

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

IN THE MATTER OF THE CLAIM OF

MARY ELIZABETH ALLAR

Claim No. Y2- 1603

Decision No. Y2- 162

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

Counsel for claimant:

William J. Allar, Esq.

PROPOSED DECISION

This claim for \$5,400.00 is based upon the asserted ownership and loss of real and personal property located in Uivar, Rumania. Claimant, MARY ELIZABETH ALLAR, has been a national of the United States since February 8, 1932, the date of her naturalization.

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.

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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, as stated above, that the property which is the subject of this claim is situated in Uivar, Rumania, and the Commission's records show that the village of Uivar (Ujvar) is indeed within the boundaries of the Socialist Republic of Rumania. Claimant neither asserts nor has she established a nationalization or other taking of the subject property by the Government of Yugoslavia.

It is evident that the asserted taking of claimant's property in the village of Uivar cannot be attributed to actions of the Government of Yugoslavia, which never had jurisdiction over the area of that village. It is further evident that this claim is directed against the Government of Rumania and not against the Government of Yugoslavia.

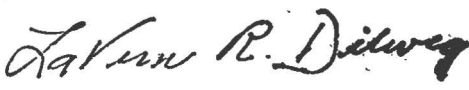
The Commission, therefore, finds that this claim is not compensable under the Yugoslav Claims Agreement of 1964 and, accordingly, it is denied.

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

6 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. 8531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)