

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

IN THE MATTER OF THE CLAIM OF

CATHERINE MARTINOLICH
FRIEDA BEARDSWORTH
MARINO MARTINOLICH
ETTORE MARTINOLICH

Y2-0034
Claim No. Y2-0125
Y2-0563

Decision No. Y2- 153

Under the Yugoslav Claims Agreement of 1964
and Title I of the International Claims
Settlement Act of 1949, as amended

Counsel for claimants MARINO MARTINOLICH and
ETTORE MARTINOLICH:

Anton G. Sintich, Esq.

PROPOSED DECISION

These claims, each in the amount of \$4,000.00, are based on the asserted ownership and loss of two one-family houses and lots in Mali Losinj, Yugoslavia. Claimant CATHERINE MARTINOLICH has been a national of the United States since her birth on April 26, 1904; claimant FRIEDA BEARDSWORTH has been a national of the United States since her birth on November 17, 1932; claimants MARINO MARTINOLICH and ETTORRE MARTINOLICH have been nationals of the United States since their naturalization on April 5, 1943 and June 20, 1947, respectively. Claimants', CATHERINE MARTINOLICH and FRIEDA BEARDSWORTH, predecessor in interest, Matthew Martinolich, had been a national of the United States from his naturalization on May 3, 1944 until his death on June 20, 1963.

Under Section 4(a) of Title I of the International Claims Settlement Act of 1949, as amended (64 Stat. 13 (1950), 22 U.S.C. §1623(a) (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1964, which provides, among other things:

Article I. (a) The Government of Yugoslavia agrees to pay, and the Government of the United States agrees to accept, the sum of \$3,500,000 United States currency in full settlement and discharge of all pecuniary claims of nationals of the United States, whether natural or

juridical persons, against the Government of Yugoslavia, on account of the nationalization and other taking of property and of rights and interests in and with respect to property which occurred between July 19, 1948 and the date of this Agreement.

Article II. The claims of nationals of the United States to which reference is made in Article I of this Agreement refer to claims which were owned by nationals of the United States on the date on which the property and rights and interests in and with respect to property on which they are based was nationalized or taken by the Government of Yugoslavia and on the date of this Agreement. (Agreement between the Government of the United States and the Government of the Socialist Federal Republic of Yugoslavia Regarding Claims of United States Nationals, November 5, 1964, which entered into force on January 20, 1965, 16 U.S.T. & O.I.A. 1965, T.I.A.S. No. 5750 (1964).)

On the basis of official Yugoslav documentation, the Commission finds that certain real properties entered in Liber No. 3154 in the District Office of Mali Losinj as cadastral parcels Nos. 315 and 406/1, and in Liber No. 2195 as cadastral parcels Nos. 318/2 and 366/2, owned to the extent of one-fourth thereof each by MARINO MARTINOLICH, ETTORE MARTINOLICH, the late Matthew Martinolich, and one Irma Benedetto, were nationalized by a decision of the People's Committee of the Municipality of Losinj, dated January 30, 1957 pursuant to the Yugoslav Nationalization Law of April 28, 1948 (Official Gazette of Yugoslavia, No. 36 of April 29, 1948). The Commission accordingly finds that the subject properties were nationalized on January 30, 1957.

Claimant MARINO MARTINOLICH states that he is the owner of a one-half share of the claim arising out of the aforementioned nationalization by virtue of an assignment to him, dated October 8, 1957, from his sister, the aforementioned Irma Benedetto, of her one-fourth share of any rights ensuing from the properties. A copy of the assignment has been submitted. The Commission notes, however, that Article II of the Agreement, supra, requires that claims covered by the Agreement must have been owned by nationals of the United States on the date of nationalization or other taking, and that Irma Benedetto was not a national of the United States on January 30, 1957, the date of nationalization. The Commission concludes therefore that Irma Benedetto's

assignment of October 8, 1957 did not transfer any interest in the subject property which is compensable under the Agreement. Accordingly, the portion of the claim based upon this one-fourth interest in the property subject of the above mentioned assignment is denied.

The Commission further finds it established that the aforementioned Matthew Martinolich died intestate in Jersey City, New Jersey, on June 20, 1963, and that his one-fourth share in the claim devolved in equal parts to his surviving spouse, claimant CATHERINE MARTINOLICH, and to his surviving only child, claimant FRIEDA BEARDSWORTH, who accordingly became the owners each of a one-eighth part of the claim.

On the basis of a sworn statement describing the properties and the Commission's knowledge of the value of similar properties in Yugoslavia, the Commission finds that the total value of the subject properties, which consisted of two one-family houses, certain improvements, and land was \$4,000.00, as claimed, and that claimants are entitled to awards under the Yugoslav Claims Agreement of 1964 in amounts based on their respective shares in the claim.

The Commission has decided that in granting awards on claims under the Yugoslav Claims Agreement of 1964, interest shall be allowed at the rate of 6% per annum from the date of loss to January 20, 1965 the date on which the Agreement entered into force and effect (See the Claim of Alexis G. Bacic, Claim No. Y2-0522, Decision No. Y2-1). Accordingly, the amounts of the awards will be increased to that extent.

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A W A R D S

An award is hereby made to CATHERINE MARTINOLICH in the principal amount of Five Hundred Dollars (\$500.00) with interest thereon at 6% per annum from January 30, 1957, the date the claim arose, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, in the sum of Two Hundred Thirty-Nine Dollars and Seventeen Cents (\$239.17);

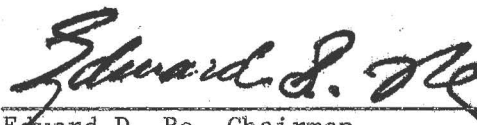
An award is hereby made to FRIEDA BEARDSWORTH in the principal amount of Five Hundred Dollars (\$500.00) with interest thereon at 6% per annum from January 30, 1957, the date the claim arose, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, in the sum of Two Hundred Thirty-Nine Dollars and Seventeen Cents (\$239.17);

An award is hereby made to MARINO MARTINOLICH in the principal amount of One Thousand Dollars (\$1,000.00) with interest thereon at 6% per annum from January 30, 1957, the date the claim arose, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, in the sum of Four Hundred Seventy-Eight Dollars and Thirty-Three Cents (\$478.33); and

An award is hereby made to ETTORE MARTINOLICH in the principal amount of One Thousand Dollars (\$1,000.00) with interest thereon at 6% per annum from January 30, 1957, the date the claim arose, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, in the sum of Four Hundred Seventy-Eight Dollars and Thirty-Three Cents (\$478.33).

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

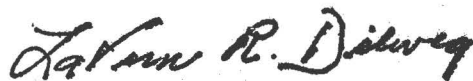
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Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, 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, 32 Fed. Reg. 412-13 (1967).)

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