

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

IN THE MATTER OF THE CLAIM OF

EDNA SCHNABEL  
c/o Coudert Brothers  
488 Madison Avenue  
New York, New York

Claim No. CZ-2492

Decision No. CZ-154

Against the Government of Czechoslovakia

Under the International Claims Settlement  
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

Coudert Brothers  
488 Madison Avenue  
New York, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on February 1, 1960, a copy of which was duly served upon the claimant. Full consideration having been given to the objections of the claimant, filed within the twenty-day period after such service which has now expired, and general notice of the Proposed Decision having been given by posting for twenty 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.

MAR 14 1960

*Paul Pace*  
*Robert H. Kunzig*  
*Thos. H. Smith*

COMMISSIONERS

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Counsel for Claimant:

GPO 942329

Coudert Brothers  
488 Madison Avenue  
New York, New York

PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404 of the International Claims Settlement Act of 1949, as amended, by EDNA SCHNABEL, a national of the United States since her birth in the United States on March 31, 1898, based on certain jewelry deposited with a bank in Czechoslovakia. Claimant states that the Czechoslovakian Government will not permit her to export the jewelry and that it is, therefore, "virtually confiscated."

The record before the Commission discloses that claimant has received information from her attorney in Czechoslovakia in a letter dated November 16, 1958, stating that the jewelry is deposited in a safe at the State Savings Bank in Nova Paka, and that he has a key in his care.

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

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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.

Section 405 of the Act provides that:

"A claim under section 404 of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission."

It appears from the record that the sole act of which the claimant complains is the refusal of the Government of Czechoslovakia to allow her to export the jewelry upon which the claim is based. The Commission finds, however, that refusal to allow export of the property in question does not constitute a taking of the property within the meaning of Section 404.

Accordingly, since it has not been established that the property upon which this claim is based was nationalized or otherwise taken by the Government of Czechoslovakia on or after January 1, 1945, the claim must be and hereby is, denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

FEB 1 1960

BY DIRECTION OF THE COMMISSION:

*Francis T. Masterson*

Francis T. Masterson  
Clerk of the Commission