

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

IN THE MATTER OF THE CLAIM OF

ROBERT FERDINAND GARROW
666 East 26th Street
Paterson, New Jersey

Claim No. HUNG-22,048

Decision No. HUNG-2107

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

GPO 16-72126-1

Counsel for Claimant:

Andrew Reiner, Esquire
320 Broadway
New York 7, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on April 27, 1959, a copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on the claim, and it is further

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

Dated at Washington, D. C.

JUN 8 1959

Whitney Gilliland

Pearl Pace

Robert L. Kunyig

COMMISSIONERS

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320 Broadway
New York 7, New York

PROPOSED DECISION

This is a claim under Section 303(2) of the International Claims Settlement Act of 1949, as amended, for \$250,000.00 by ROBERT FERDINAND GARROW, a national of the United States since his naturalization in the United States on March 13, 1940 for the taking of an interest in three parcels of land in Budapest, Hungary.

The Commission finds that the claimant was the owner of a 50% interest in a building lot at #85 Fehervary Avenue, Budapest, Hungary, consisting of 1 hold, 394.30 sq. ol (Lot 3763/2) which was nationalized, or otherwise taken without compensation by the Government of Hungary in 1950. The Commission further finds that the value of claimant's interest in the property taken was Ten Thousand Dollars (\$10,000.00) and concludes that claimant is entitled to an award under Section 303(2) of the Act.

That portion of the claim based upon loss of real property described as a building lot recorded in liber 6187 (dunajobbpart) as lot 3763/3 consisting of 414.80 sq. ol is denied for the reason that it has not been established that it was nationalized or

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otherwise taken by the Government of Hungary prior to August 9, 1955.

That portion of the claim based upon taking of real property described as a building lot recorded in liber 26974 and 6187 (dunajobbpart) as lot 3766/1 is denied for the reason that the record shows that the property was taken by virtue of proceedings instituted in 1939 under the National Defense Act of 1939, Chapter II, Paragraph 105 which provided for the taking by eminent domain of property necessary to the defense effort in Hungary. Title to this property was finally recorded in the State of Hungary on May 25, 1949.

The claimant asserts that in 1940 the Government of Hungary offered the equivalent of \$145,000 for his interest in this property but the offer was not acceptable because the Hungarian Government was not willing to make payment in the United States of America. The Commission holds that tender of adequate compensation in domestic currency is sufficient to satisfy the requirement under international law that effective compensation be paid for the taking of property, whether that taking be by virtue of nationalization or under the provisions of eminent domain statutes.

The Commission, therefore, finds that it has not been established that the claimant's property was nationalized or otherwise taken without effective compensation by the Government of Hungary within the meaning of Section 303(2) of the Act.

Accordingly, this portion of the claim is denied.

The Commission deems it unnecessary to make determinations with respect to other elements of the portions of the claim denied herein.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, this claim is allowed in part, and an award is hereby made to ROBERT FERDINAND GARROW in the amount of Ten Thousand Dollars (\$10,000.00) plus interest thereon at the rate

of 6% per annum from January 9, 1950 to August 9, 1955, the effective date of the Act, in the amount of Three Thousand Three Hundred Fifty Dollars (\$3,350.00).

Payment of any part of this award shall not be construed to have divested the claimant herein or the Government of the United States, on his behalf, of any rights against the Government of Hungary, for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

APR 27 1959

FOR THE COMMISSION:

William Barrett
William Barrett, Acting Director
Balkan Claims Division

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