

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

IN THE MATTER OF THE CLAIM OF

RUTH I. MENDE

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-2196

Decision No. G-0981

Counsel for claimant:

Erich O. Angermann, Esquire

PROPOSED DECISION

This claim in the amount of \$11,268.00 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 bank account at the Stadtparkasse, Siegmars-Schoenau, a mortgage in favor of the claimant on property located in Chemnitz, now Karl-Marx-Stadt, and interest on the account and mortgage since 1947.

The claimant has been a citizen of the United States since her birth in Harrisburg, Pennsylvania, on June 20, 1930.

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. . ."

In support of her claim, claimant has submitted copies of a bank book, extracts from land records, letters from government officials, and a letter written by her grandfather.

The Commission finds that claimant, RUTH I. MENDE, was the owner of a mortgage on property located in Chemnitz, now Karl-Marx-Stadt. The Commission further finds that the mortgage was taken on July 12, 1952 when the real property securing the mortgage

was expropriated pursuant to a decree of the same date, and the mortgage extinguished from the land record. The Commission finds that the mortgage had a value of \$1,476.20 on the date of loss.

The Commission concludes that claimant, RUTH I. MENDE, had 1,445.88 reichsmarks deposited in a savings account as of May 8, 1945. In 1948, pursuant to a currency reform claimant's account of 1,445.88 reichsmarks would have been converted at a rate of ten reichsmarks to one ostmark into an account of 144.59 ostmarks. The Commission has held that this conversion of reichsmarks to ostmarks at a ten to one ratio does not give rise to a claim under international law. (Claim of OLGA LOEFFLER, Claim No. G-0056, Decision No. G-0221).

Based upon the entire record, the Commission finds that this account came under the purview of the "Decree on the Administration and Protection of Foreign Property in the German Democratic Republic" dated September 6, 1951. The Commission has held that implementation of the provisions of that decree constitutes a taking as defined by section 602 of the Act, which, absent more specific evidence, will be considered to have occurred on August 11, 1952, the date of the first implementing regulation and that, in determining an award, 4.2 ostmarks equalled one dollar in 1952. (Claim of OLGA LOEFFLER, Claim No. G-0056, Decision No. G-0221).

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, RUTH I. MENDE, is therefore entitled to an award in the amount of One Thousand Four Hundred Seventy-six Dollars and Twenty Cents (\$1,476.20) 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, and an award in the amount of Thirty-four Dollars and Forty-three Cents (\$34.43) plus interest at the rate of 6% simple interest per annum from August 11, 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 Proposed  
Decision of the Commission.

JUL 11 1979

Richard W. Yarborough  
Richard W. Yarborough, Chairman

Wilfred J. Smith  
Wilfred J. Smith, Commissioner

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on AUG 15 1979

Francis T. Mortenson  
Executive Director

1476.20  
34.43  
1510.63

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).