

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

IN THE MATTER OF THE CLAIM OF

FRANK VICICH

Claim No. Y2-0131

Decision No. Y2- 1418

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

Counsel for claimant:

Anton G. Sintich, Esq.

PROPOSED DECISION

This claim, in the amount of \$16,500.00, is based upon the asserted ownership and loss of improved real property in Ilirska Bistrica, Slovenia, Yugoslavia. Claimant, FRANK VICICH, has been a national of the United States since January 24, 1928, the date of his naturalization.

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) [1964]), 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, [1965] 16 U.S.T. 1, T.I.A.S. No. 5750 [effective January 20, 1965].)

The evidence submitted by the claimant and the entire record in this claim show that claimant was the owner of the following real property situated in the area of the community of Ilirska Bistrica in the Republic of Slovenia:

Land parcels Nos. 915, 943, 988, 1077, 1240, 1259/1, 1259/2, 1266, 1344/1, 1344/2, 1353/64, 1353/65, 1407/2, 1408, 1617/1, 1617/2, 1716, 1758/2, 1826, 1353/270, 1323/4, recorded in Liber No. 61 of the cadastral district of Trnovo; land parcel No. 976 recorded in Liber No. 195 of the same cadastral district; land parcel No. 1938/2 and building lot No. 114 with a house, No. 32 Gregorcic Street, standing thereon, recorded in Liber No. 225 of the cadastral district of Trnovo; and land parcels Nos. 2109 and 2126, recorded in Liber No. 476 of the same cadastral district.

The record further shows that all this real property was nationalized by decision No. 463-59/62-6/7 of the Municipal People's Committee of Ilirska Bistrica, Economic and Financial Division, dated February 25, 1963, pursuant to the Law on Amendments and Additions to the Law Regarding Nationalization of Private Economic Enterprises (Sl. List [Yugoslavia], No. 35, Item 269, April 29, 1948).

The documentation submitted by the claimant shows that the land parcels had a total area of 17 hectares, 8,977 square meters; that the house No. 32 was standing on a building lot of 971 square meters; and that adjoining the house claimant's land parcel No. 1938/2 consisted of a garden and an orchard measuring 1,144 square meters. Claimant has failed to submit supporting evidence with respect to the value of the land and of house No. 32. In the Claim of Alexis G. Bacic, Claim No. Y2-0522, 1967 FCSC ANN. REP. 75, the Commission concluded that the prewar (1938-1939) values reflect the best basis for the appraisal of

property and that such prewar values be considered as the point of reference for valuation purposes. The Commission also held that the prewar dinars shall be converted into United States dollars at the official rate of exchange of 44 dinars for \$1.00, which was in effect prior to World War II.

Based upon this consideration and upon a study of rural real property values in Yugoslavia prior to World War II, the Commission finds that in the rocky and generally unfertile area of Ilirska Bistrica, one hectare of land had a prewar maximum value of 8,000 prewar dinars; and that the value of claimant's house in the town of Ilirska Bistrica containing a barbershop and five apartments, including the building lot, garden and orchard, had an aggregate value of 250,000 prewar dinars. Consequently, claimant's nationalized property had the following prewar value:

17 hectares, 8,977 square meters of land	143,181.60 dinars
house with adjoining land	<u>250,000.00 dinars</u>
Total	393,181.60 dinars
or, at the rate of exchange - 44 : 1,	\$8,935.95.

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, (supra).) Accordingly, the amount of the award will be increased to that extent in the instant claim.

A W A R D

An award is hereby made to FRANK VICICH in the principal amount of Eight Thousand Nine Hundred Thirty-Five Dollars and Ninety-Five Cents (\$8,935.95) together with interest thereon in the sum of One Thousand Twenty Dollars and Twenty-Two Cents (\$1,020.22) which interest is at the rate of 6% per annum from February 25, 1963, the date of taking, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force.

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

JAN 14 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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].)