

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

IN THE MATTER OF THE CLAIM OF

MARIA VARKONYI

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-102

Decision No. HUNG-2-1323

PROPOSED DECISION

This claim in the asserted amount of \$750.00 against the Government of Hungary, under subsection 303(5), Title III of the International Claims Settlement Act of 1949, as amended, is based upon the loss of real property located at No. 2 Iskola Street, Nyirbator, Hungary.

Claimant, MARIA VARKONYI, acquired United States nationality on April 16, 1963, by naturalization.

Under section 303, Title III of the International Claims Settlement Act of 1949, (69 Stat. 570 (1955)); 22 U.S.C. §§1641-1641q (1971), as amended by section (3) of Public Law 93-460, approved on October 20, 1974 (88 Stat. 1386 (1974)), and which implements certain provisions of the Hungarian Claims Agreement of March 6, 1973, (TIAS 7569), 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 of nationals of the United States against the . . . [Government of Hungary] . . . arising out of the failure to ---

(5) pay effective compensation for the nationalization, compulsory liquidation or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.

Therefore, this new section of the Act does not confer jurisdiction upon the Commission to consider all claims which were settled and discharged under the Hungarian Claims Agreement of 1973, but rather, provides for a limited class only, namely, those which arose between August 9, 1955, and March 6, 1973, as a result of the nationalization, compulsory liquidation or other taking of property.

Claimant has submitted a letter, dated July 15, 1976, from an attorney in Budapest, Hungary, which shows and from which the Commission finds that she owned 72 square öl of land known as No. 2 Iskola Street, recorded in Liber No. 1307 as Lot Nos. 1525 and 1526 in Nyirbator, Hungary, which was taken by the Government of Hungary on or about March 6, 1970. It is noted that the above mentioned decision provided for 20,458 forints in compensation which was placed in a blocked bank account in Hungary and that this account, with a balance of 17,395.90 forints, was canceled according to a letter dated November 1, 1973, from the National Savings Bank in Hungary to the claimant.

While the Commission has held that a claimant is entitled to compensation for losses in Hungary under subsection 303(5) of the Act, supra, in an amount equal to the difference between the value of the real property taken less the value of compensation granted to the claimant in local currency, the Commission finds that on the date of loss, August 24, 1968, the 72 square öl taken had a value of \$600.00 and that the dollar equivalent of 20,458 forints in compensation granted by the Government of Hungary is greater than the value found by the Commission. It is noted that this finding is consistent with the Commission's holding in the First Hungarian Claims Program, under Public Law 84-285, that, under international law, adequate compensation in domestic currency is effective compensation. (See FCSC Dec & Ann 189, and the Claim of Robert Ferdinand Garrow, Claim No. HUNG-22,048, Decision No. HUNG-2107, 10 FCSC Semiann, Rep. 79).

Therefore, based upon the foregoing, the Commission concludes that, with respect to the loss of real property on which this claim is based, claimant received adequate and effective compensation from the Government of Hungary in local currency, and with respect to the claim for the loss of 17,395.90 forints in a blocked account in Hungary, the Commission finds that this loss occurred after March 6, 1973, the last date of the statutory period August 9, 1955, to March 6, 1973, during which a claim must have arisen in order to be compensable under the Act.

Accordingly, for the foregoing reasons, this claim must be and it is hereby denied in its entirety.

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.

9 FEB 1977

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 9 MAR 1977

Francis T. Martin
Executive Director

J. Raymond Bell

J. Raymond Bell, Chairman

Wilfred J. Smith

Wilfred J. Smith, Commissioner

Robert E. Lee

Robert E. Lee, 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.)

The regulations also provide that after a Final Decision is entered denying a claim in whole or in part, the claimant may petition to have his claim reopened for further consideration if new and compelling evidence becomes available. Such petition must be filed at least 60 days prior to May 15, 1977, the statutory deadline for the completion of the Hungarian Claims Program. (FCSC Reg., 45 C.F.R. 531.5(1), as amended.)

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

IN THE MATTER OF THE CLAIM OF

ELIZABETH KARDOS
STEPHEN J. KARDOS

Under the International Claims Settlement
Act of 1949, as amended

HUNG-2-129
Claim No. HUNG-2-130

Decision No. HUNG-2-1324

Appeal and objections from a Proposed Decision entered on February 9, 1977. No Oral Hearing Requested.

Hearing on the Record held on April 21, 1977

FINAL DECISION

These claims in the aggregate asserted amount of \$3,800.00 against the Government of Hungary, under subsection 303(5), Title III of the International Claims Settlement Act of 1949, as amended, are based upon the loss of unimproved real property located at No. 4 Karoly Street, Miskolc, Hungary.

Claimants, ELIZABETH KARDOS and STEPHEN J. KARDOS, acquired United States nationality on January 11, 1932, and September 27, 1929, respectively.

In its Proposed Decision, dated February 9, 1977, the Commission denied these claims for the reason that, with respect to the loss of real property on which these claims are based, claimants received adequate and effective compensation from the Government of Hungary in local currency, and with respect to the claim for the loss of the blocked forint account in Hungary, derived from the loss of real property, the Commission held that this loss occurred after March 6, 1973, the last date of the statutory period August 9, 1955, to March 6, 1973, during which a claim must have arisen in order to be compensable under the Act.

Claimant, ELIZABETH KARDOS, filed objections to the Proposed Decision of the Commission.

Based upon a review of the record the Commission now finds that the value of the 223 square Ø1 of real property recorded in Liber No. 8769 as Lot No 9040/25 of Miskolc had the value of \$6,000.00 on the date of loss, September 21, 1972, and after the deduction of the dollar equivalent of 89,200 forints received in compensation from the Government of Hungary, that claimants', ELIZABETH KARDOS and STEPEHN J. KARDOS, are entitled to compensation under subsection 303(5) of the Act, supra, in the total amount of \$1,061.00 each for their respective 1/2 interests in the property.

The Commission has concluded that in granting awards on claims under subsection 303(5) of the Act for the nationalization or other taking of property interest shall be allowed at the rate of 6% per annum from the date of loss to March 6, 1973, the effective date of the Hungarian Claims Agreement. (See Claim of John Hedio Proach, Claim No. PO-3197; FCSC Dec & Ann 549 (1968)).

Accordingly, it is

ORDERED that the Proposed Decision be amended in accordance with the foregoing and in all other respects be affirmed; and that awards be granted as follows:

A W A R D S

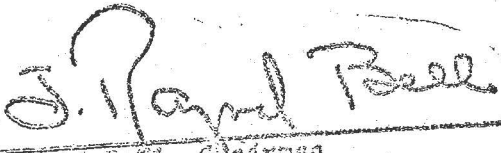
An award is hereby made to ELIZABETH KARDOS in the principal amount of One Thousand Sixty-One Dollars (\$1,061.00), with interest thereon at the rate of 6% per annum from September 21, 1972, the date when the claim arose, to March 6, 1973, the date when the Hungarian Claims Agreement entered into force, in the sum of Twenty-Nine Dollars and Thirty-Six Cents (\$29.36); and


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an award is hereby made to STEPHEN J. KARDOS in the principal amount of One Thousand Sixty-One Dollars (\$1,061.00), with interest thereon at the rate of 6% per annum from September 21, 1972, the date when the claim arose, to March 6, 1973, the date when the Hungarian Claims Agreement entered into force, in the sum of Twenty-Nine Dollars and Thirty-Six Cents (\$29.36).

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

22 APR 1977


J. Raymond Bell, Chairman


Wilfred J. Smith, Commissioner


Robert E. Lee, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 22 APR 1977


Executive Director

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