

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

IN THE MATTER OF THE CLAIM OF

YELKA PERICHITCH

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

Claim No. Y2- 0035

Decision No. Y2- 150

PROPOSED DECISION

This claim, in the amount of \$40,000.00, is based on the ownership and loss of an apartment building in Belgrade, Yugoslavia. Claimant, YELKA PERICHITCH, has been a national of the United States since her naturalization on March 9, 1953.

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.

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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 claimant was the owner of a lot and an apartment building located at Ivana Milutinovica Street No. 31, Belgrade, containing 6 apartments and five stores and covering an area of 573 square meters, which was taken by the Government of Yugoslavia on September 28, 1954, and incorporated on that date into a housing co-operative.

In determining the value of the property thus taken the Commission took into consideration the location of the property, its description, as well as a purchase and sale agreement submitted by the claimant which indicates that on February 26, 1940 the subject property was purchased for 2,080,000 dinars. Claimant's valuation of the property in the amount of \$40,000.00 is predicated on the conversion into dollars of an amount of 2,000,000 dinars at the rate of exchange of 50 dinars to \$1.00. While taking into account the 1940 value of the property the Commission has considered the normal depreciation for wear and tear of the improvements on the property and that wartime conditions and other factors accelerated the wear and tear of buildings in Yugoslavia. On the other hand, it must be noted that improved real property of the type involved herein increased in value during the postwar years in all countries of the world due to increased housing demands and that, as a general rule, such increase may have set off any depreciation which may have occurred. Furthermore, the Commission has held that the official pre-war rate of exchange of 44 dinars for \$1.00 is applicable in determining the compensable amount of claims under the Yugoslav Claims Agreement of 1964 for the conversion of property value expressed in prewar dinars. (See the Claim of Alexis G. Bacic, Claim No. Y2-0522, Decision No. Y2-1).

On the basis of the foregoing, the Commission finds that claimant's property had a value at the time of taking of 2,080,000 prewar dinars, an amount corresponding to the purchase price paid for it in 1940, and by applying the rate of exchange of 44 dinars to \$1.00, the Commission concludes that claimant is entitled to an award in the principal amount of \$47,272.73 pursuant to the terms of the Yugoslav Claims Agreement of 1964.

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 nationalization or other taking to January 20, 1965, the effective date of the Agreement. (See the Claim of Alexis G. Bacic, (supra)). Accordingly, the amount of the award will be increased to that extent.

AWARD

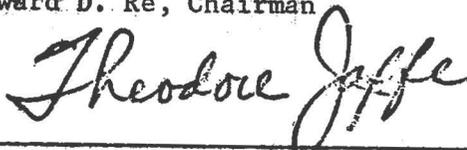
An award is hereby made to YELKA PERICHITCH in the principal amount of Forty-Seven Thousand Two Hundred Seventy-Two Dollars and seventy-three cents (\$47,272.73), with interest thereon at 6% per annum from September 28, 1954 to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, in the sum of Twenty-Nine Thousand Two Hundred Forty-Six Dollars and twenty-two cents (\$29,246.22).

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

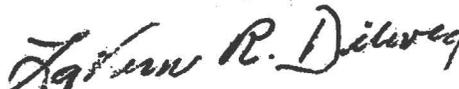
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Edward D. Re, Chairman



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).)