

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

IN THE MATTER OF THE CLAIM OF

ZACHARY V. PLAUSIC

Claim No. Y2- 0199

Decision No. Y2-

300

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

Counsel for claimant:

George Jovanovich, Esq.

PROPOSED DECISION

This claim, in the amount of \$1,950.00, is based upon the asserted ownership and loss of unimproved real property located in Belgrade, Yugoslavia. Claimant, ZACHARY V. PLAUSIC, has been a national of the United States since his naturalization on September 5, 1957.

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).)

The evidence submitted by claimant in support of his claim includes decision no. 118/Dn.-1938 of the County Court of Zemun, dated January 12, 1938, and a statement from the Acting Chief of the Section for Property and Administrative Matters of the People's Committee of New Belgrade, dated May 25, 1962, citing decision no. 03-11943/1-59 of the People's Committee of New Belgrade, dated September 22, 1959.

Based upon all the evidence of record comprising this claim, the Commission finds that by contract of sale dated January 5, 1938 and approved by decision of the County Court of Zemun on January 12, 1938, claimant purchased a lot of unimproved real property located on Sadik Ramiz Street in New Belgrade, cadastral lot no. 1877/91 consisting of 978.31 square meters for 57,500 dinars.

The Commission further finds that the aforesaid real property was nationalized by a decision of the Peoples Committee of New Belgrade, dated September 22, 1959, pursuant to the Law on Nationalization of Buildings for Rent and of Building Lots of December 26, 1958 (Sl. List (Yugoslavia), No. 52, Item No. 890, December 31, 1958). (See the Claim of Alexis G. Bacic, Claim No. Y2-0522, Decision No. Y2-1.) The Commission gave full consideration to this matter and finds that claimant remained the owner of the real property up to the time of the decision for nationalization rendered by the local authorities, and concludes that the claim of claimant arose on September 22, 1959, the date when the aforesaid decision of the local authorities became operative.

Claimant's asserted value is based upon the 1938 purchase price of 57,500 dinars to which an additional 3,500 dinars has been added representing payments for transfer tax, administrative tax and fees expended in connection with the purchase of the property. In the Claim of Dorothea Blum, Claim No. Y2-0536, Decision No. Y2-73, the Commission held that the costs

and expenses attendant upon a transfer of property do not constitute compensable items under the Yugoslav Claims Agreement of 1964. Accordingly, those items may not be added to the value of the subject property.

In arriving at the value of the property on which this claim is based, the Commission has considered the purchase price paid and 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, (supra), 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.

On the basis of all available evidence, the Commission finds that at the time of nationalization claimant's property had a value of \$1,306.82.

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.

A W A R D

An award is hereby made to ZACHARY V. PLAVSIC in the principal amount of One Thousand Three Hundred Six Dollars and Eighty-Two Cents (\$1,306.82) with interest thereon at 6% per annum from September 22, 1959, 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 Fifteen Dollars and Fifty-Seven Cents (\$415.57).

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

FEB 21 1968

Edward S. Re

Edward S. Re, Chairman

Theodore Jaffe

Theodore Jaffe, 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).)