

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

IN THE MATTER OF THE CLAIM OF

STEPHEN CSEPLO

Claim No. CZ-2-1227

Decision No. CZ-2-0723

Oral Hearing held on January 23, 1984

FINAL DECISION

This claim in the amount of \$114,600.00 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 dwelling house and eight parcels of land in Kosice-Barca.

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 issued September 22, 1983, the Commission denied this claim on the ground that claimant had not established an ownership interest in any property which had been nationalized or otherwise taken by the Government of Czechoslovakia at a time when it was owned by a United States national, as required by the statute for a claim to be held compensable. By letter dated October 14, 1983, claimant objected to the Proposed Decision and requested an oral hearing. An oral hearing was held at 2 p.m. on January 23, 1984, at which time claimant appeared and presented oral argument to the Commission.

The record includes two documents submitted by claimant, one an affidavit prepared in 1982 by two individuals in Czechoslovakia, and a sworn statement from claimant's brother setting forth the facts of inheritance proceedings following the death of Stephen Cseplo, Sr. From these documents the following facts appear established. Claimant's father, Stephen Cseplo, Sr., owned various parcels of farmland totaling approximately 1.5 hectares and a house. Prior to Stephen Cseplo, Sr.'s death in 1972, the farmland had been collectivized by the Czechoslovak government without payment of compensation.

Stephen Cseplo, Sr. was survived by his widow and three children, including claimant and his brother and sister, who reside in Czechoslovakia. Claimant's mother was granted lifetime use of the house and presently still resides there.

According to the sworn statement from claimant's brother, the official inheritance proceedings of the estate of Stephen Cseplo, Sr. were held at the State Office of the Records of Deeds of the city of Kosice and at that time claimant was declared an heir of Stephen Cseplo, Sr., however, since the place of residence of claimant was not known, the State Office of the Records of Deeds appointed a trustee on his behalf. Due to the effect of Public Law No. 468, inheritance rights of claimant were declared null and void. Consequently, the State Office in accord with public decree number 39, paragraph 2, officially declared Pavol Cseplo and Agnesa Geciova as official heirs of Stephen Cseplo, Sr.

Public Law No. 468, mentioned hereinabove, states that where an heir's whereabouts are unknown the heir will not be considered in inheritance probate proceedings.

Claimant contends that the denial of his inheritance on the grounds stated was a ruse and that Czechoslovakian officials knew where he could be contacted and that the real reason that his inheritance was denied was as retribution to him for previous

anti-communist activities. Even if the Commission assumes that this were the case, however, it does not constitute a basis to make an award to claimant.

Public Law 97-127 sets forth the limited jurisdiction of the Commission. Under subsection 5(a) of the statute, the Commission is given authority to determine the validity and amount of claims ". . . resulting from the nationalization or other taking of property owned at the time by nationals of the United States . . ." In addition, Public Law 97-127 incorporates by reference section 405 of Title IV of the International Claims Settlement Act of 1949, as amended, which section states that "A claim . . . shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission." (Emphasis added.)

As to the 1.5 hectares of farmland, the record establishes that this property was taken by way of collectivization at a time prior to the death of Stephen Cseplo, Sr. and at a time when it was owned by him. As Stephen Cseplo, Sr. was not a national of the United States, the Commission can make no award for the loss of those parcels of farmland.

As to the house in which claimant's mother resides, the Government of Czechoslovakia has neither nationalized nor otherwise taken this property and, therefore, there is no basis to make an award for this house. Therefore, the Commission is not authorized by the terms of Public Law 97-127 to make an award in this claim.



Claimant argues that, but for what he terms the wrongful denial of his inheritance, he would have been able to assert claim for the compensation due his father for the collectivization of the 1.5 hectares of farmland. However, as set forth above, even if claimant had been finally considered an heir of his father by Czech authorities, he would still not have been able to successfully assert claim for the loss of the farmland under Public Law 97-127 for this would not have changed the fact that the farm property was taken at a time when it was not owned by a United States citizen.

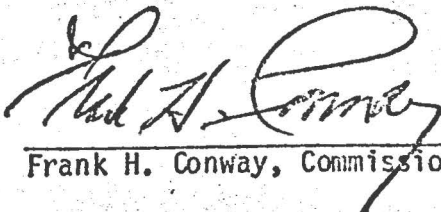
Therefore, the Commission has no alternative but to affirm its denial as the final determination of this claim.

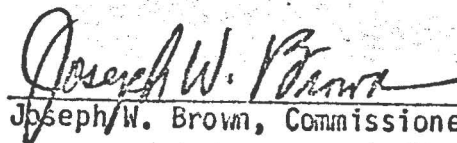
According it is

ORDERED that the Proposed Decision be and it is hereby affirmed.

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

JAN 24 1984

  
Frank H. 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.

CZ-2-1227

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

IN THE MATTER OF THE CLAIM OF

STEPHEN CSEPLO

Claim No. CZ-2-1227

Decision No. CZ-2-0723

PROPOSED DECISION

This claim in the amount of \$114,600.00 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 dwelling house and eight parcels of land in Kosice-Barca.

Claimant became a United States citizen by naturalization on April 23, 1954.

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 claimant asserts that his father, Stefan Cseplo (Sr.), owned real property in Kosice-Barca consisting of a single-family house at no. 2 Abovska and eight parcels of land recorded as nos. 962, 963, 1113, 1120, 1127, 1214, 1234, and 1519 totalling about 1.5 hectares in area. Stefan Cseplo (Sr.), a Czechoslovakian national, died on February 29, 1972, at which time claimant asserts that he, as his father's oldest child, should have inherited the foregoing property. According to the claimant, Czechoslovakian authorities denied his rightful inheritance in March 1973, resulting in the distribution of his father's estate among his mother and

siblings who resided in Czechoslovakia. The claimant asserts that the denial of his right to inherit constituted a taking of his property by the Government of Czechoslovakia.

The record contains a declaration given by the claimant's brother, Pavol Cseplo, at the State Office of the Records of Deeds in Kosice on July 22, 1982. According to his younger brother, claimant STEPHEN CSEPLO was acknowledged in official proceedings as his father's heir. Since the claimant's place of residence was unknown, however, a trustee was appointed on his behalf. The inheritance rights of STEPHEN CSEPLO were subsequently declared null and void under "Public Law No. 468," whereupon his two siblings in Czechoslovakia, Pavol Cseplo and Agnesa Geciova, were declared to be their father's heirs. Pavol Cseplo's citation was apparently to section 468 of the Czechoslovakian civil code, which authorizes Czechoslovakian officials to disregard the inheritance rights of an heir whose identity or whereabouts are unknown and who fails to respond to a notice of the State Notary Office within the prescribed time limit.

The record also includes a statement prepared on July 7, 1982 by neighbors of the Cseplo family in Kosice-Barca, Stefan and Veronika Sedlak, indicating that the claimant's mother is currently residing in the Cseplo family dwelling house at No. 2 Abovska. STEPHEN CSEPLO has confirmed this fact in a letter to the Commission stating that he telephoned his mother in 1973 and told her to live in the house. As for the eight parcels of farmland, the Sedlaks indicated in their statement that this property had been taken over by the State Land Collective, and the heirs of Stefan Cseplo (Sr.) had received no use of or compensation for the land either prior to or after his death. The Sedlaks' statement implies that this land may well have been collectivized long before the death of claimant's father even though Stefan Cseplo (Sr.) remained the legal titleholder. This

legal title may have passed to the claimant's brother and sister after their father's death without giving them any actual right to exercise ownership over the property.

According to the foregoing evidence, therefore, the dwelling house at no. 2 Abovska has not been taken over by the State and is currently inhabited by the claimant's mother. Thus, the house has not been the subject of a nationalization or other taking by the Government of Czechoslovakia, as required for compensation under subsection 5(a) of Public Law 97-127. As for the eight parcels of farmland, the record indicates that legal title rests with the claimant's brother and sister, although the land appears to have been collectivized when their father was still the owner. Thus, the farmland was not owned by a United States national at the time of its taking, as required for compensation under subsection 5(a) of the Act.

As for the claimant's assertion that the denial of his inheritance rights constituted a taking of his interests in the subject properties, the evidence of record indicates only that these rights were terminated because the claimant did not follow the requirements for establishing his inheritance under Czechoslovakian law. Furthermore, whatever ownership interests the claimant would have received, as an heir of his father, were not taken over by the State in 1973, but rather passed to other members of his family residing in Czechoslovakia.

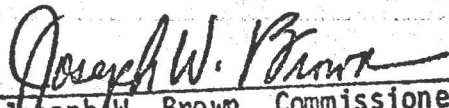


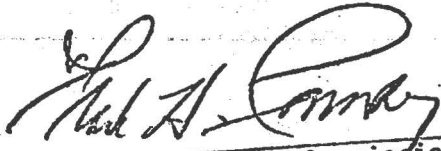
For the foregoing reasons, the Commission concludes that the claimant owned no interest in the subject dwelling house or farmland in Kosice-Barca that has been nationalized or otherwise taken by the Government of Czechoslovakia, as required for compensation under the Act. Accordingly, the Commission finds that this claim must be and it hereby is denied.

The Commission finds it unnecessary to make determinations with respect to other aspects of this claim.

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

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.)

CZ-2-1227