

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

IN THE MATTER OF THE CLAIM OF

STANKO STANLEY PLAVSICH  
NEVENA MATIC

Claim No. Y2- 0262  
Y2-0654

Decision No. Y2- 84

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

AMENDED FINAL DECISION

These claims, in the total amount of \$13,001.06, involve related issues and are based on the asserted ownership and loss of certain real property in Sid, Vizic, Yugoslavia, loss of rental income therefrom, and on legal expenses incurred in the preparation of the claims. Claimants, STANKO STANLEY PLAVSICH and NEVENA MATIC, have been nationals of the United States since their births in the United States on November 23, 1909 and August 26, 1912, respectively.

By Proposed Decision issued on October 18, 1967, the Commission found that claimants owned certain real property in Yugoslavia but was constrained to deny the claims on the ground that they had failed to establish that such property was nationalized or otherwise taken by the Government of Yugoslavia within the effective period of the Agreement. The Proposed Decision was entered as the Final Decision of the Commission on December 20, 1967.

On March 28, 1969 and pursuant to the Regulations of the Commission, claimants filed a petition to reopen accompanied by new evidence not heretofore available.

Upon reconsideration of the entire record and the new evidence submitted consisting of a declaratory judgment of the Communal Court of Backa Planka, the Commission now finds that claimants were the owners of the following listed farm properties in the cadastral district of Vizic:

Stanko Plavsich  
378 = 28 ares 52 m<sup>2</sup>  
555 = 96 ares 97 m<sup>2</sup>  
452 = 68 ares 26 m<sup>2</sup>  
763 = 25 ares 18 m<sup>2</sup>  
764 = 38 ares 23 m<sup>2</sup>  
923 = 10 ares 07 m<sup>2</sup>  
746/1 = 01 ares 98 m<sup>2</sup>

Nevena Matic  
382 = 72 ares 87 m<sup>2</sup>  
922 = 58 ares 23 m<sup>2</sup>  
1447/3 = 1 hect. 32 ares 54 m<sup>2</sup>  
735/1 = 84 ares 34 m<sup>2</sup>

The Commission further finds that subject properties were nationalized by the Government of Yugoslavia on February 24, 1949, decision no. 218 of the People's Committee of Vizic.

It is noted that claimants have not submitted any documentary evidence respecting the value of subject property. The Commission has, however, conducted independent studies and investigations of property values in Yugoslavia including the area under consideration.

In determining the value of nationalized property, the Commission has decided that the prewar (1938-1939) values reflect a better basis for the appraisal of property and are to be considered as the point of reference for valuation purposes; that depreciation of the buildings during and after the war was largely offset by appreciation of real estate values after World War II; and that the prewar dinar currency shall be converted into United States currency at the rate of 44 dinars for \$1.00. (See Claim of Alexis G. Bacic, Claim No. Y2-0522, 1967 FGSC ANN. REP. 75.)

On the basis of all the evidence of record comprising this claim including claimants' estimates, and on the Commission's own knowledge of the values of similar properties in Vizic, the Commission finds that at the time of nationalization the property owned by claimant STANKO PLAVSICH had a value of \$3,100.00 and the property owned by claimant NEVENA MATIC had a value of \$3,500.00. The Commission therefore concludes that claimants are entitled to awards under the Agreement in the principal amounts cited.

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 awards will be increased to that extent in the instant claims.

The Proposed Decision issued in these claims is, in all other respects, affirmed.

A W A R D S

An award is hereby made to STANKO STANLEY PLAVSICH in the principal amount of Three Thousand One Hundred Dollars (\$3,100.00) together with interest thereon in the sum of One Thousand Ninety-Eight Dollars and Forty-Two Cents (\$1,098.42) which interest is at the rate of 6% per annum from February 24, 1969, the date the claim arose, to January 20, 1965, the date on which the Yugoslav Claims Agreement entered into force; and

An award is hereby made to NEVENA MATIC in the principal amount of Three Thousand Five Hundred Dollars (\$3,500.00) together with interest thereon in the sum of One Thousand Two Hundred Forty Dollars and Sixteen Cents (\$1,240.16) which interest is at the rate of 6% per annum from February 24, 1969, the date 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 Amended  
Final Decision of the  
Commission

APR 23 1969

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

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Feidman*

Sidney Feidman, Commissioner

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NEVENA MATIC

Claim Nos. Y2- 0262  
Y2-0654

Decision No. Y2-

84

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

PROPOSED DECISION

These claims, in the total amount of \$13,001.06, involve related issues and are based on the asserted ownership and loss of certain real property in Sid, Vizic, Yugoslavia, loss of rental income therefrom, and on legal expenses incurred in the preparation of the claims. Claimants, STANKO STANLEY PLAVSICH and NEVENA MATIC, have been nationals of the United States since their births in the United States on November 23, 1909, and August 26, 1912, respectively.

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 Regulations of the Commission provide:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) as amended, 32 Fed. Reg. 412-13 (1967).)

The issues involved in claims before the Commission include the nationality of claimant and that of all predecessors from whom claimant's interest in the claim is derived from the date of loss to the date of filing of the claim; claimant's ownership of the subject property or the extent of such ownership interest therein; the dates and circumstances of the asserted loss; and the value of the property at the time of loss. To sustain the burden of proof, claimant is required to submit evidence of probative value upon which the Commission can base findings of fact and conclusions of law with respect to each of the elements discussed above.

The evidence submitted in support of these claims includes a declaration of Momcilo Lozetic and Milos Plavsich, dated July 24, 1967; inheritance decrees issued by the Communal Tribunal in Sid, Yugoslavia, on December 30, 1965, which were validated by the Departmental Tribunal in Sid on January 22, 1966; other data relevant to claimants' inheritance of the subject property; a "confirmation" from the Local People's Committee of February 24, 1949; recent land extracts from the cadaster book pertaining to the subject property; and a certificate pertaining to the value of certain types of agricultural land in Yugoslavia in 1949.

On the basis of the entire record comprising these claims, the Commission finds that claimants inherited the following parcels of real

property from decedents Vojin Plavsic and Petar Plavsic, their father and uncle, respectively, both assertedly nationals of the United States:

	<u>Stanko Plavsich</u>	<u>Nevena Matic</u>
In Vizic parcel nos.	378 = 28 ares 52 m <sup>2</sup>	382 = 72 ares 87 m <sup>2</sup>
	555 = 96 ares 97 m <sup>2</sup>	922 = 58 ares 23 m <sup>2</sup>
	542 = 68 ares 26 m <sup>2</sup>	1447/3 = 32 ares 54 m <sup>2</sup>
	763 = 25 ares 18 m <sup>2</sup>	735/1 = 84 ares 34 m <sup>2</sup>
	764 = 38 ares 23 m <sup>2</sup>	
	923 = 10 ares 07 m <sup>2</sup>	
	854 = 38 ares 30 m <sup>2</sup>	
	736/1 = 01 ares 98 m <sup>2</sup>	

Claimants have submitted certain evidence in an effort to establish a nationalization or taking of the subject property consisting of a confirmation of the President of the Local People's Committee of the District of Backa Palanka certifying that on February 24, 1949 Jovan Plavsic, claimants' cousin, gave certain land to the state agricultural organization in Vizic retaining 800 square fathoms surrounding his house and a declaration, dated July 24, 1967, of a resident from Backa Palanka and another from Vrsac wherein they state that the subject properties were taken by the cooperative in Vizic in February 1949, and claimants and their predecessors in interest have not owned the subject property since that time nor have they derived any revenue therefrom.

With respect to the aforementioned confirmation of February 24, 1949, there is no evidence before the Commission to establish that the property to which said confirmation refers is the property on which these claims are based, and this statement therefore does not afford a basis for the Commission to find that the subject property was taken, permanently or temporarily, in February 1949 or at any time subsequent thereto. In the declaration of July 24, 1967 the declarants do not set forth the facts upon which they base their conclusions that the subject property was taken in February 1949, and there is no indication that their information is based upon official sources, rendering the declaration to be of no probative value.

On the basis of the foregoing, and in view of the evidence before the Commission that claimants were record owners of the subject property as of January 22, 1966, the Commission concludes that claimants have not met the

burden of proof in that they have failed to establish a nationalization or other taking of the subject property or rentals therefrom between July 19, 1948 and the date of the Agreement.

As to the portion of the claim based on attorney's fees, Section 500.3 of the Commission's Regulations provides that the fee of an attorney who is representing a claimant before the Commission is limited to 10% of any award which may be granted on the claim. This amount does not constitute a part of the claim itself and cannot be provided under the Yugoslav Claims Agreement of 1964 which discharges certain obligations of the Yugoslav Government.

Accordingly, these claims are denied in their entirety and the Commission deems it unnecessary to decide any other elements of the claims.

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

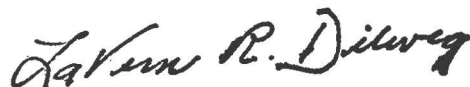
**OCT 18 1967**



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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