

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
Washington 25, D. C.

In the Matter of the Claim of

ZAHAROU CARADIMOS
HELEN HANTIS
32 Marjorie Road
Stoughton, Massachusetts
SOPHIA GIANNALOU DI
21 East Main Street
Brockton, Massachusetts
OLGA TSOUMAS
South Orange, New Jersey
ANDREW CARADIMOS
MICHAEL CARADIMOS
GEORGE CARADIMOS
Wareham, Massachusetts

Claim No. IT-10,762

Decision No. IT-60

Under Section 304 of the International
Claims Settlement Act of 1949, as amended

Counsel for Claimants:

GEORGE N. COVETT, Esquire
30 Greenfield Street
Brockton 48, Massachusetts

FINAL DECISION

The Commission issued its Amended Proposed Decision on this claim on April 20, 1959, a certified copy of which was duly served upon the claimants. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Amended Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Amended Proposed Decision be and the same is hereby entered as the Final Decision on this claim, and it is further

ORDERED that awards be made to the following claimants in amounts set forth below, with interest thereon, computed from March 15, 1943, the date of such losses, to April 23, 1948, the

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date of payment by the Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1947:

<u>Claimant</u>	<u>Amount of Award</u>	
	<u>Principal</u>	<u>Interest</u>
Zaharou Caradimos	\$ 8,068.62	\$ 2,470.34
Helen Hantis	1,539.45	471.33
Sophia Giannaloudi	1,539.45	471.33
Olga Tsoumas	1,539.45	471.33
Andrew Caradimos	2,078.26	636.29
Michael Caradimos	2,078.26	636.29
George Caradimos	2,078.26	636.29

It is further ordered that these awards be certified to the Secretary of the Treasury.

Washington 25, D. C.

JUL 17 1959

Whitney Gilliland
Paul Pace
Robert L. Kunzig

COMMISSIONERS

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AMENDED PROPOSED DECISION

This is a claim against the Government of Italy under Section 304 of the International Claims Settlement Act of 1949, as amended, by Zaharou Caradimos, widow of the late Cosmas Caradimos, who died on July 16, 1937, and some of their children, including Helen Hantis, Sophia Giannaloudi, Olga Tsoumas as well as Andrew, Michael and George Caradimos. All claimants herein have submitted evidence to establish that they are citizens of the United States and became citizens prior to the loss of or damage to properties enumerated in the claim. These properties, allegedly destroyed in 1943 or 1944, include two buildings located at Neapolis, Voiou, District of Kozanis, Greece, and a two-tenement house with eight rooms located in Vithu, Voiou, District of Kozanis, Greece. Claim has been asserted in the total amount of approximately \$70,000.00 for the destruction of these buildings which were, prior to the death of

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Cosmas Caradimos, registered in his name and which were inherited in varying interests by the claimants herein and other children, not citizens of the United States, in accordance with the Will of the late Cosmas Caradimos, as discussed hereinafter.

Section 304 of the Act provides for the receipt and determination by the Commission, in accordance with the Memorandum of Understanding with Italy and applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Italy, arising out of the war in which Italy was engaged from June 10, 1940 to September 15, 1947, and with respect to which provision was not made in the Treaty of Peace with Italy.

On December 21, 1956, a Proposed Decision of the Commission was issued denying the claim filed by Zaharou Caradimos for the reason that claimant had failed to establish that she was a national of the United States at the time the loss or damage to the properties occurred. Thereafter, claimant submitted evidence to show that she and the late Cosmas Caradimos became citizens of the United States on April 17, 1906; and that other children of this marriage, who have become claimants herein, also became citizens of the United States. Further, the claimants, through counsel, submitted proof of ownership and destruction of the buildings as described hereinbefore, the Will of Cosmas Caradimos and other evidence in support of the claim. Accordingly, the Commission has determined that the claim must be considered on the basis of the evidence now of record.

In connection with the claim for destruction of the two-tenement house with eight rooms, located at Vithu, Voiou, District of Kozanis, Greece, the Commission finds that the evidence of record indicates that the destruction of this building occurred in July 1944, and was attributable to the actions of German forces who were then occupying that area of Greece. Since the loss of the property was attributable

to the German forces, it appears that this Commission has no jurisdiction with respect to such loss since the claim is not compensable under Section 304 or any other provision of the International Claims Settlement Act of 1949, as amended. Accordingly, this portion of the claim must be and is hereby denied.

The Will of the late Cosmas Caradimos indicated that he provided his widow, Zaharou Caradimos, claimant herein, with a life estate in his properties; that his sons, Stergion, Andrew, Michael and George Caradimos were each to receive, as remaindermen, a one-fourth interest in a large two-story building, consisting of four stores, eight rooms and storage space, located at Neapolis, District of Kozanis, Greece; and that his daughters, Helen Hantis, Sophia Giannaloudi and Olga Tsoumas, were each to receive, as a remainder, respective one-third interests in a smaller two-story building, also located at Neapolis, District of Kozanis, Greece. The evidence of record herein indicates that Stergion Caradimos, not a claimant, is a resident of Greece and has not established his citizenship in the United States.

The Commission finds that the two buildings at Neapolis, District of Kozanis, Greece, were destroyed by Italian forces on or about March 15, 1943; that the value of the larger building, consisting of four stores, eight rooms and storage space, was \$13,500.00 at time of loss; and that the smaller building in this same location was valued at \$7,500.00 at time of loss. The Commission concludes that claimants herein are entitled to awards which are commensurate with their respective interests in the properties located at Neapolis, District of Kozanis, Greece.

The Commission has adopted as a basis for valuation of life and remainder interests the Makehamized mortality table, appearing as Table 38 of United States Life Tables and Actuarial Tables 1939-41,

and a $3\frac{1}{2}\%$ interest rate, compounded annually, as prescribed by United States Treasury Department regulations of June 3 and 4, 1952 for the collection of gift and estate taxes, respectively. (See: 17 F.R. 4980, 26 C.F.R. 86.19(f), 17 F.R. 5016, 26 C.F.R. 81.10(i).) According to that method of valuation, a life estate in the property subjected thereto for a person 61 years of age at time of loss, as shown on the claim application of Zaharou Caradimos (born 1882), is valued at 38.422% of the total value shown above, or the sum of \$8,068.62. Thus, it is the determination of the Commission that Zaharou Caradimos is entitled to an award under Section 304 in the amount of \$8,068.62.

The Commission has also determined that following deduction of the life estate, as shown above, claimants Andrew, Michael and George Caradimos are entitled to awards under Section 304 of the Act for their respective one-fourth interests in the larger two-story building at Neapolis, and the Commission finds that each of said claimants is entitled to the sum of \$2,078.26. Likewise, the claimants Helen Hantis, Sophia Giannaloudi and Olga Tsoumas are also entitled to awards under Section 304 of the Act, following deduction of the aforesaid life estate interest, in amounts commensurate with their respective one-third interests in the smaller two-story building at Neapolis, and the Commission finds that each of the said claimants is entitled to the sum of \$1,539.45.

Accordingly, the Proposed Decision of December 21, 1956, denying this claim, is hereby set aside and awards are hereby granted to the claimants herein under Section 304 of the Act in amounts more particularly set forth below, based on the evidence and grounds as discussed hereinbefore.

A W A R D S

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, this claim is allowed and awards are

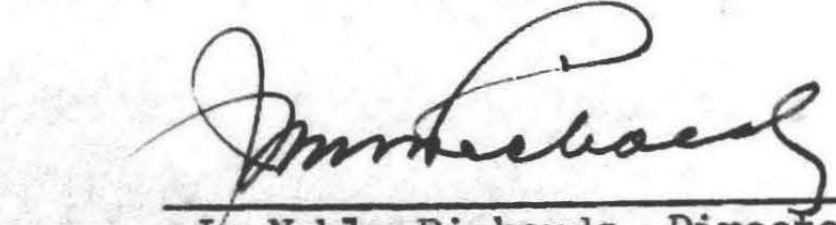
hereby made to the following claimants in amounts set forth below, with interest thereon, computed from March 15, 1943, the date of such losses, to April 23, 1948, the date of payment by the Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1947:

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Dated at Washington, D. C.

FOR THE COMMISSION:

APR 20 1959


J. Noble Richards, Director
Italian Claims Division

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