

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

JULIUS H. WALDNER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-0137

Decision No. G-0098

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Hearing on the Record held on APR 08 1981

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FINAL DECISION

This claim in the asserted amount of \$10,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, by Public Law 94-542 (90 Stat. 2509), is based upon the loss of a building site in Bergfelde.

The record indicates that claimant acquired United States nationality on February 4, 1935, by naturalization.

In its Proposed Decision dated April 6, 1978, the Commission denied this claim for the reason that the record indicated that claimant's brother had record title to the subject property and that he was not a United States national on the date of loss in 1952.

Claimant objected to the Proposed Decision and submitted new evidence, including letters from his brother in West Berlin during the period 1950-1954.

Based upon this new evidence, the Commission now finds that JULIUS H. WALDNER was the equitable owner of unimproved real property in Bergfelde and that such property would have been taken by the German Democratic Republic on or about July 17, 1952.

At the time of filing, claimant stated that the subject property had a value of \$10,000. No documentation, however, was submitted in support of this value. In determining the value of the property the Commission has considered the following: (1) the asserted wartime purchase price of 12,500 reichsmarks, the statements of claimant's brother, Gottfried Waldner, the copy of his attempted transfer of the title to property in Bergfelde to the claimant, and the values determined by the Commission in prior claims for similar property in the German Democratic Republic. Based upon all the evidence of value, the Commission finds that the unimproved lot in Bergfelde had a value of \$3,000 on the date of taking and that JULIUS H. WALDNER is entitled to compensation in that amount under section 602 of the Act.

Accordingly, the Commission concludes that the Proposed Decision denying this claim be vacated, that an award be granted to the claimant as stated below and that the foregoing be entered as the Commission's final determination on this matter.

A W A R D

Claimant, JULIUS H. WALDNER, is therefore entitled to an award in the amount of Three Thousand Dollars (\$3,000.00), plus interest at the rate of 6% simple interest per annum from July 17, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

Dated at Washington, D.C.  
and entered as the Final  
Decision of the Commission.

APR 08 1981

*Richard W. Yarborough*  
Richard W. Yarborough, Chairman

*Francis L. Jung*  
Francis L. Jung, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision on APR 8 1981

*Francis T. [Signature]*  
Executive Director

*Ralph W. Emerson*  
Ralph W. Emerson, Commissioner

G-0137

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**IN THE MATTER OF THE CLAIM OF**

JULIUS H. WALDNER

**Under the International Claims Settlement  
Act of 1949, as amended**

**Claim No.** G-0137

**Decision No.** G-0098

PROPOSED DECISION

This claim in the asserted amount of \$10,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon the loss of a building site in Bergfelde.

Claimant states that he acquired United States citizenship on February 4, 1935, by naturalization.

Under section 602, Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

Therefore, the only losses which the Commission is authorized to find compensable under the statute are losses arising from the nationalization, expropriation or other taking of property owned by nationals of the United States on the date of loss.

At the time of filing, claimant stated that he was the owner of the subject property on the date of loss in the Summer of 1952. In support of this assertion, claimant, submitted a sworn statement by his brother, Gottfried Waldner, a German national, who states that he purchased the building lot which is the subject of this claim in 1942 and transferred it to the claimant in 1950. He further stated that in 1971, he submitted a written request to the County Court of Oranienburg, in the German Democratic Republic, for the transfer of the property to the claimant and that as of August 14, 1975, the date of the statement, his request had not been acknowledged. A copy of the request dated March 1, 1971, to transfer the legal title to the property to the claimant, JULIUS H. WALDNER, is a part of the record in this claim.

By letter dated August 31, 1977, the Commission advised the claimant that the evidence submitted was not sufficient to establish a valid transfer of the title to real property contemplated by his brother in 1950, especially in view of the evidence that as late as 1971, an attempt was being made to record the intended transfer in the land records in the GDR. Claimant acknowledged the receipt of the Commission's letter but failed to submit additional evidence or argument in support of his asserted ownership of the subject property on the date of loss.

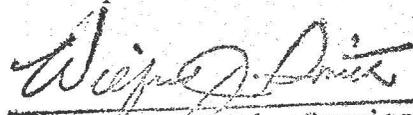
Therefore, based upon the foregoing, the Commission finds that the claimant, JULIUS H. WALDNER, was not the owner of the subject real property located at the corner of Briese and Zuhldorferstrasse in Bergfelde nor was the property owned by a United States national on the asserted date of loss as required for compensation under Public Law 94-542.

Accordingly, this claim must be and hereby is denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D.C.  
and entered as the Proposed  
Decision of the Commission.

6 APR 1978

  
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Wilfred J. Smith, Commissioner

  
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Robert E. Lee, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)

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