

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

IN THE MATTER OF THE CLAIM OF

GEORGE S. CARTER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-268

Decision No. HUNG-2-1173

Appeal and objections from a Proposed Decision entered on November 17, 1976. Oral Hearing was not requested.

FINAL DECISION

This claim in the asserted amount of \$1,175,000.00 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 asserted ownership and loss of real properties in Hungary as follows:

1. No. 7 Endre Ady Street in Győr
2. No. 37 Béla Bartók Street in Győr
3. No. 2/b Rónay Street in Győr
4. No. 1 Egység Square in Győr; and
5. No. 4 Eszterházi Street in Tata.

Claimant, GEORGE S. CARTER, acquired United States nationality on December 17, 1957, by naturalization.

By Proposed Decision of November 17, 1976, an award was made to GEORGE S. CARTER in the principal amount of \$3,600.00 with interest in the sum of \$1,336.20 for the taking of his two land parcels, having Lot Nos. 4723 and 4724/1, in Liber No. 5607 of Győr, by the Government of Hungary on December 29, 1966. The remaining portion of the claim was denied.

The claimant, GEORGE S. CARTER, filed objections and submitted additional evidence which shows, and on the basis of which the Commission now finds as follows:

In addition to land parcels having Lot Nos. 4723 and 4724/1 the claimant, GEORGE S. CARTER, also owned Lot No. 4729/2, also known as house and yard at No. 7 Endre Ady Street in Győr, which was nationalized by the Government of Hungary on or about September 6, 1959.

The claimant values Lot Nos. 4723, 4724/1 and 4729/2 at \$75,000.00 but failed to submit evidence to support of such allegation.

The land record, submitted by the claimant shows that Lot No. 4729/2 with its improvement was nationalized in 1952 and returned to the claimant in 1958. Since no larger than a one family house having no more than six rooms were returnable, the Commission finds that the improvements were no larger than a one family house of no more than six rooms. The record further shows that the house, now in question, was improved by the Government of Hungary with a cost of \$890.56.

On the basis of all evidence of record, including evidence of value of comparable property in Hungary, the Commission finds that Lot No. 4729/2 with its improvements had the value of \$9,900.00 on September 6, 1959, the date of its loss, and concludes that GEORGE S. CARTER is entitled, under subsection 303(5) of the Act, supra, to compensation in such amount, in addition to the \$3,600.00 granted in the Proposed Decision at a total of \$13,500.00.

In view of the foregoing, it is

ORDERED that the Proposed Decision of November 17, 1976, be amended in accordance with the foregoing, and in all other respects remain unaffected, and that the award be restated as follows:

A W A R D

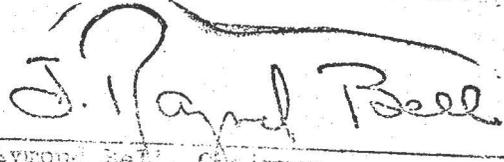
An award is hereby made to GEORGE S. CARTER in the principal amount of Thirteen Thousand Five Hundred Dollars (\$13,500.00), with interest thereon at the rate of 6% per annum from the respective dates when the claims arose, namely on \$3,600.00 from December 29, 1966, and on \$9,900.00 from September 6, 1959, in both cases to March 6, 1973, the date when the Hungarian Claims Agreement entered into force, in the total sum of Nine Thousand Eighty-Seven Dollars and Ninety Cents (\$9,087.90).

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

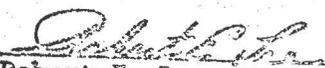
5 JAN 1977

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 5 JAN 1977


J. Raymond Bell, Chairman


J. Raymond Bell, Chairman


Willard J. Smith, Commissioner


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.)

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

IN THE MATTER OF THE CLAIM OF

GEORGE S. CARTER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-268

Decision No. HUNG-2-1173

PROPOSED DECISION

This claim in the asserted amount of \$1,175,000.00 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 asserted ownership and loss of real properties in Hungary as follows:

1. No. 7 Endre Ady Street in Győr
2. No. 37 Béla Bartók Street in Győr
3. No. 2/b Rónay Street in Győr;
4. No. 1 Egység Square in Győr; and
5. No. 4 Eszterházi Street in Tata.

Claimant, GEORGE S. CARTER, acquired United States nationality on December 17, 1957, by naturalization.

Under section 303, Title III of the International Claims Settlement Act of 1949, (69 Stat. 570 (1955)); 22 U.S.C. ss1641-1641q (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.

It is important to note that other classes of claims settled and discharged by the Agreement which arose prior to August 9, 1955, were provided for pursuant to subsection (1), (2), and (3) of section 303 of the Act, supra. The Commission's authority with respect to claims arising before August 9, 1955, under Public Law 84-285, expired, by law, on August 9, 1959.

In support of this claim the claimant, GEORGE S. CARTER, submitted a certified copy of Decision 183/1966.v.b., dated December 29, 1966, of the Administrative Division, Executive Committee of the Council for the City of Győr, and a recently issued extract from the pertinent land record which show and on the basis of which the Commission finds as follows:

The house at No. 7 Endre Ady Street in Győr, Hungary, recorded in Liber 5607 of Győr as Lot No. 4729/2, was nationalized by the Government of Hungary under the provisions of Law-Decree 1952:4 tvr. in the year of 1952. At that time the ownership of the yard and the garden, Lot Nos. 4723 and 4724/1, was not recorded in the land records for the State of Hungary because the land parcels, consisting of the yard and garden, were incorrectly identified in the list of nationalized properties transmitted to the land recordation authority for recordation. This error was corrected by Decision No. 183/1966.v.b., dated December 29, 1966, of the

Administrative Division, Executive Committee of the Council for the City for Győr, and the Commission finds that Lot Nos. 4723 and 4724/1 were taken by the Government of Hungary on December 29, 1966.

The land record shows that the entire property, namely, the house at No. 7 Endre Ady Street, its yard and garden, was purchased in the year of 1932 for 24,000 pengő, or about \$4,800.00. The land record further shows that land parcel No. 4729/2, improved by a house, had an area of 193 sq. ől, and that the combined area of the yard and garden, Lot No. 4723 and 4724/1, was 187 sq ől. On the basis of all evidence of record, including evidence of value of comparable property in Hungary, the Commission finds that the value of land parcel Nos. 4723 and 4724/1 amounted to a total of \$3,600.00 on December 29, 1966, the date of loss, and concludes that the claimant, GEORGE S. CARTER, is entitled, under the terms of subsection 303(5) of the Act, supra, to compensation in such amount.

The Commission further concludes that it has no authority to grant compensation for the loss of the improved real property at No. 7 Endre Ady Street in Győr, recorded as Lot No. 4729/2, because it was nationalized by the Government of Hungary in the year of 1952, a date prior to August 9, 1955, the first date of the period during which the loss must have occurred in order to be compensable under subsection 303(5) of the Act, supra.

It is noted that title to Lot No. 4729/2, improved by a house at No. 7 Endre Ady Street, was re-recorded in the claimant in the year of 1958. This recordation is clearly in conflict with the statement made by the Administrative Division of the Executive Committee of the Council for the City of Győr in its decision No. 183/1966.v.b., mentioned above. Assuming ad arguendo, that the re-recordation of title in the claimant for Lot No. 4729/2, the house and its lot, was in fact correct, there is no evidence that the property, so returned, was subsequently nationalized or otherwise taken from the claimant on or prior to March 6, 1973, the effective date of the Hungarian Claims Agreement, as required for compensation.

No evidence has been submitted to establish the claimant's alleged ownership of the real properties at No. 37 Béla Bartók Street, No. 2/b Ronay Street, and No. 1 Egység Street in Győr, and of No. 4 Eszterházi Street in Tata, their nationalization or other taking by the Government of Hungary, if that was the case, the date of such action, and the value of such properties. Therefore, the portions of the claim which are based upon the improved real properties at No. 7 Endre Ady Street (identified as Lot No. 4729/2), No. 37 Béla Bartók Street, No. 2/b Ronay Street, and No. 1 Egység Street in Győr, and of No. 4 Eszterházi Street in Tata, are denied.

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)).

AWARD

An award is hereby made to GEORGE S. CARTER in the principal amount of Three Thousand Six Hundred Dollars (\$3,600.00), with interest thereon at the rate of 6% per annum from December 29, 1966, the date when the claim arose, to March 6, 1973, the date when the Hungarian Claims Agreement entered into force, in the sum of One Thousand Three Hundred Thirty-Six Dollars and Twenty Cents (\$1,336.20).

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

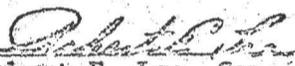
17 NOV 1975



J. Raymond Bell, Chairman



Wilfred J. Smith, Commissioner



Robert E. Lee, Commissioner

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HUNG-2-268