

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

IN THE MATTER OF THE CLAIM OF

MARION HILGART

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-3010

Decision No. G-1958

PROPOSED DECISION

This claim in the amount of 1,625 Marks 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 partial mortgage interest and a bank account located in Aue/Saxony, German Democratic Republic.

The record indicates that claimant was born a United States citizen on March 21, 1928.

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. . ."

By letters dated January 16, 1979 and May 18, 1979, claimant was advised that the Commission's authority under Public Law 94-542 is limited to consideration of the nationalization, confiscation or other taking by the German Democratic Republic of property owned by United States nationals. Claimant was advised to obtain and submit evidence to establish that she was deprived of her property interests by the government of the German Democratic Republic. To date, no such evidence has been received.

Claimant submitted some documentation along with her Statement of Claim indicating her entitlement to inherit an interest in a mortgage, that the mortgage was released and a bank account created. However, there is no evidence that this account has been confiscated by the German Democratic Republic.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim.  
(FCSC Reg., 45 C.F.R. §531.6(d) (1977)).

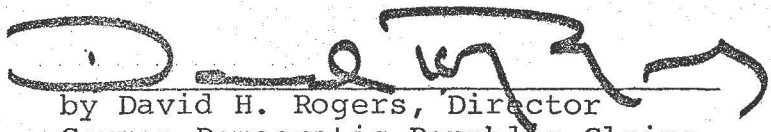
For the above cited reasons, the claim must be and hereby is denied.

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.

FEB 27 1980

For Presentation to the Commission

  
by David H. Rogers, Director  
German Democratic Republic Claims  
Division

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on SEP 10 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, a Final Decision based upon the Proposed Decision will be issued upon approval by the Commission any time after the expiration of the 30 day period following such service or receipt of notice. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)

At any time after Final Decision has been issued on a claim, or a Proposed Decision has become the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with this program, a petition to reopen on the ground of newly discovered evidence may be filed. (FCSC Reg., 45 C.F.R. 531.5 (1), as amended.)