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

238-123
F.C.S.C.
VOL 3

IN THE MATTER OF THE CLAIM OF

HELEN M. WENCZEL

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-440

Decision No. HUNG-2-0201

PROPOSED DECISION

This claim in the asserted amount of \$3,000.00 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 ownership and alleged loss of a certain unimproved building parcel in Erd, Hungary.

Claimant, HELEN M. WENCZEL, acquired United States nationality on April 2, 1962, by naturalization.

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

On the basis of a certified extract from the pertinent land record, certificates of death, and an affidavit of inheritance, the Commission finds that the claimant, HELEN M. WENCZEL, inherited two building parcels, recorded in Liber 12258 of Erd, Hungary, as Lot Nos. 3722/357 and 3722/358 (formerly 10789/9 and 10789/8) from her late father, Jozsef Frohner, upon his death on October 25, 1953. From that date the property was incumbered by a usufruct in the decedent's surviving widow, nee Ilona Takats, until the latter's death on December 18, 1972.

A review of Hungarian laws and statutes shows that on October 5, 1971, the Government of Hungary issued Decree 31/1971 (X.5.) Korm. limiting the ownership of unimproved building parcels to one residential and one recreational land parcel. Land parcels, owned in excess of such limit had to be alienated prior to December 31, 1972. After that date the right to dispose of such land parcels shifted upon the local council and the owner lost his right to dispose and alienate such excess land parcels.

Inasmuch as the claimant, HELEN M. WENCZEL, did not alienate her excess land parcel, the Commission finds that her excess land parcel, recorded in Liber 12258 as Lot No. 3722/358 (formerly 10789/8) was taken by the Government of Hungary as of December 31, 1972.

The property in question is valued by the claimant at \$3,000.00. In support of such valuation the claimant submitted a letter by a practicing attorney at law in Hungary in which it is stated that the value of building parcels in Erd range from 400 to 650 forint per square ö1 (fathom). On the basis of such evidence, including evidence of value of comparable property in the vicinity of Budapest where Erd is situated, the Commission finds that on December 31, 1972, the date of loss, the subject land parcel had the value of \$2,700.00, and concludes that the claimant, HELEN M. WENCZEL, is entitled to compensation under the provisions of subsection 303(5) of the Act, supra, in such amount.

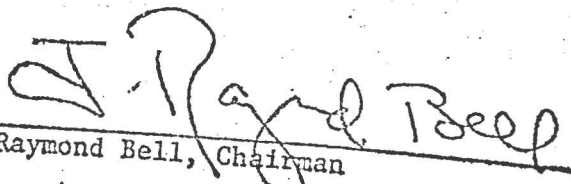
The Commission has concluded that in granting awards on claims under subsection 303(5) of the Act for the nationalization or other taking of property interest shall be allowed at the rate of 6% per annum from the date of loss to March 6, 1973, the effective date of the Hungarian Claims Agreement. (See Claim of John Hedio Proach, Claim No. PO-3197, FCSC Dec. & Ann. 549 (1958)).

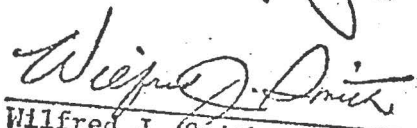
A W A R D

An award is hereby made to HELEN M. WENCZEL in the principal amount of Two Thousand Seven Hundred Dollars (\$2,700.00), with interest thereon at the rate of 6% per annum from December 31, 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 Seventy Cents (\$29.70).

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

17 SEP 1975


J. Raymond Bell, Chairman


Wilfred J. Smith, 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.)

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 22 OCT 1975


Executive Director

HUNG-2-440