

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

IN THE MATTER OF THE CLAIM OF

ZUZANNA MATUSIK

Claim No. CZ-2-0560

Decision No. CZ-2-0890

AMENDED FINAL DECISION

This claim in the amount of \$10,196.00 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 farmland in the village of Brestovec, recorded in the land register of Myjava, District of Senica, in western Slovakia.

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]."

By Proposed Decision dated November 17, 1983, the Commission denied this claim on the grounds that the record failed to establish the claimant's ownership of the subject property or that such property was nationalized or otherwise taken by the Government of Czechoslovakia after August 8, 1958. Since no objection was filed, this decision was entered as the Commission's Final Decision on January 25, 1984.

In June 1984 the claimant contacted the Commission once again and submitted additional documentation concerning the property involved in her claim. The Commission advised ZUZANNA MATUSIK in July 1984 that it would treat her correspondence as a

petition to reopen her claim. Subsequent thereto the Commission received a report from the Czechoslovakian Government, dated September 5, 1984, providing further information about the subject property. On the basis of the all the materials now in the record, the Commission grants the claimant's petition and hereby reopens her claim.

According to the report from Czechoslovakia, ZUZANNA MATUSIK became the owner during the 1930's and 1940's, by deed or by gift, of agricultural land in Brestovec consisting of 4.0768 hectares of fields, 0.2291 hectare of meadow, and 0.3433 hectare of orchard--a total of 4.6492 hectares (or 11 1/2 acres) of land. The report indicates that this property has been in the use of a socialist organization since October 1, 1960. The Commission finds that this action constitutes a taking by the Czechoslovakian Government, within the meaning of subsection 5(a) of Public Law 97-127, and that ZUZANNA MATUSIK is therefore entitled to an award under the Act.

In determining the value of the subject property, the Commission has considered the size and description of the land in the report from the Czechoslovakian Government as well as the court rulings in 1937 and 1947 acknowledging the claimant's acquisition of the property. The 1937 document lists the value of the property acquired at that time as 7,000 crowns. At the exchange rate of Kc. 1 : \$0.0349 in effect in 1937, 7,000 crowns would have converted to \$244.30. The 1947 document lists the value of the property acquired at that time as 40,000 crowns. At the exchange rate of Kc. 1 : \$0.02 in effect in 1947, 40,000 crowns would have converted to \$800.00. Allowing for some increase in the value of the land between the dates of acquisition and the time of loss, the Commission determines that the subject property had a total value of \$1,700.00 on the date of taking by the Czechoslovakian Government in 1960.

Accordingly, the Commission finds that ZUZANNA MATUSIK is entitled to an award in the principal amount of \$1,700.00.

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.

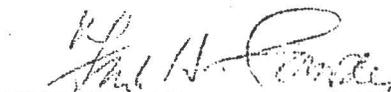
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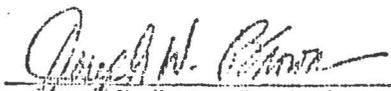
Claimant, ZUZANNA MATUSIK, is therefore entitled to an award in the principal amount of One Thousand Seven Hundred Dollars (\$1,700.00), plus interest at the rate of 6% simple interest per annum from October 1, 1960 to February 2, 1982 in the amount of Two Thousand One Hundred Seventy-Six Dollars and Twenty-Nine Cents (\$2,176.29), for a total award of Three Thousand Eight Hundred Seventy-Six Dollars and Twenty-Nine Cents (\$3,876.29).

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

JAN 23 1985


Bohdan A. Futay, Chairman


Frank R. Conway, Commissioner


Joseph W. Brown, Commissioner

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

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OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ZUZANNA MATUSIK

Claim No. CZ-2-0560

Decision No. CZ-2-0890

PROPOSED DECISION

This claim in the amount of \$10,196.00 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 farmland in Krzle, Brestovec, Myjava, District of Senica, Slovakia.

The claimant has been a United States citizen since her birth in Clayville, New York on April 2, 1919.

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 she purchased 15 pieces of farmland totalling at least 12,000 square meters located in Krzle, Brestovec, Myjava, District of Senica, Slovakia. In her statement of claim ZUZANNA MATUSIK did not indicate when she purchased this property or when it was taken over by the Czechoslovakian Government. The Commission sent a letter to the claimant on November 12, 1982 requesting that she submit whatever additional information or

documentation she might have that could help to establish her ownership of the subject property, its value, and its nationalization or other taking by the Government of Czechoslovakia after August 8, 1958, as required for compensation under subsection 5(a) of Public Law 97-127. The Commission has received no response to this letter.

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

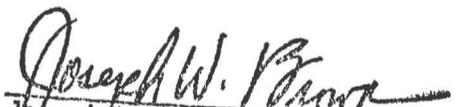
"The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim."

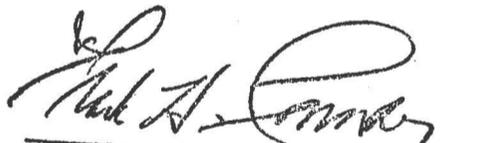
Based on the foregoing requirement and the lack of evidence in this claim, the Commission concludes that the record does not establish a compensable loss under subsection 5(a) of Public Law 97-127. Accordingly, the Commission finds that this claim must be and it hereby is denied.

In accordance with the provisions of the claims settlement agreement signed by the United States and Czechoslovakia in 1982, this claim has been referred directly to the Czechoslovakian Government in hopes of obtaining further information about the ownership, value, and taking of the subject farmland. Thus far, no report has been received from Czechoslovakia. Should the Commission receive information before the end of the claims program indicating that the claimant owned property which was nationalized or otherwise taken after August 8, 1958, ZUZANNA MATUSIK will be so informed 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.

NOV 17 1983


Joseph W. Brown, Commissioner


Frank H. Conway, Commissioner

This decision was entered as the Commission's
Final Decision on JAN 25 1984

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.)