

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

IN THE MATTER OF THE CLAIM OF

LEO BRODY
515 West 168th Street
New York, New York

Claim No. CZ-2,794

Decision No. CZ- 3

Against the Government of Czechoslovakia
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

Lionel M. Spring
60 East 42nd Street
New York 17, New York

PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by LEO BRODY, a national of the United States since his naturalization in the United States on May 23, 1955.

The claim is based on the asserted nationalization or other taking in June 1945 of (1) two buildings, together with machinery and fixtures therein, and a private home located at Mukacevo, "Czechoslovakia", and (2) forests and lumber yards, wood cutting machinery and equipment and one private home located in Ilnice, "Czechoslovakia".

Claimant states, in substance, that the property designated as (1) above was owned by his father, Lazar Brody, and that the property designated as (2) above was owned by his maternal grandfather, Frantisek Drummer; that both of his said ancestors were

citizens of Czechoslovakia and that both died in June 1944; that he (claimant) and his brother, Emanuel Brody, are the sole surviving members of the Brody-Drummer family and thus the legal owners by rights of succession and intestacy to the property in question. Emanuel Brody, by affidavit sworn to on July 20, 1959, waived any of his rights, title and interest to the claim in favor of the claimant herein.

Section 404 of the aforementioned 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.

At the outset, it should be noted that Mukacevo and Ilnice are situated within an area which, while formerly part of Czechoslovakia, was occupied by military forces of the U.S.S.R. commencing in or about October 1944 and which area was ceded to the latter government by the Government of Czechoslovakia by treaty dated June 29, 1945. Additionally, it is to be noted that nothing of record indicates that a nationalization or other taking of the property on which this claim is based was effected by the Government of Czechoslovakia.

Moreover, 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."

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, or that such property was owned by a national of the United States on the date of the taking thereof as asserted by claimant, 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.

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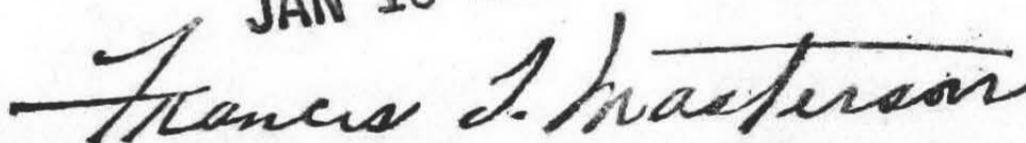
BY DIRECTION OF THE COMMISSION:



Francis T. Masterson
Clerk of the Commission

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON

JAN 18 1960



Clerk of the Commission