

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

IN THE MATTER OF THE CLAIM OF

ERNA STREICH

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-1952

Decision No. G-2677

Hearing on the Record held on APR 01 1981

FINAL DECISION

This claim in an unstated amount 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 improved real property in Berlin-Kaulsdorf at Bauerwitzerweg 36 and Bauerwitzerweg 10, and a mortgage.

By Proposed Decision dated October 20, 1980 the Commission granted an award in the total amount of \$14,000.00. The award was based on the loss of improved real property at Bauerwitzerweg 36, which the Commission found had a value on the date of taking of \$13,000.00, and the loss of unimproved real property in Berlin at Bauerwitzerweg 10, which the Commission found had a value on the date of taking of \$1,000.00.

Claimant objected to the Proposed Decision and requested a Hearing on the Record on the issue of value. Claimant maintains that both parcels of property had a higher value on the date of taking than that found by the Commission. In support of her objection claimant has submitted more detailed descriptions of the parcels and has resubmitted several photographs of the improved property at Bauerwitzerweg 36.

The Commission has thoroughly considered claimant's objection and has reviewed the entire record in this claim but can find no reason to change its finding that the improved real property at Bauerwitzerweg 36 had a value on the date of taking of \$13,000.00. With respect to the unimproved real property, however, in light of claimant's description of that property, the Commission now finds that that parcel had a value on the date of taking of \$2,000.00.

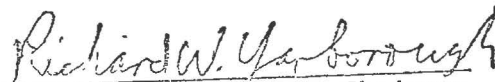
Therefore, the Commission withdraws its award as stated in the Proposed Decision and issues the following award as its final determination of this claim.

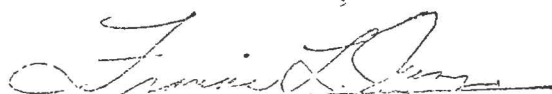
A W A R D


Claimant, ERNA STREICH, is therefore entitled to an award in the amount of Fifteen Thousand Dollars (\$15,000.00), plus interest at the rate of 6% simple interest per annum from January 1, 1971 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 01 1981

  
Richard W. Yarborough, Chairman

  
Francis L. Jung, Commissioner

  
Executive Director

  
Ralph W. Emerson, Commissioner

This is a true and correct copy of the decision  
the Commission which was entered as the final  
decision on APR 1 1981

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IN THE MATTER OF THE CLAIM OF

ERNA STREICH

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-1952

Decision No. G-2677

PROPOSED DECISION

This claim in an unstated amount against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 95-542 (90 Stat. 2509), is based upon the loss of improved real property in Berlin-Kaulsdorf at Bauerwitzerweg 36 and Bauerwitzerweg 10, and a mortgage.

The record indicates that claimant became a United States citizen on May 29, 1956.

Under section 602, Title VI of the Act 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. . ."

Based on all the evidence, including extensive documentation submitted by claimant and a report of an independent investigation conducted by the Commission's field office, the Commission finds that claimant's parents, Friedrich and Augusta Kaeufert, owned improved real property in Berlin at Bauerwitzerweg 36 at the end of World War II. The Commission also finds that at the end of World War II, claimant owned unimproved real property in Berlin at Bauerwitzerweg 10 and a mortgage on the real property at Bauerwitzerweg 36.

The evidence indicates that claimant's parents resided on the property at Bauerwitzerweg 36 and took care of the unimproved property at Bauerwitzerweg 10 until 1962, at which time claimant's parents moved to West Berlin after having obtained the requisite permission to do so. It appears from the evidence that both of the parcels of real property continued to be administered privately after 1962.

The record indicates that Augusta Kaeufert died in 1964 and Friedrich Kaeufert died in 1970. According to their joint will, claimant, ERNA STREICH, was their sole heir. Upon inheriting the real property at Bauerwitzerweg 36, claimant's mortgage interest in that property would have merged with her ownership of the real property. Therefore, a separate claim for her mortgage interest would not be compensable and must be and hereby is denied.

In 1970, upon the death of her father, claimant signed a power of attorney which gave a people's owned enterprise in East Berlin the power to administer the property in East Berlin. According to that document, claimant was to receive annual financial statements concerning the property. It does not appear that such statements were ever received by claimant. In 1977, claimant received a notice from East Berlin officials that the property which is the subject of this claim was under administration and that claimant should refrain from further inquiries concerning the property.

The Commission concludes from the evidence, that the real property in Berlin at Bauerwitzerweg 36 and Bauerwitzerweg 10 was taken by the German Democratic Republic soon after administration was turned over to the People's Owned Enterprise and that, therefore, the real property which is the subject of this claim had been taken by the German Democratic Republic as of January 1, 1971.

The Commission has considered all the evidence, including descriptions, photographs, the tax assessed values of both parcels, and general information concerning the rise in land values in Eastern Europe after World War II, and concludes that the improved real property in Berlin at Bauerwitzerweg 36 had a value on the

date of taking of \$13,000.00, and that the unimproved real property in Berlin at Bauerwitzerweg 10 had a value on the date of taking of \$1,000.00. Therefore, claimant is entitled to an award in the amount of \$14,000.00.

The Commission has concluded that in granting awards on claims under section 602 of Title VI of the Act, for the nationalization or other taking of property or interests therein, interest shall be allowed at the rate of 6% per annum from the date of loss to the date of settlement. (Claim of GEORGE L. ROSENBLATT, Claim No. G-0030, Decision No. G-0100 (1978)).

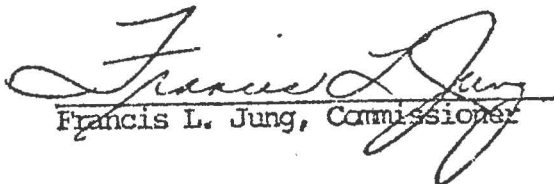
A W A R D

Claimant, ERNA STREICH, is therefore entitled to an award in the amount of Fourteen Thousand Dollars (\$14,000.00) plus interest at the rate of 6% simple interest per annum from January 1, 1971 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 Proposed  
Decision of the Commission.

OCT 20 1980

  
Richard W. Yarborough, Chairman

  
Francis L. Jung, 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.)