

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

IN THE MATTER OF THE CLAIM OF

HELEN MARIA HERZAN

Claim No. CZ-2-0081

Decision No. CZ-2-0672

Counsel for Claimant:

Samuel Herman, Esquire

PROPOSED DECISION

This claim in the amount of \$45,475.65 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 dwelling house and land in Kosice.

Claimant became a United States citizen by naturalization on January 17, 1955.

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 contains a copy of a land record extract issued in 1977 by the State Notary in Kosice indicating that the claimant was recorded on June 28, 1948 as the sole owner of a dwelling house with adjoining yard and garden located at Juliusova ulica no. 10 in Kosice. According to subsequent entries in the land record, this property was placed under national administration pursuant to a decision of the Finance Division of the local National Council in 1956 and ownership of the property was thereafter transferred to the Czechoslovak State in accordance with another decision of the Finance Division of the local National Council on January 24, 1959.

Based on the foregoing evidence, the Commission finds that the subject property was taken by the Government of Czechoslovakia on January 24, 1959. Since claimant HELEN MARIA HERZAN was the owner of the property and a United States citizen on the date of its loss, the Commission determines that she has a compensable claim under the provisions of subsection 5(a) of Public Law 97-127.

In determining the value of the property involved herein, the Commission has considered such evidence as a detailed description of the premises contained in a court-ordered appraisal prepared in 1978, photographs of the house, and the total size of the lot. The record indicates that the dwelling house was constructed in 1934 as a one-family residence containing 2 1/2 stories and a basement, although the premises were large enough to be used by additional persons as well. The house contained indoor plumbing and electricity, but had no central heating. The total size of the lot was 779 square meters, of which over half was occupied by the house and the remainder by a yard and garden. Based on all the evidence of record, the Commission determines that the subject property had a value of \$23,000.00 at the time of its taking in 1959.

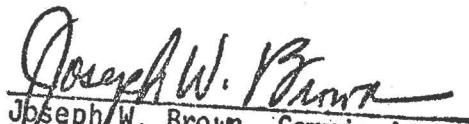
The Commission has concluded that in granting awards under subsection 5(a) of Public Law 97-127 for the nationalization or other taking of property, interest shall be allowed at the rate of 6% per annum from the date of loss to February 2, 1982, the date the claims settlement agreement between the United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

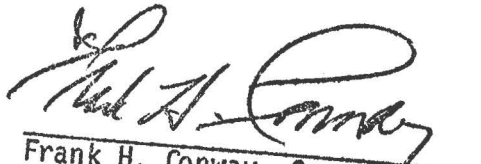
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Claimant, HELEN MARIA HERZAN, is therefore entitled to an award in the principal amount of Twenty-Three Thousand Dollars (\$23,000.00), plus interest at the rate of 6% simple interest per annum from January 24, 1959 to February 2, 1982 in the amount of Twenty-Nine Thousand Fourteen Dollars and Fifty Cents (\$29,014.50), for a total award of Fifty-Two Thousand Fourteen Dollars and Fifty Cents (\$52,014.50).

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

SEP 22 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.)

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