

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

IN THE MATTER OF THE CLAIM OF

HELEN TOMSIK, EXECUTRIX,  
ESTATE OF SVETKO YANKOVICH,  
DECEASED

Claim No. Y2-0246

Decision No. Y2-196

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

Counsel for Claimant:

Samuel Herman, Esq.

ORDER and AMENDED FINAL DECISION

By Proposed Decision issued January 3, 1968, which was entered as a Final Decision on March 5, 1968, the Commission granted an award to SVETKO YANKOVICH in the principal amount of \$21,378.53 under the terms of the Yugoslav Claims Agreement of 1964. Information furnished by counsel indicates that claimant, SVETKO YANKOVICH, died on May 5, 1969.

On the basis of Letters Testamentary, dated May 14, 1969, issued by the Probate Court, Summit County, Ohio, and petition of counsel, it is

ORDERED that HELEN TOMSIK, as EXECUTRIX of the ESTATE of SVETKO YANKOVICH be, and is hereby, substituted as party claimant and that the award be restated as follows:

A W A R D

An award is hereby made to HELEN TOMSIK, AS EXECUTRIX, ESTATE OF SVETKO YANKOVICH, DECEASED, in the principal amount of Twenty-One Thousand Three Hundred Seventy-Eight Dollars and Fifty-Three Cents (\$21,378.53), with interest thereon in the sum of Eighteen Thousand Seven Hundred Twenty Dollars and Fifty-Four Cents (\$18,720.54) which interest is at the rate of

6% per annum from June 16, 1950 to January 20, 1965, the date on which the Agreement entered into force.

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

JUN 18 1969

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The award issued in this claim to SVETKO YANKOVICH, was certified to the Treasury on March 5, 1968 under transmittal letter No. 4, page 1.

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

IN THE MATTER OF THE CLAIM OF

SVETKO YANKOVICH

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

Claim No. Y2- 0246

Decision No. Y2- 196

Counsel for claimant:

Samuel Herman, Esq.

PROPOSED DECISION

This claim, in the amount of \$31,400.00, is based on the asserted ownership and loss of certain real and personal property in Backa Palanka, Serbia, Yugoslavia. Claimant, SVETKO YANKOVICH, has been a national of the United States since his naturalization on November 13, 1924.

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).)

Although claimant has not indicated in his statement of claim the specific properties on which the instant claim is based, the Commission finds it established, on the basis of official Yugoslav documentation, that claimant was the owner of the following properties on June 16, 1950, when they were nationalized by the District Court at Backa Palanka:

<u>Book No.</u>	<u>Parcel No.</u>	<u>Description</u>	<u>Jutros</u>	<u>Sq. Fathoms</u>
2091	4279/1	Plowland	1	938
	4279/2	"	1	939
2112	4280	"	3	462
2495	4281/3	"	1	400
		(Claimant full owner of above)		
3394	4074	Plowland	3	472
		(Claimant five-sixths owner of above)		
3019	5777/2	Plowland	26	723
		(Claimant half owner of above)		
3042	918/5	Lot		266
		One house, 375 square meters		
		Other buildings, 250 square meters		

Movable Property:

Wagon  
2 sets of harnesses  
Grain drill  
Double plow  
Single plow  
Sled  
Horse  
Mare

(Claimant full owner of lot, buildings and movable property)

The above-described property was also, in part, the subject of a previous claim before the Commission under the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949 (Docket No. Y-460, Decision No. 1341), wherein the Commission found that it was not taken by the Government of Yugoslavia during the period covered by that Agreement. Preparatory to its consideration of the merits of the previous claim, the Commission had conducted in 1954 an on-the-spot investigation encompassing also the

above-described property whereby it was determined that its fair and reasonable value as of 1938 was 940,655 prewar dinars. The Commission has decided that prewar (1938-1939) values furnish a proper basis for valuation purposes under the Yugoslav Claims Agreement of 1964, and that the prewar rate of exchange of 44 dinars for \$1.00 is applicable to claims under this Agreement for the conversion of property values expressed in prewar dinars (See the Claim of Alexis G. Bacic, Claim No. Y2-0522, Decision No. Y2-1). On the basis of the foregoing, the Commission finds that at the time of nationalization the property on which this claim is based had a value of \$21,378.53, and accordingly concludes that claimant is entitled to an award in that principal amount under the Agreement.

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 nationalization or other taking 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

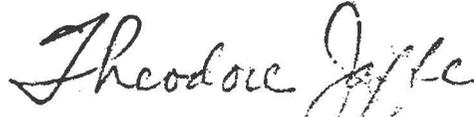
An award is hereby made to SVETKO YANKOVICH in the principal amount of Twenty-One Thousand Three Hundred Seventy-Eight Dollars and Fifty-Three Cents (\$21,378.53), with interest thereon at 6% per annum from June 16, 1950 to January 20, 1965, the date on which the Agreement entered into force, in the sum of Eighteen Thousand Seven Hundred Twenty Dollars and Fifty-Four Cents (\$18,720.54).

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

3 Jan 1968



Edward D. Re, Chairman



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).)