

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

IN THE MATTER OF THE CLAIM OF

WALTER BAREISS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-2290

Decision No. G-2654

Counsel for Claimant:

Benjamin B. Ferenez, Esquire

Hearing on the Record held on APR 01 1981

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FINAL DECISION

This claim in the amount of \$1,296,900.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon the loss of the Heinrich Dietel Aktiengesellschaft in Wilkau-Haslau. Claimant, WALTER BAREISS, is a native born citizen of the United States.

By Proposed Decision dated October 8, 1980 the Commission granted two awards of \$93,600.00 and \$10,700.00 to claimant WALTER BAREISS for the loss on August 11, 1952 of claimant's and his father's interest in the Heinrich Dietel Aktiengesellschaft.

Claimant objected to the Proposed Decision stating that the loss of the factory occurred in 1958 and not on August 11, 1952 as found by the Commission, and that the value of the property lost on that date was \$913,949.00 rather than the value originally found by the Commission. In support of his objection, claimant submitted a great deal of new documentation and an analysis of that documentation. The newly submitted documents include the 1941 annual report of the Heinrich Dietel Aktiengesellschaft including a balance sheet prepared as of December 31, 1941, information concerning the net worth of the company between 1936 and 1940, information concerning cost of construction and equipment

in pre and postwar Germany, information concerning the insurance values of improvements, machines and equipment of the company, documents which establish the number of employees and the number of machines of the company, and information concerning the raw materials and inventory of the company. Claimant requested that the Commission reconsider its finding that the loss occurred on August 11, 1952 on the basis of evidence already before it at the time of the issuance of the Proposed Decision.

The Commission has examined the evidence submitted by claimant in support of his objection, and has thoroughly reconsidered all of the evidence of record in this claim. The Commission finds no reason to alter its finding in the Proposed Decision that the Heinrich Dietel Aktiengesellschaft was taken by the German Democratic Republic on August 11, 1952. Although claimant points to an administrative reorganization of the company in 1958, there is no indication that the company was not at that time already under the complete administration of the German Democratic Republic pursuant to the Decree of September 6, 1951 which became effective as of August 11, 1952. Therefore, the Commission restates its finding that the property which is subject of this claim was taken on August 11, 1952.

Based on the newly submitted evidence, the Commission now finds that the Heinrich Dietel Aktiengesellschaft had a value on the date of taking of \$2,400,000.00. Therefore, claimant is entitled to an award in the amount of \$449,280.00 for the loss suffered by Conrad Bareiss on the date of taking and an award in the amount of \$51,360.00 for the loss of his own interest on the date of taking.

The Commission therefore withdraws its awards as stated in the Proposed Decision and in lieu thereof substitutes the following awards as the Final Decision of the Commission.

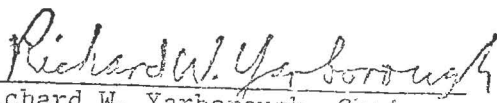
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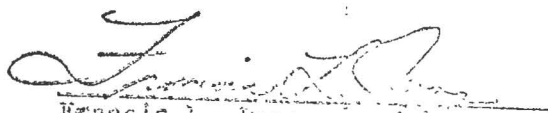
Claimant, WALTER BAREISS, is therefore entitled to an award in the amount of Four Hundred Forty-Nine Thousand Two Hundred Eighty Dollars (\$449,280.00), plus interest at the rate of 6% simple interest per annum from August 11, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

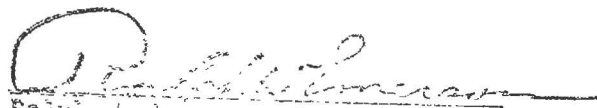
Claimant, WALTER BAREISS, is therefore entitled to an award in the amount of Fifty-One Thousand Three Hundred Sixty Dollars (\$51,360.00), plus interest at the rate of 6% simple interest per annum from August 11, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

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

APR 01 1981

  
Richard W. Yarborough, Chairman

  
Francis L. Jung, Secretary

  
Ralph G. Larson, Commissioner

This is a true and correct copy of the decision  
the Commission which was entered as the final  
decision on APR 1 1981

  
Executive Director

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

IN THE MATTER OF THE CLAIM OF

WALTER BAREISS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-2290

Decision No. G-2654

PROPOSED DECISION

This claim in the amount of \$1,296,900.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon the loss of the Heinrich Dietel Aktiengesellschaft in Wilkau-Haslau. Claimant, WALTER BAREISS, is a native born citizen of the United States.

Under section 602, Title VI of the Act, the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

Section 603 of Title VI of the Act, limits the Commission's jurisdiction as follows:

"A claim shall not be favorably considered under section 602 of this title unless the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss, and if favorably considered, the claim shall be considered only if it has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission."

Based on all the evidence, including copies of correspondence, business records, documents prepared by a German notary, and the report of an independent investigation by the Commission's field office, the Commission finds that 9.63% of the Heinrich Dietel Aktiengesellschaft was owned before and immediately after World War II by Conrad Bareiss, a native born citizen of the United States. The Commission finds further that 40.37% of the stock of Heinrich Deitel Aktiengesellschaft was owned by Schachenmeyer Mann & Co. (SMC). The evidence further reveals that Conrad Bareiss owned 68.9% of SMC, and claimant, WALTER BAREISS, owned 5.3% of SMC.

The claimant has submitted evidence which traces the disposition of Heinrich Dietel Aktiengesellschaft by the German Democratic Republic between the end of World War II and 1958. The Commission has examined all of the evidence, and finds that the corporation was placed under administration pursuant to the Decree on the Administration and Protection of Foreign Owned Property in the German Democratic Republic of September 6, 1951. The Commission has held that administration pursuant to the decree of September 6, 1951 shall be considered a taking as that term is used in section 602, and that the taking shall be considered to have occurred on August 11, 1952, the date of the first implementing regulation under that decree. Therefore, the Commission finds that Heinrich Dietel Aktiengesellschaft was taken by the German Democratic Republic on August 11, 1952.

The Commission has examined all the evidence, including balance sheets, descriptions, and information concerning comparable manufacturing facilities, and finds that Heinrich Dietel Aktiengesellschaft had a value on the date of taking of \$500,000.00. Based on all the evidence, Conrad Bareiss owned on the date of taking 9.63% of the shares of Heinrich Dietel Aktiengesellschaft directly, and 27.81% of the shares indirectly through his ownership of SMC. Claimant, WALTER BAREISS, owned 2.14% of the shares of Heinrich Dietel Aktiengesellschaft through his ownership interest in SMC.

The record indicates that Conrad Bareiss died on May 21, 1958 and one-half of his right to claim for the loss of the property passed at that time to claimant, WALTER BAREISS. Therefore, claimant, WALTER BAREISS, is entitled to an award in the amount of \$93,600 for the loss of the interest owned by Conrad Bareiss, and an award in the amount of \$10,700 for the loss of his own interest in Heinrich Dietel Aktiengesellschaft.

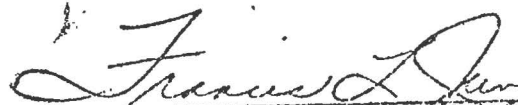
The Commission has concluded that in granting awards on claims under section 602 of Title VI of the Act, for the nationalization or other taking of property or interests therein, interest shall be allowed at the rate of 6% per annum from the date of loss to the date of settlement. (Claim of GEORGE L. ROSENBLATT, Claim No. G-0030, Decision No. G-0100 (1978)).

A W A R D

Claimant, WALTER BAREISS, is therefore entitled to an award in the amount of Ninety-Three Thousand Six Hundred Dollars (\$93,600.00) and an award in the amount of Ten Thousand Seven Hundred Dollars (\$10,700.00), plus interest at the rate of 6% simple interest per annum from August 11, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

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

  
Richard W. Yarborough, Chairman

  
Francis L. Jung, Commissioner

OCT 8 1980

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.)