

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

IN THE MATTER OF THE CLAIM OF

DRAGOMIR NICOLITCH

Claim No. Y2- 0644

Decision No. Y2-

1293

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

Counsel for claimant:

Branko M. Peselj, Esq.

PROPOSED DECISION

This claim, in the amount of \$101,458.00, is based upon the asserted ownership and loss of the real property at No. 17 Boleslaw Bjerut Street in Belgrade, Yugoslavia. Claimant, DRAGOMIR NICOLITCH, has been a national of the United States since his naturalization on June 11, 1951. A portion of the claim, based upon the real property at No. 17 Andre Nikolica Street in Belgrade, has been withdrawn.

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 certified extract of the pertinent land record shows, and the Commission finds that claimant, DRAGOMIR NICOLITCH, owned 3/4 interest in the real property at No. 17 Boleslaw Bjerut Street in Belgrade, Yugoslavia, recorded in liber No. 931 as land parcel 1811; and that claimant's interest in the property was taken by the Government of Yugoslavia on dates and by decisions as follows:

(a) 5/12 interest on November 19, 1952 by Decision Conf. 733/52 of the Municipal Court in Belgrade;

(b) 4/12 interest on January 22, 1960 by Decision No. N-111/1960 of the People's Committee in Belgrade.

The pertinent extract from the land register and other evidence of record shows, and the Commission further finds that the property consists of a building parcel of 385.50 square meters, it is situated in the downtown business section of Belgrade and is presently improved by the nine-story post office building.

In the appraisal, submitted by claimant, the property is valued at 1,285,000 dinars of 1939 value.

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, 1967 FCSC ANN. REP. 75, 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 valuations 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 evidence of record, including evidence of values of similar properties in Belgrade, the Commission finds that claimant's

interests in the land parcel at No. 17 Boleslaw Bjerut Street had values on the dates when the claim arose as follows:

- (a) 5/12 interest on November 19, 1952: \$15,000.00
- (b) 4/12 interest on January 22, 1960: \$12,000.00  
\$27,000.00

The Commission concludes that claimant is entitled, under the terms of the Yugoslav Claims Agreement of 1964, to compensation in the amount of \$27,000.00.

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 dates 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 at the rate of 6% per annum

on the amount of \$15,000.00 from November 19, 1952, and

on the amount of \$12,000.00 from January 22, 1960.

A W A R D

An award is hereby made to DRAGOMIR NICOLITCH in the principal amount of Twenty-Seven Thousand Dollars (\$27,000.00), together with interest thereon in the sum of Five Thousand Five Hundred Seventy-Three Dollars and Forty-Nine Cents (\$5,573.49) which interest is at the rate of 6% per annum from the respective dates on which 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

DEC 3 1968

*Leonard v. B. Sutton*  
Leonard v. B. Sutton, Chairman

*Theodore Jaffe*  
Theodore Jaffe, Commissioner

*Sidney Friedman*  
Sidney Friedman, 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).)