

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

IN THE MATTER OF THE CLAIM OF

JOSEPH P. BROZ
6727 Juno Street
Forest Hills, New York

Claim No. CZ-3841 ✓

Decision No. CZ- 2814

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimant:

Doman & Ablondi
295 Madison Avenue
New York 17, New York

PROPOSED DECISION

This is a claim in the amount of \$13,222.22 against the Government of Czechoslovakia under Section 404 of Title IV, of the International Claims Settlement Act of 1949, as amended, by JOSEPH P. BROZ, a national of the United States since his naturalization on January 26, 1944, based on the nationalization or other taking of real property in Czechoslovakia.

Section 404 of the Act provides, inter alia, for the determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from nationalization or other taking on and after January 1, 1945, of property, including any rights or interests therein, owned at the time by nationals of the United States.

The Commission finds that claimant owned a 1/18 interest in an apartment house recorded in Folio No. 663 of the Land Register of Prague-Old City, Czechoslovakia, as House No. 1072, Plot No. 891,

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which had been placed under national administration by the Government of Czechoslovakia on October 1, 1947, and which was never restored to claimant and the co-owners.

Evidence available to the Commission discloses that restitution proceedings with respect to American owned property were suspended by the Government of Czechoslovakia in December 1949 in anticipation of a claims settlement agreement with the United States. It appears that instructions to this effect were received by local Czech officials on or about December 21, 1949, and that no favorable action was taken thereafter in such proceedings involving property or interests therein owned by Americans. The Commission finds, therefore, that claimant's interest in subject property was taken without compensation by the Government of Czechoslovakia on December 21, 1949.

The record shows that the British Foreign Compensation Commission, in deciding a claim of one of its nationals who also owned an interest in the subject property, found the "post-war" value of such property to be 12,000,000 Kcs. less a mortgage of 100,000 Kcs. or 11,900,000 Kcs. The claimant has used this finding as the basis for the amount claimed; i.e. 1/18 of 11,900,000 at 2¢ per crown or \$13,222.22. The British Foreign Compensation Commission has advised, in substance, that their valuation was based upon a report by W. Alis, Architectural Surveyor which found the "mean" pre-war value to be 4,355,000 Kcs, which they multiplied by 2-3/4 in arriving at the pound sterling value. However, this Commission has not adopted such formula in converting Czech crowns into dollars. A copy of the appraisal by W. Alis supra shows that the 1938 value of the building and building site cost, less depreciation, was 4,170,268 Kcs. and the 1938 value based upon net rental was 4,800,000 Kcs. He thus arrived at the "mean" value of 4,485,264 Kcs. Based on such appraisal which the Commission finds to be realistic, and taking into account the mortgage of 100,000 Kcs, the Commission finds that the

value of subject property, when taken, was 4,385,264 Kcs. which, at the 1938 official rate of exchange of \$.0347 to the crown amounts to \$152,168.66. Accordingly, the Commission concludes that claimant's 1/18 interest in the subject property was \$8,453.81, and that he is entitled to an award under Section 404 of the Act.

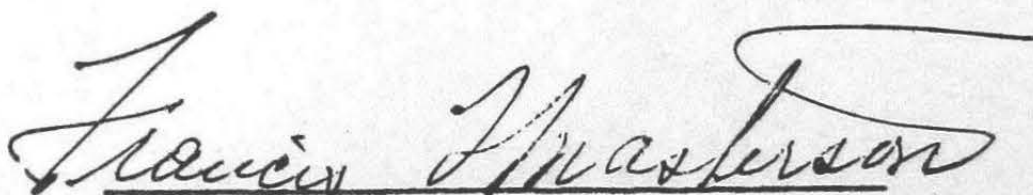
A W A R D

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to JOSEPH P. BROZ in the principal amount of Eight Thousand Four Hundred Fifty-three Dollars and Eighty-one Cents (\$8,453.81), plus interest thereon at the rate of 6% per annum from December 21, 1949 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Four Thousand Three Hundred Seventy-seven Dollars and Sixty-four Cents (\$4,377.64), for a total award of Twelve Thousand Eight Hundred Thirty-one Dollars and Forty-five Cents (\$12,831.45).

Dated at Washington, D. C.

NOV 1 1961

BY DIRECTION OF THE COMMISSION:



Francis T. Masterson
Clerk of the Commission



THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON DEC 1 1961



Clerk of the Commission