

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

IN THE MATTER OF THE CLAIM OF

ROSE S. DAVIDOVICH

Claim No. Y2-1036

Decision No. Y2-191

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

Counsel for claimant:

Levy & Rubinstein

Appeal and objections from a Proposed Decision entered December 20, 1967; Oral hearing requested and scheduled for February 15, 1968, at 10:00 a.m. at the offices of the Commission, 1111-20th Street, N.W., Washington, D.C., with due notice thereof given to the claimant. No request for a continuance was made and claimant failed to appear in person or by attorney at the scheduled time.

FINAL DECISION

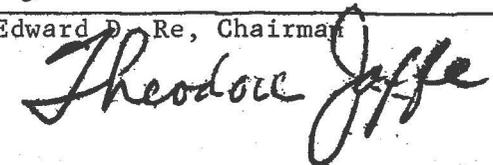
By Proposed Decision issued on December 20, 1967 this claim was denied on the ground that claimant failed to assert or establish ownership by a national of the United States of rights and interests in property which was nationalized or otherwise taken by the Government of Yugoslavia between July 19, 1948 and the date of the Agreement. Claimant objected to the Proposed Decision and requested an oral hearing.

Full consideration having been given to the entire record, including claimant's objections, and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

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

FEB 28 1968


Edward D. Re, Chairman

Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim, in the amount of \$227,150.00 is based upon the asserted ownership and loss of improved real property located in Istanbul, Turkey. Claimant, ROSE S. DAVIDOVICH, has made no statement nor submitted any proof of her nationality. Fotije Davidovitch, claimant's predecessor in interest, was a national of the United States from his naturalization on February 20, 1941 until his death on October 12, 1962.

Under Section 4(a) 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 November 5, 1964, and the Commission is directed to apply the following in the following order:

(1) The provisions of the applicable claims agreement as provided in this subsection; and (2) the applicable principles of international law, justice and equity.

Among other things, the Agreement provides as follows:

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).)

Claimant asserts that the property which is the subject of this claim is improved real property located in Istanbul, Turkey. Claimant further asserts that by treaty entered into between Turkey and Yugoslavia on November 28, 1933, the Government of Yugoslavia agreed to reimburse Yugoslav nationals for property appropriated by the Government of Turkey. Claimant neither states nor has she established a nationalization or other taking of property of a national of the United States by the Government of Yugoslavia between July 19, 1948 and the date of the Yugoslav Claims Agreement of 1964.

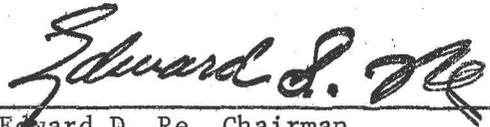
It is evident that the asserted taking of the property in Istanbul which is the subject of this claim can not be attributed to actions of the Government of Yugoslavia within the period covered by the Agreement as it had no jurisdiction over this city during that time.

In view of the foregoing, the Commission finds that this claim is not compensable under the Yugoslav Claims Agreement of 1964 and it is, accordingly, denied.

The Commission deems it unnecessary to consider other elements of this claim.

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

20 DEC 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, 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).)

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