commission finds it also established that claimant inherited from his deceased father a 1/14 interest in the improved property located at 29 Sedlatschek Street, Pilsen, with a recorded interest in the Citizens Brewery of Pilsen known as "Mestansky Pivorar"; that the "Mestansky Pivorar" was nationalized without compensation by the Government of Czechoslovakia pursuant to Decree 101/45 Sb. effective October 27, 1945; that the improved property was transferred from its owners during the occupation of Czechoslovakia by the German forces; and that such property was never restored after the war, although claimant was entitled to restitution of the property under the laws of Czechoslovakia.

The Commission has consistently held that the failure to restore property to American owners who were eligible for restitution constituted a taking of property within the meaning of Section 404 of the Act; and the date of taking in such cases was December 21, 1949, the date when all restitution proceedings in Czechoslovakia were suspended with respect to American-owned property. The Commission further finds that the house was taken without compensation by the Government of Czechoslovakia on December 21, 1949.

In determining the value of the house including the share in the Citizens Brewery, the Commission considered all the evidence of record including an award granted by the British Compensation Commission with respect to a 1/7 interest in the house and information obtained as a result of the Commission's independent investigation. Based upon the entire record, the Commission finds that the improved property had a value of \$7,762.50.

The Commission has had occasion to consider the value of a share in the "Mestansky Pivorar" (In the Matter of the Claim of JOSEPHINE E. LUHAN, et al., Claim No. CZ-1,469) and has determined that a share had a value of \$40,450.00.

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The Commission finds it also established that claimant inherited from his deceased father a 1/14 interest in the improved property located at 29 Sedlatschek Street, Pilsen, with a recorded interest in the Citizens Brewery of Pilsen known as "Mestansky Pivorar"; that the "Mestansky Pivorar" was nationalized without compensation by the Government of Czechoslovakia pursuant to Decree 101/45 Sb. effective October 27, 1945; that the improved property was transferred from its owners during the occupation of Czechoslovakia by the German forces; and that such property was never restored after the war, although claimant was entitled to restitution of the property under the laws of Czechoslovakia.

The Commission has consistently held that the failure to restore property to American owners who were eligible for restitution constituted a taking of property within the meaning of Section 404 of the Act; and the date of taking in such cases was December 21, 1949, the date when all restitution proceedings in Czechoslovakia were suspended with respect to American-owned property. The Commission further finds that the house was taken without compensation by the Government of Czechoslovakia on December 21, 1949.

In determining the value of the house including the share in the Citizens Brewery, the Commission considered all the evidence of record including an award granted by the British Compensation Commission with respect to a 1/7 interest in the house and information obtained as a result of the Commission's independent investigation. Based upon the entire record, the Commission finds that the improved property had a value of \$7,762.50.

The Commission has had occasion to consider the value of a share in the "Mestansky Pivorar" (In the Matter of the Claim of JOSEPHINE E. LUHAN, et al., Claim No. CZ-1,469) and has determined that a share had a value of \$40,450.00.

Accordingly, the Commission finds that the value of claimant's 1/14 interest in the house was \$554.47 and in the "Mestansky Pivorar" was \$2,889.29. It is concluded that claimant is entitled to compensation under Section 404 of the Act for these losses.

A W A R D

An award is hereby made to WALTER FORMAN in the principal amount of Eighty-five Thousand Two Hundred Twenty-three Dollars and Twenty-three Cents (\$85,223.23) as follows: \$81,779.47 for the "Fistag Corporation", \$554.47 for the house and \$2,889.29 for the brewery right, plus interest thereon at the rate of 6% per annum from the respective dates of taking to August 8, 1958, the effective date of Title IV of the Act, in the amount of Fifty-four Thousand Five Hundred Twenty-eight Dollars and Thirty-six Cents (\$54,528.36), for a total award of One Hundred Thirty-nine Thousand Seven Hundred Fifty-one Dollars and Fifty-nine Cents (\$139,751.59).

Dated at Washington, D. C.

JUN 29 1962

BY DIRECTION OF THE COMMISSION:



Francis T. Masterson
Clerk of the Commission