

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

ARCADI SINCLAIR
6348 North Magnolia Avenue
Chicago 4, Illinois

Claim No. RUM-30,369

Decision No. RUM-238

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimant:

Leo Schneiderman, Esquire
19 South La Salle Street
Chicago, Illinois

FINAL DECISION

Based upon newly discovered evidence, the Final Decision on this claim, entered on December 4, 1957, pursuant to which the claim was denied, was set aside and the claim reopened.

Full consideration having been given to the evidence and arguments presented at the hearing held on November 25, 1958, and the entire record herein, it is

ORDERED that the following Final Decision be issued:

The Commission finds that the claimant owned a house located at 8 Rahovei Street, Bucharest, Rumania, which was nationalized without compensation by the Government of Rumania on or about October 6, 1953 apparently pursuant to Decree No. 92 of April 20, 1950, Relating to the Nationalization of Certain Buildings (Monitorul Oficial No. 36). The Commission further finds that the value of the nationalized property was Four Thousand Dollars (\$4,000.00) and concludes that claimant is entitled to an award under Section 303(2) of the Act.

The claim for loss of rent is denied inasmuch as the property belonged to the State after October 6, 1953 rather than to the claimant. However, the claimant was entitled, on the date the property was taken, to

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compensation in an amount equal to the value of the property. Thus, he has suffered the loss of the use of the money he was entitled to receive on October 6, 1953. Such loss of use can be compensated for in terms of interest and the Commission concludes that interest should be allowed at the rate of 6% per annum from the date of the loss to August 9, 1955, the effective date of Section 303.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to ARCADI SINCLAIR in the amount of Four Thousand Dollars (\$4,000.00) plus interest thereon at the rate of 6% per annum from October 6, 1953 to August 9, 1955, the effective date of the Act, in the amount of Four Hundred Forty-two Dollars (\$442.00).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States on his behalf, of any rights against the Government of Rumania for the unpaid balance of the claim, if any.

It is further

ORDERED that the award granted herein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

DEC 15 1958

Whitney Hilliland
Pearl Pace
Robert L. Kunzig

COMMISSIONERS

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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

ARCADI SINCLAIR
6348 North Magnolia Avenue
Chicago 4, Illinois

Against the Government of Hungary

Under the International Claims Settlement
Act of 1949, as amended

Claim No. RUM-30,369

Decision No. RUM-238

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on September 18, 1957, a certified copy of which was duly served upon the claimant. Full consideration having been given to the objections of the claimant and to the arguments presented at the hearing held on November 7, 1957, and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

DEC 4 1957

Whitney Hilliland

Carl Pace

Henry T. Clay

COMMISSIONERS

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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

ARCADI SINCLAIR
6348 N. Magnolia Avenue
Chicago 4, Illinois

Against the Government of Rumania

Under the International Claims Settlement
Act of 1949, as amended

Claim No. RUM-30,369

Decision No. *Rum-238*

GPO 16-72126-1

Counsel for Claimant:

Leo Schneiderman, Esquire
19 S. La Salle Street
Chicago, Illinois

PROPOSED DECISION

This is a claim against the Government of Rumania under Section 303(2) of the International Claims Settlement Act of 1949, as amended. According to claimant's statement, certain property forming the basis of the claim was nationalized, liquidated, or otherwise taken from the claimant by the Government of Rumania. Claimant became a national of the United States by naturalization on April 28, 1953.

Section 303(2) of the Act provides, inter alia, for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Rumania, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Rumania.

In order for a claim to be compensable under Section 303(2) of the Act, in accordance with well established principles of international law, the property upon which the claim is based must have been owned by a national or nationals of the United States at the time of loss, and the claim which

arose from such loss must have been owned by a United States national or nationals continuously thereafter.

The Commission finds that it has not been established that the claim was owned by a United States national at the time that it arose. Accordingly, the claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

SEP 18 1957

FOR THE COMMISSION:

Donald G. Benn

Donald G. Benn, Director
Balkan Claims Division

W.B.

The Commission finds that the claimant owned 802 shares of stock in the "Steaua Romana," which corporation was nationalized without compensation to the stockholders by the Government of Rumania pursuant to Law No. 119 of June 11, 1948.

In computing the value of the stock of Rumanian corporations at the time of their nationalization, it being impossible to make on-the-spot appraisals, the Commission has considered quotations on various European stock exchanges, financial data from Compass and other publications, balance sheets and operating statements, book values, and advice obtained from governmental and financial sources in foreign countries, as well as information provided by various claimants with respect to prices paid for the stock and its value. On the basis of all the evidence and information available, the Commission finds that the value of the stock of "Steaua Romana," at the time of nationalization of the corporation, was \$11.00 per share.

The Commission finds, therefore, that the value of claimant's stock interest in such corporation was Eight Thousand Eight Hundred Twenty-Two Dollars (\$8,822.00), and concludes that claimant is entitled to compensation under Section 303(2) of the Act for this loss.

That portion of the claim which is based on blocked bank deposits in lei is denied for the reasons specified in the attached copy of the Proposed Decision No. RUM-314, In the Matter of the Claim of Ilie Muresan (RUM-30,211).

The portion of this claim which is based upon certain undescribed stocks and bonds is denied for the reason that it has not been herein established that claimant owned any such securities, or if he did, that his property was nationalized or otherwise taken prior to August 9, 1955.

The portion of the claim based upon unimproved real property in Bucharest and Brasov, Rumania is denied for the reason that it has not been established that the property in question was nationalized or otherwise taken prior to August 9, 1955. ↴

A portion of the claim is based on certain items of personal property other than those items which were taken under the Law No. 92 of April 20, 1950. The record indicates that these items of property were taken or otherwise lost prior to the date the claimant became a national of the United States.

When this portion of the claim is considered under Section 303(1) of the Act relating to damage and loss of property resulting from World War II, it is found to be not compensable for the reasons specified in the Proposed Decision No. RUM-153, In the Matter of the Claim of Abraham Hoffman (RUM-30,877)

When this portion of the claim is considered under Section 303(2) of the Act, it is found to be not compensable for the reason that it has not been established that it was owned by a national of the United States at the time it arose.

Accordingly, this portion of the claim is denied. ↴

The Commission deems it unnecessary to make determinations with respect to other elements of the portions of the claim denied herein.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, the claim is allowed in part and an award is hereby made to FELIX ERNEST KAUFMANN in the amount of One Hundred Twenty Thousand Eight Hundred Eighty-Two Dollars (\$120,882.00) plus interest thereon at the rate of 6% per annum on One Hundred Twelve Thousand Dollars (\$112,000) from April 20, 1950 and on Eight Thousand Eight Hundred Twenty-Two Dollars (\$8,822.00) from June 12, 1948 to August 9, 1955, the effective date of the Act,

in the amount of Thirty-Nine Thousand Four Hundred Forty-Three Dollars and Fifty-One Cents (\$39,443.51).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States on his behalf, of any rights against the Government of Rumania for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

MAY 4 1959

FOR THE COMMISSION:

William Barrett

William Barrett, Director
Balkan Claims Division

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