

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

IN THE MATTER OF THE CLAIM OF

MIMI LINDEKE

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-2691

Decision No. G-2668

Counsel for Claimant:

Clifford A. Egan, Esquire  
Bray, Baldwin, Egan, Breitwieser  
and Starr

PROPOSED DECISION

This claim in the amount of \$23,000.00 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 land and various improvements located at Bechliner Chaussee 111 in Bechlin, as well as unspecified personal property.

The record indicates that claimant became a United States citizen on July 19, 1940.

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. . ."

The record establishes that claimant's husband, Johannes Lindeke, was the owner of the subject property until his death on September 20, 1948. The evidence indicates that Johannes Lindeke became a United States citizen on April 14, 1938 and that the claimant is his sole successor in interest.

The record includes a letter from the Deutsche Notenbank in Neuruppin, dated March 2, 1951, advising the claimant that her property was under the administration of the Community Council of Bechlin. This letter also indicated that a property related account was being administered at the Deutsche Notenbank. In the letter to the Commission dated May 10, 1978, claimant stated that she was not permitted to make any use of the funds deposited in the subject account.

Based upon the entire record, the Commission finds that the subject real property at Bechliner Chaussee 111 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. Claim of GEORGE E. ROSENBLATT, Claim No. G-0030, Decision No. G-0100.

In determining the value of the real property involved herein, the Commission has considered such evidence as claimant's description thereof and the nature of the property. The evidence indicates that the property had a total area of about 9 1/2 acres and was primarily used for agricultural purposes, although several small improvements were also located on the property. Based upon the entire record, the Commission finds that the subject property had a value of \$5,000.00 at the time of its taking by the German Democratic Republic in 1952. Claimant is therefore entitled to an award in that amount.

With regard to the personal property claimed for herein, claimant has not established her ownership interest in any items of personalty that were taken by the German Democratic Republic, as required for compensation under the Act. This part of the claim must therefore be denied.

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)).

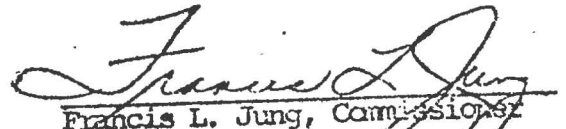
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Claimant, MIMI LINDEKE, is therefore entitled to an award in the amount of Five Thousand Dollars (\$5,000.00) plus interest at the rate of 6% simple interest per annum from August 11, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

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

OCT 20 1980

  
Richard W. Yarborough, Chairman

  
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 NOV 26 1980

  
Executive Director

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.)