

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

IN THE MATTER OF THE CLAIM OF

ANN M. FORGAC

Claim No. CZ-2-0043

Decision No. CZ-2-1019

Hearing on the record held on JAN 23 1985

FINAL DECISION

This claim in the amount of \$60,000.00 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 a house and three parcels of farmland in the village of Biely Potok, as well as two bank accounts in Ruzomberok.

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]."

Accordingly, under the law the Commission can grant awards only for property which was taken after August 8, 1958.

By Proposed Decision issued January 25, 1984, the Commission denied this claim on the ground that claimant had not established either the ownership of any property in Czechoslovakia or that it had been taken after August 8, 1958. By letter dated January 31, 1984, claimant objected on the record to the Proposed Decision but has submitted no additional evidence.

On July 30, 1982, the Commission forwarded an official request to the Government of Czechoslovakia to seek additional evidence in support of this claim. In June of 1983 a response was received from the Government of Czechoslovakia that from the information supplied by claimant it was impossible to identify the property. The staff of the Commission wrote to claimant who subsequently provided further information and on July 14, 1983 the Commission again requested the evidence from the Government of Czechoslovakia. A subsequent report from the Government of Czechoslovakia states in relevant part that the house, yard, stables, and garden for which claim was made was owned by claimant's parents but continues:

"The legal heirs of the named owners gave free the mentioned property to the Czechoslovak citizen Jozef Matuska, living in the same community, in 1970. Having the full authorization Irena Stasova, nee Misikova concluded the deed without consideration for the other givers -owners (her siblings) when she visited Biely Potok.

The legal heirs were Irene Stasova, nee Misikova, Anna Forgacova, nee Misikova, Jan Misik, Albert Misik, Jozef Misik and William Misik, all living in the USA.

The deed concluded July 11, '70 in Ruzomberk was legally registered by the State Notary in Liptovsky Mikulas April 18, '75."

A copy of this report was forwarded to claimant who by letter of June 11, 1984 states that her sister had no authority to sign the property over but she did so under threat of being detained. No evidence has been submitted in support of this assertion. Therefore, there is no evidence in the record of any action by the Government of Czechoslovakia in the nature of a nationalization or other taking of property affecting the house and adjoining garden. Therefore, the Commission has no basis to make an award for this part of claimant's claim.

The report continued that:

"The total acreage of the three claimed lots in the Biely Potok cadastre is 0.1777 ha. It concerned agricultural land and meadows in the hilly area and of poor quality. The above said land is in the use of a socialist

organization for the agricultural production since 1958, pursuant to the governmental decree No. 50/1955."

The Commission has held that where such a response is received it will, absent evidence to the contrary, hold that property was taken after August 8, 1958 and for ease of computation of interest will find that claimant's farmland was taken on September 2, 1958. The Commission notes that the area of this farmland is only .44 acres. The location of Biely Potok on the Commission's maps confirms that the land is located in an area of poor quality farmland and applying its valuations of farmland in Czechoslovakia as applied in other claims in this program determines that claimant's property had a value of \$50.00 and claimant is entitled to an award in that principal amount.

In addition, the Commission has held that claimants are entitled to interest at the rate of 6% simple interest per annum from the date of loss until February 2, 1982 the effective date of the claims settlement agreement between the United States and Czechoslovakia.

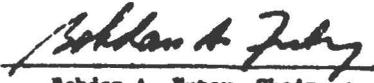
The Commission therefore makes the following award as its final determination of this claim.

A W A R D

Claimant, ANN N. FORGAC, is therefore entitled to an award in the principal amount of Fifty Dollars (\$50.00), plus interest at the rate of 6% simple interest per annum from September 2, 1958 to February 2, 1982 in the amount of Seventy Dollars and Twenty-Five Cents (\$70.25), for a total award of One Hundred Twenty Dollars and Twenty-Five Cents (\$120.25).

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

JAN 23 1985

  
Bohdan A. Futey, Chairman

  
Frank H. Conway, Commissioner

CZ-2-0043

  
Joseph W. Brown, Commissioner

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

IN THE MATTER OF THE CLAIM OF

ANN M. FORGAC

Claim No. CZ-2-0043

Decision No. CZ-2-1019

PROPOSED DECISION

This claim in the amount of \$60,000.00 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 a house and three parcels of farmland in the village of Biely Potok, as well as two bank accounts in Ruzomberok.

Claimant became a United States citizen by naturalization on May 11, 1944.

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]."

Accordingly, under the law the Commission can grant awards only for property which was taken after August 8, 1958.

The claimant asserts that her father, Jan Missik, inherited some real property in the village of Biely Potok, District of Liptov, in Slovakia, from his parents during the 1920's. According to the claimant this property consisted of a house on the main street of the village and three parcels of farmland on the outskirts of town. The claimant indicates that two bank accounts were established in the town of Ruzomberok into which rental income accruing from the real property was deposited. As evidence of

Jan Missik's ownership of this property, the record contains only a circa 1939 photograph of a building which the claimant asserts is the subject house on the main street of Biely Potok and a sworn statement dated April 14, 1982 from a family friend who used to live in a neighboring village.

The claimant indicates that she and her family immigrated to the United States in 1930, after which an uncle who remained in Czechoslovakia took care of the subject property. Jan Missik died on December 6, 1956, at which time the claimant indicates her mother, Maria Missik, inherited all of his property. Maria Missik, who had become a United States citizen on May 22, 1942, died on October 15, 1966 leaving a will designating the claimant and her five siblings as the beneficiaries of her estate.

In her statement of claim, ANN M. FORGAC asserted that the property involved in this claim was taken when the Soviet Union "marched into Czechoslovakia." The only evidence in the claim file supporting the claimant's assertion with regard to the date and circumstances of the taking is the aforementioned 1982 statement of the family friend from a neighboring village, who asserted: "All properties were seized the week following August 20, 1968." The record contains no official documentation or private correspondence from 1968 or shortly thereafter concerning the subject property.

Thus, the only materials the claimant has been able to submit as evidence of her ownership interest in and the taking of the subject house, farmland, and bank accounts are the photograph of the house dating from 1939 and the sworn statement of April 14, 1982, prepared some 14 years after the losses assertedly occurred. The claim file contains no land record extracts, rental income statements, bank books, judicial or executive orders, or any other primary evidence of ownership or taking.

In view of the sketchiness of this documentation, the Commission referred this claim in July 1982 directly to the Czechoslovakian Government in hopes of obtaining additional information about the ownership and taking of the property involved herein. In June 1983 the Commission received a communication from the U.S. Embassy in Prague indicating that Czechoslovakian authorities had been

unable to identify the subject property from the limited information provided by the claimant. Advised of this communication by the Commission, ANN M. FORGAC submitted some additional details about the property which the Commission forwarded to the U.S. Embassy in July 1983 for submission to the Czechoslovakian Government. The Commission has received no further report from the Government of Czechoslovakia.

Subsection 531.6(d) of the Commission's regulations provides:

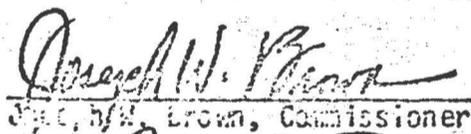
"The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim."

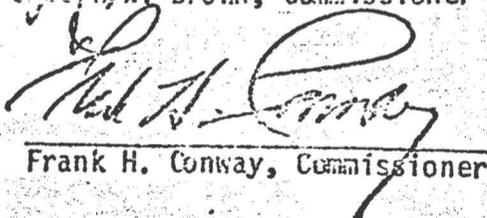
Based on the foregoing requirement and the paucity of evidence in this claim, the Commission concludes that the record does not establish the claimant's ownership interest in any real property in Biely Potok or bank accounts in Ruzomberok which were nationalized or otherwise taken by the Government of Czechoslovakia after August 8, 1958, as required for compensation under subsection 5(a) of Public Law 97-127. Accordingly, the Commission finds that this claim must be and it hereby is denied.

Should the Commission receive a report from Czechoslovakia before the end of the current claims program, however, confirming her family's ownership of some or all of the property involved herein and indicating that some or all of this property was nationalized or otherwise taken after August 8, 1958, ANN M. FORGAC will be so advised and the Commission will reopen this claim on its own motion.

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

JAN 25 1984

  
Joseph W. Brown, Commissioner

  
Frank H. Conway, 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.)