

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

IN THE MATTER OF THE CLAIM OF

PAVLE I. MESTROVICH

Claim No. Y2- 0151

Decision No. Y2- 0952

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

Appeal and objections from a Proposed Decision entered on August 14, 1968.

Hearing on the Record held on September 25, 1968.

FINAL DECISION

This claim, in the amount of \$24,500.00, is based upon the asserted ownership and loss of certain real property located in Tivat, Yugoslavia. Claimant, PAVLE I. MESTROVICH, has been a national of the United States since his naturalization on June 29, 1916.

By Proposed Decision dated August 14, 1968, the Commission found that claimant was the owner of a one-half interest in a lot measuring 1,557 square meters improved by a brick building and shed, that the property was expropriated on April 15, 1949, and proposed an award in the principal amount of \$4,096.00.

Claimant objected to the Proposed Decision contending that the value found by the Commission was only fifty percent of the true value, and suggesting that the Commission grant him an additional \$2,000.00 as adequate compensation for the property. Claimant has submitted no evidence in support of his objections.

Upon full reconsideration of the entire record, including claimant's objections, appraisals submitted by claimant, and the Commission's

knowledge of values of similar properties in the area in which the subject property is located, the Commission finds that the proposed award in the principal amount of \$4,096.00, together with interest thereon in the amount of \$3,874.12, is in keeping with the values found for similar properties; and, accordingly, it is

ORDERED that the Proposed Decision be affirmed and the award restated as follows:

A W A R D

An award is hereby made to PAVLE I. MESTROVICH in the principal amount of Four Thousand Ninety-Six Dollars (\$4,096.00) together with interest thereon in the sum of Three Thousand Eight Hundred Seventy-Four Dollars and Twelve Cents (\$3,874.12) which interest is at the rate of 6% per annum from April 15, 1949, the date the claim arose, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force.

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

3 OCT 1965

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freedberg*

Sidney Freedberg, Commissioner

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

IN THE MATTER OF THE CLAIM OF

PAVLE I. MESTROVICH

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

Claim No. Y2- 0151

Decision No. Y2-0952

PROPOSED DECISION

This claim, in the amount of \$24,500.00, is based upon the asserted ownership and loss of certain real property located in Tivat, Yugoslavia. Claimant, PAVLE I. MESTROVICH, has been a national of the United States since his naturalization on June 29, 1916.

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 Commission finds, on the basis of official Yugoslav documentation, that claimant was the owner of a one-half interest in a lot measuring 1,557 square meters improved by a brick apartment building and a brick shed recorded in land register book no. 687 of the cadastral district of Tivat, Yugoslavia; and that this property was expropriated on April 15, 1949 by decision no. 17423/48-20 of the Expropriation Commission of the District of Kotor.

The Commission has decided that the prewar (1938-1939) values reflect a better basis for the appraisal of property and are to be considered as the point of reference for valuation purposes; that depreciation of the buildings during and after the war was largely set off by appreciation of real estate values after World War II; and that the prewar dinar currency shall be converted into United States currency at the rate of 44 dinars for \$1.00. (See Claim of Alexis G. Bacic, Claim No. Y2-0522.)

In arriving at the value of the subject property the Commission has considered claimant's and official description and evaluation thereof. On the basis of all evidence of record, including an appraisal by an expert retained by claimant, and on the basis of its own knowledge of the value of similar properties in Tivat, the Commission finds that at the time of loss the subject property had a value of \$8,192.00 and claimant's one-half interest therein had a value of \$4,096.00. The Commission concludes that under the Agreement claimant is entitled to an award in that principal amount. A portion of this claim, based upon the loss of improved real property recorded in land register book no. 529 of the cadastral district of Tivat, Yugoslavia, was withdrawn by claimant for the reason that said property was returned to him by the Government of Yugoslavia in December 1967.

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 Claim of Alexis G. Bacic, (supra)). Accordingly, the amount of the award will be increased to that extent.

A W A R D

An award is hereby made to PAVLE I. MESTROVICH in the principal amount of Four Thousand Ninety-Six Dollars (\$4,096.00) together with interest thereon in the sum of Three Thousand Eight Hundred Seventy-Four Dollars and Twelve Cents (\$3,874.12) which interest is at the rate of 6% per annum from April 15, 1949, the date the claim arose, 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

AUG 14 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Feidberg*

Sidney Feidberg, 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).)