

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

IN THE MATTER OF THE CLAIM OF

ALBERT KLAUBER

Claim No. CZ-2-0013

Decision No. CZ-2-0828

PROPOSED DECISION

This claim in the amount of \$10,000 against the Government of Czechoslovakia under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981 (Public Law 97-127, 95 Stat. 1675) is based upon the loss of two parcels of improved real property in Prague-Branik and Prague-Hostivar.

Claimant became a United States citizen by naturalization on April 8, 1946.

Under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981, the Commission is given the following jurisdiction:

"The Commission shall receive and determine, in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property owned at the time by nationals of the United States, which nationalization or other taking occurred between August 8, 1958, and [February 2, 1982]."

The record establishes that ALBERT KLAUBER acquired during the 1930's unimproved land in Prague-Branik recorded in the land register under entry no. 633, parcel no. 599/7, as well as unimproved land in Prague-Hostivar recorded in the land register under entry no. 1028, parcel no. 869. The second of these parcels was transferred to the German Reich in 1944 pursuant to discriminatory laws in effect during the German occupation of Czechoslovakia, but was returned to ALBERT KLAUBER after World War II.

The record includes a copy of a decision issued by the District National Committee of Prague X, dated July 24, 1959, advising ALBERT KLAUBER that he could not sell his property in Prague-Hostivar and that the land would be used in the future as a public park. Since then the claimant indicates that he has received no further communication from Czechoslovakian authorities about this property nor any compensation therefor. Based on this evidence, the Commission finds that the subject land in Prague-Hostivar was taken by the Government of Czechoslovakia on July 24, 1959, the date of the District National Committee's decision. Since ALBERT KLAUBER was a United States citizen at that time, the loss of this property constitutes a compensable claim under subsection 5(a) of Public Law 97-127.

In determining the value of this property, the Commission has considered such evidence as its size, various descriptions of the land in the claim file, and the claimant's own assertion as to its worth. The record indicates that the lot in Prague-Hostivar had an area of 2,407 square meters, which equals almost 1/4 hectare or 6/10 acre. While the 1959 decision of the District National Committee stated that the property would be turned into a park, the record indicates that it was also a potential building site. Based upon all the evidence of record, the Commission determines that this property had a value of \$4,000 at the time of taking in 1959.

As for the claimant's other property in Prague-Branik, the record establishes that the subject land was expropriated on November 25, 1966 by decision of the District National Committee of Prague IV. The evidence includes a communication to the claimant from the Zivnostenska Banka in Prague, dated June 8, 1967, advising him that 1,665 crowns, representing compensation for the expropriated property, had been deposited

into an account in his name at that bank. According to a report to the Commission from the Czechoslovakian Government, dated May 27, 1983, this account continues in existence and has not been affected by any provisions of Czechoslovakian law.

Based on the evidence of record, however, the Commission finds that ALBERT KLAUBER's property in Prague-Branik was worth far more than the compensation he was paid. The parcel had an area of 976 square meters, which equals about 1/10 hectare or 1/4 acre, and was a building lot expropriated so that a state-owned apartment building could be constructed thereon. Upon review of all the evidence, the Commission determines that this property had a value of \$4,000 at the time of its loss in 1966. At the official exchange rate of Kcs. 7.2 : \$1.00 in effect at that time, the 1,665 crowns worth of compensation had an equivalent value of only \$231.25. Thus, ALBERT KLAUBER did not receive adequate compensation for the taking of his property in Prague-Branik. The Commission therefore holds that the taking of this property constitutes a compensable claim under subsection 5(a) of Public Law 97-127.

Subsection 7(a) of Public Law 97-127 incorporated section 407 of the International Claims Settlement Act of 1949, which provides:

"In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made."

Since ALBERT KLAUBER was paid the equivalent of \$231.25 for the taking of his property in Prague-Branik in 1966, the Commission finds that this sum represents partial compensation which shall be deducted from the total value of the property at that time in determining the claimant's rightful award. Thus, ALBERT KLAUBER is entitled to an award in the principal amount of \$3,768.75 for the loss of his property in Prague-Branik.

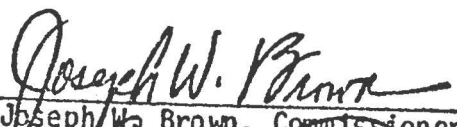
The Commission has concluded that in granting awards under subsection 5(a) of Public Law 97-127, for the nationalization or other taking of property, interest shall be allowed at the rate of 6% simple interest per annum from the date of loss to February 2, 1982, the date the claims settlement agreement between the United States and Czechoslovakia entered into force.


AWARD

Claimant, ALBERT KLAUBER, is therefore entitled to an award in the principal amount of Seven Thousand Seven Hundred Sixty-Eight Dollars and Seventy-Five Cents (\$7,768.75), plus interest at the rate of 6% simple interest per annum, on \$4,000 from July 24, 1959 to February 2, 1982 in the amount of Five Thousand Four Hundred Six Dollars (\$5,406.00) and on \$3,768.75 from November 25, 1966 to February 2, 1982 in the amount of Three Thousand Four Hundred Thirty-Four Dollars and Fifty-Seven Cents (\$3,434.57), for a total award of Sixteen Thousand Six Hundred Nine Dollars and Thirty-Two Cents (\$16,609.32).

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

OCT 17 1983


Joseph W. Brown, Commissioner


Frank H. Conway, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision.

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.)