

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

IN THE MATTER OF THE CLAIM OF

MILAN STOEGER
HILDE STOEGER

Claim No. Y2-0436
Y2-0437

Decision No. Y2- 1708

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

Counsel for claimants:

George Jovanovich, Esq.

PROPOSED DECISION

These claims, in the combined amount of \$176,900.00, are based upon asserted ownership interests in and loss of two parcels of improved real property located in Zagreb, Croatia, Yugoslavia. Claimants, MILAN STOEGER and HILDE STOEGER, have been nationals of the United States since their naturalization on November 29, 1948. The claims are consolidated for the purpose of this decision.

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).)

Evidence in support of the claims consists of abstracts from the land records, nationalization decrees, private appraisals, copy of Letters Testamentary and photographs. The Commission is also in receipt of documentation submitted by the Government of Yugoslavia. Based on the entire record the Commission finds as follows:

13 Ilica Street, Zagreb

Sigmund Stoeger, husband of claimant HILDE STOEGER, and father of claimant MILAN STOEGER, and a national of the United States since his naturalization on November 29, 1948, was the owner of a 1/2 interest in improved real property at 13 Ilica Street, Zagreb and said property was nationalized by the Government of Yugoslavia on March 9, 1960 by decision No. 02/KN-1371/3-1959 of the Nationalization Commission of the People's Committee of Zagreb 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, 1968). (See Claim of Alexis G. Bacic, Claim No. Y2-0522, 1967 FCSC ANN. REP. 75.) Sigmund Stoeger died testate in New York State in June, 1965 and through his Last Will and Testament, duly probated in New York State, claimants MILAN STOEGER and HILDE STOEGER each succeeded to a 1/4 interest in decedent's claim. At the time of nationalization, one five-room apartment with utilities was exempted and title to it was left in decedent's name.

In arriving at the value of the real property, the Commission has considered the photographs, the appraisals, the location of the property, 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 (1938-1939) 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, including the Commission's knowledge of values of similar properties in this area of Zagreb, the Commission finds as follows:

No. 13 Ilica Street, front building, is a four-story building (European style) with cellar, basement, mezzanine, attic and roof, with modern facilities and elevator, 2,119.86 square meters of usable space comprising one two-room apartment, four four-room apartments, and four business premises, constructed in 1900, but well kept. It is located in the very center of the business district of Zagreb.

The rear or yard building is a two-story building with mezzanine, basement, cellar and attic with 972.24 square meters of usable space comprising one one-room apartment, four four-room apartments, two three-room apartments, and one business premises constructed about 1925.

The buildings are constructed on 900 square meters of land.

At the time of taking, the front building had a value of \$51,167.00; the rear building, \$17,275.00, the building values being adjusted for depreciation. The street building site had a value of \$21,510.00 and the yard building site had a value of \$8,926.20. Decedent's one-half interest in the entire property had a value of \$49,439.00.

Paragraph 2 of the Interpretative Minute to the Yugoslav Claims Agreement of 1964 provides as follows:

Properties or parts thereof which have been exempted from nationalization or other taking by the Government of Yugoslavia in accordance with the laws of Yugoslavia are not covered or settled by this Agreement.

The Commission finds that the aforementioned five-room apartment was sold by Sigmund Stoeger in 1964 and the purchase price was \$7,312.00. Deducting this amount from \$49,439.00, the 1/2 interest in the Ilica Street property had a value of \$42,127.00.

11 Draskoviceva Street, Zagreb

Sigmund Stoeger was the owner of improved real property at 11 Draskoviceva Street, Zagreb and said property was nationalized by the Government of Yugoslavia on July 13, 1960 by decision No. KN-2030/59 of the Commission of Nationalization of the People's Council of the District of Medvescak. Through the death testate of Sigmund Stoeger, as aforementioned, claimants MILAN STOEGER and HILDE STOEGER each succeeded to a 1/2 interest in decedent's claim.

The Draskoviceva Street property consisted of 843.72 square meters of usable space on 1,071 square meters of land. The Commission finds that, at the time of nationalization, the land had a value of \$19,481.00 and the improvements, with the depreciation factor considered, a value of \$13,049.00, or a total value of \$32,530.00.

The Commission further finds that in 1965 Sigmund Stoeger received compensation in the amount of \$5,235.00 for a claim he had filed under the German Equalization of Burden Law for the improvements at 13 Ilica Street and 11 Draskoviceva Street, Zagreb. Accordingly, this amount must be deducted in equal proportion from any award made herein on the said properties.

In summary, deducting \$2,617.50 from each of the said properties, the net value of decedent's interest in the Ilica Street property is \$39,509.50 and the net value in the Draskoviceva Street property is \$29,912.50. The total award is \$69,422.00. The Commission concludes that each claimant is entitled, under the Agreement, to an award in the amount of \$34,711.00 for his and her 1/2 interest in the properties.

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 in the instant claim.

The Commission has determined that with respect to any claim which at the time of award is vested in persons other than the person by whom the loss was sustained, a consolidated award shall be issued in favor of all then entitled to such an award. The respective interests of such claimants shall be indicated and they shall participate in payments in proportion to their indicated interests in all respects as if an award had been made in favor of a single person. Accordingly, claimants MILAN STOEGER and HILDE STOEGER are entitled to a consolidated award.

A W A R D

A consolidated award is hereby made in the principal amount of Sixty-Nine Thousand Four Hundred Twenty-Two Dollars (\$69,422.00), together with interest thereon in the sum of Nineteen Thousand Six Hundred Forty-One Dollars and Forty-Four Cents (\$19,641.44) which interest is at the rate of 6% per annum from the respective dates of loss to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force, as follows:

<u>Claimants</u>	<u>Principal</u>	<u>Interest</u>	<u>Ownership</u>
MILAN STOEGER	\$34,711.00	\$9,820.72	1/2 interest
HILDE STOEGER	\$34,711.00	\$9,820.72	1/2 interest

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

APR 2 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).)