

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

IN THE MATTER OF THE CLAIM OF

MILAN RAKICH

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

Claim No. Y2- 0450

Decision No. Y2- 0965

PROPOSED DECISION

This claim, in the amount of \$2,700.00, is based upon the asserted ownership and loss of unimproved real property located in Nemenikuce, Serbia, Yugoslavia. Claimant, MILAN RAKICH, has been a national of the United States since his naturalization on May 2, 1947.

Under Section 4(a) 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 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 [1965] 16 U.S.T. 1, T.I.A.S. No. 5750 (effective January 20, 1965).)

In support of his claim, claimant has submitted an extract of the land record of Nemenikuce, liber no. 313, dated August 18, 1967; decision No. 10404/1 of the Secretariat for Economic Affairs of Belgrade, dated August 30, 1961; decision No. 12383/1 of the People's Committee of Belgrade, dated September 7, 1961; and decision No. 03-7231/1 of Commission II in Sopot, dated September 1, 1966.

On the basis of all the evidence of record, the Commission finds that claimant owned 1.5149 hectares of agricultural land located in Nemenikuce and described as lot no. 5070 recorded in liber no. 313 of the land records of Nemenikuce. The Commission further finds that on September 7, 1961 by decision No. 12383/1 of the People's Committee of the City of Belgrade, the Government of Yugoslavia appropriated the subject property and allotted it to the Agricultural Cooperative Farm at Sopot. By the same decision, as amended by decision No. 03-7231/1 of Commission II in Sopot, dated September 1, 1966, a plot of ground in Nemenikuce, No. 806/3, consisting of 1.5014 hectares was granted to claimant in compensation.

In arriving at the value of the subject property, the Commission took into consideration claimant's description of the property, its location and the Commission's own knowledge of the values of agricultural property in this area. The Commission finds that the subject property, parcel No. 5070, had a value of \$215.12 at the time of taking and that the property received in exchange, parcel No. 806/3, had a value of \$213.20.

The Commission has held that where the claimant has received compensation for property taken from him, the amount of such compensation must be deducted from the amount determined to be the total value of the property taken. (See Claim of Max Mayer, Claim No. Y-00976.) In the matter of the Claim of Fred Yilling, Claim No. H-20512, the Commission held that where real property was taken and partial compensation granted in the form of other property, the amount of the award was to be reduced by the value of the property received by the claimant in exchange.

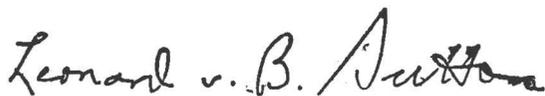
The Commission is faced with the question of whether it would be appropriate to certify an award to the Secretary of the Treasury in an amount as low as \$1.92, in the face of the high costs of processing such awards.

We are of the opinion that in view of the foregoing, this claim should be denied. In similar circumstances, the Commission has applied the principle de minimus non curat lex in determining claims under the International Claims Settlement Act of 1949, as amended. (See Claim of John M. Lee, Deceased, Claim No. S-40323 and Claim of Antonio Chodcrowski, Claim No. PO-8427.)

Accordingly, this claim is hereby denied.

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

AUG 14 1968



Leonard v. B. Sutton, Chairman



Theodore Jaffe, Commissioner



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).)