

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

IN THE MATTER OF THE CLAIM OF

JOHN D. SIMOS

Claim No. Y2- 0090

Decision No. Y2- 149

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

PROPOSED DECISION

This claim, in the amount of \$1,500.00, is based upon the asserted ownership and loss of unimproved real property located in Bitola, Macedonia, Yugoslavia. Claimant, JOHN D. SIMOS, has been a national of the United States since his naturalization on June 12, 1945.

Under Section 4(d) 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 November 5, 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).)

The evidence submitted by claimant in support of his claim includes: a certificate of title of ownership of real property issued by the District Court in Bitola, dated December 11, 1940, and registered in Book II of the Books of Ownership Certificates under No. 634; a decree of the Expropriation Commission of Bitola, dated July 26, 1951; a certificate from the manager of the Bureau of Cadaster of Bitola, dated August 4, 1967; a decree of appointment of tutorship for an absent person by the Popular Committee of Bitola, dated May 18, 1953; and two decrees of the District Court of Bitola, dated September 30, 1953, and March 27, 1957.

Based upon the evidence of record, the Commission finds that claimant was the owner of certain unimproved real property located in Bitola, Macedonia, consisting of 1 hectare, 07 ares, and 92 square meters of land registered in Book II of the Books of Ownership Certificates under number 634 on July 26, 1951, when the property was taken by decree of the Bitola Expropriating Commission, decree no. 12519/51.

Although an offer of compensation in the amount of 152,625 dinars or \$254.00 was made in 1956, the evidence of record indicates that this sum is inadequate when compared to the true value of the property and that claimant refused to accept such an award.

The Commission has considered the economic conditions which existed in Yugoslavia after World War II including the fluctuations in the value of the currency and the distorted prices of all commodities, goods and real estate. In the Claim of Alexis G. Bacic, Claim No. Y2-0522, Decision No. Y2-1, the Commission concluded that the prewar (1938-39) values reflect a better basis for the appraisal of property and would be considered as the point of reference for valuation purposes; and that prewar dinars shall be converted into United States dollars at the official rate of exchange of 44 dinars for \$1.00.

In arriving at the value of this property, the Commission has considered claimant's evaluation and description and the 1940 purchase price of 42,000 dinars. On the basis of all evidence of record, including values of similar properties in Yugoslavia, the Commission finds that at the time of loss the property had a value of \$1,431.82 and concludes that claimant is entitled to an award under the Agreement in that amount.

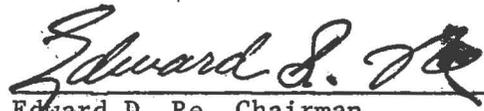
The Commission has decided that in granting awards on claims under the Yugoslav Claims Agreement of 1964, interest shall be allowed at the rate of 6% per annum from the date of loss to January 20, 1965, the date on which the Agreement entered into force and effect. (See the Claim of Alexis G. Basic, (supra)). Accordingly, the amount of the award will be increased to that extent.

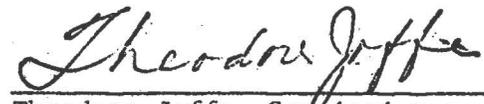
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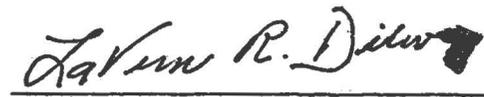
An award is hereby made to JOHN D. SIMOS in the principal amount of One Thousand Four Hundred Thirty-One Dollars and Eighty-Two Cents (\$1,431.82), with interest thereon at 6% per annum from July 26, 1951 to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, in the sum of One Thousand One Hundred Fifty-Eight Dollars and Thirty-Four Cents (\$1,158.34).

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

82 NOV 1967


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).)