

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

IN THE MATTER OF THE CLAIM OF

ETHEL SANOSI  
NICOLAUS HORNYAK

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. RUM-2-140

Decision No. RUM-2-47

Appeal and objections from a Proposed Decision entered on October 14, 1970.

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Hearing on the record held on July 7, 1971.

FINAL DECISION

This claim, for \$30,000.00, against the Government of Rumania, under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of certain improved real property at No. 9 in Livada Noua, Rumania. The claim was denied by Proposed Decision dated October 14, 1970, for the failure of the claimants, ETHEL SANOSI and NICOLAUS HORNYAK, to establish that the subject property was nationalized or otherwise taken by the Government of Rumania between August 9, 1955, and March 30, 1960, the period covered by the Act, supra, during which the loss must have occurred in order to be compensable.

The claimants filed objections to the Proposed Decision of October 14, 1970, and argue that the expropriation of the subject property by the Government of Rumania on April 29, 1954, was illegal and they were denied their right to petition for restitution of their property within the statutory period of two years because they were not given timely notice of the expropriation proceedings.

The record shows that title to the property at No. 9 in Livada, Rumania, owned by the claimants ETHEL SANOSI and NICOLAUS HORNYAK, in equal shares, was recorded in the Government of Rumania on April 29, 1954, under the provisions of Decree No. 111/1951 on Abandoned Property.

Under Article 1890 of the Rumanian Civil Code of December 1, 1865, an owner of property taken under the Abandoned Property Law had 30 years to petition the return of his property. This period of time was reduced by Article 3 of Decree No. 167, dated April 10, 1958 (Buletinul Oficial No. 19) to three years. Inasmuch as the three years period had already expired on that date and claimants were not given timely notice of the proceedings, the Commission finds that the claimants' right to petition for restitution was terminated, and that such actions constituted a taking of the property within the meaning of Article 303(4) of the Act, supra, on such date, namely on April 10, 1958.

The subject property consisted of several parcels of land having a total area of 3 2/3 joch, improved by a farmhouse and a barn. Claimants asserts that the value was \$30,000.00.

The Commission has conducted an independent investigation into methods of evaluating agricultural property in Rumania. The Commission has considered the average values published in 1956 by the Präsident des Bundesausgleichsamtes, Bad Homburg (Verzeichnis der Gemeinde-Hektarsätze mit alphabetischem Kreisverzeichnis der Vertreibungsgebiete, (1956(Supp.)). These values were used in administering the German Equalization of Burdens Laws. The Commission has made an upward adjustment in such values

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according to a formula evolved by the Kommission für  
Nationalizierungsentschädigungen,<sup>"</sup> the Swiss national claims commission,  
for the use in determining claims of Swiss nationals.

On the basis of all evidence on value, including evidence of values of comparable property in Rumania, the Commission finds that on April 10, 1958, the date of loss the subject property had a total value of \$6,000.00; and concludes that the claimants each are entitled, under Section 303(4) of the Act, supra, to compensation for the loss of their respective one-half interests in the amount of \$3,000.00.

The Commission has held that in granting awards on claims under Section 303(4) 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 30, 1960, the effective date of the Rumanian Claims Agreement. (See Claim of John Hedio Proach, Claim No. PO-3197; FCSC Dec. & Ann. 549 (1968).

Therefore, it is

ORDERED that the Proposed Decision of October 14, 1970, be amended in accordance with the foregoing, and awards be made to the claimants as follows:

A W A R D

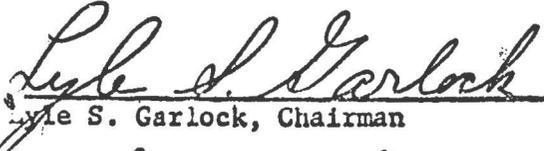
An award is made to ETHEL SANOSI in the principal amount of Three Thousand Dollars (\$3,000.00), with interest thereon at the rate of 6% per annum from April 10, 1958, the date when the claim arose, to March 30, 1960, the date when the Rumanian Claims Agreement entered into force, in the sum of Three Hundred Fifty-four Dollars and Ninety-nine Cents (\$354.99); and

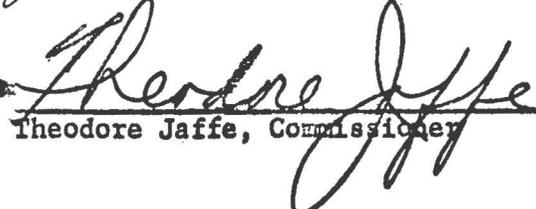
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an award is made to NICOLAUS HORNYAK in the principal amount of Three Thousand Dollars (\$3,000.00), with interest thereon at the rate of 6% per annum from April 10, 1958, the date when the claim arose, to March 30, 1960, the date when the Rumanian Claims Agreement entered into force, in the sum of Three Hundred Fifty-four Dollars and Ninety-nine Cents (\$354.99).

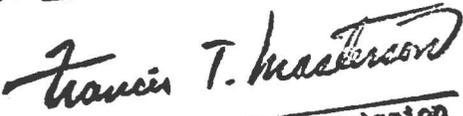
Dated at Washington, D. C.,  
and entered as the Final  
Decision of the Commission

JUL 28 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

CERTIFICATION  
This is a true and correct copy of the decision  
of the commission which was entered as the final  
decision on JUL 28 1971

  
Clerk of the Commission

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PROPOSED DECISION

This claim, for \$30,000.00, against the Government of Rumania, under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of certain improved real property at No. 9 in Livada Noua, Rumania. The claimants, ETHEL SANOSI and NICOLAUS HORNYAK, state that they have been nationals of the United States since her naturalization on June 19, 1956, and his birth on April 10, 1963.

Under Section 303, Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955), 22 U.S.C. §§1641-1641q (1964)), as further amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), the Commission is given jurisdiction over certain claims of nationals of the United States included within the terms of the Rumanian Claims Agreement of 1960 (Agreement Between the United States of America and the Rumanian People's Republic Relating to Financial Questions Between the Two Countries, March 30, 1960, 11 UST 317; TIAS 4451 (1960)).