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

IN THE MATTER OF THE CLAIM OF

THE THEOLOGICAL SEMINARY YESHIVATH CHACHMEY LUBLIN

Claim No. PO-1743

Decision No. PO-

Under the Polish Claims Agreement of 1960 and the International Claims Settlement Act of 1949, as amended

PROPOSED DECISION

This claim for $275,000 is based upon the asserted ownership and loss of improved real property situated in Lublin, Poland. A claim for personal property also was asserted but subsequently withdrawn by letter of December 27, 1963. Claimant, THE THEOLOGICAL SEMINARY YESHIVATH CHACHMEY LUBLIN, a non-profit corporation organized under the laws of the State of Michigan on August 14, 1942, qualifies as a national of the United States within the meaning of Section A (b) of the Annex to the Polish Claims Agreement of July 16, 1960.

Under the Polish Claims Agreement of 1960, claims by nationals of the United States for "(a) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property . . ." are settled and discharged. (Agreement with the Government of the Polish People's Republic Regarding Claims of Nationals of the United States, July 16, 1960, 11 U.S.T. & O.I.A. 1953, T.I.A.S. No. 4545 (1960), Article 2)

The Agreement further defines "claims of nationals of the United States" as including

> rights and interests in and with respect to property nationalized, appropriated, or otherwise taken by Poland which, from the date of such nationalization, appropriation, or other taking to . . . /July 16, 1960/, have been continuously owned . . . (b) directly by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, of which fifty per cent or more of the outstanding capital stock or proprietary interest was owned by nationals of the United States; . . . (Polish Claims Agreement of 1960, supra, at Annex, Paragraph A. See also 14 FCSC Semiann. Rep. 186 (January - June 1961).)

The Commission finds, on the basis of the evidence submitted including Polish documentation and as a result of its own investigation in Poland, that in 1942 the claimant, as successor of the former "Jesziwas Chachmej School of Learning in Lublin" became the owner of real property registered under Liber No. 1243, Part II of the land records of Lublin, consisting of a large plot of land with improvements thereon, located at No. 57 Lubartowska Street, Lublin; and that this property was taken by the Government of Poland on May 6, 1960, pursuant to the provisions of Article 34 of the Decree of March 8, 1946 (Dz. U. 1946, No. 13, it. 87).

Claimant failed to submit corroborating evidence in support of the asserted value of the property. In this connection, the Commission has considered claimant's description of the property, the reports of the Polish authorities, and a report and appraisal by its own investigators in Poland including photographs and sketches of the improvements (5-story brick school) as well as the area and location of the land involved (approx. 12,000 square meters). Based upon the entire record including available information as to value of properties of a similar nature in cities of the size of Lublin (pop. 102,000), the Commission finds that at the time of taking claimant's aforesaid property had a value of $175,000.00. Accordingly, claimant is entitled, under the Agreement, to an award in that principal amount.

The Commission has decided that in granting awards on claims under the Polish Claims Agreement of 1960, interest shall be allowed at the rate of 6% per annum from the date of loss to July 16, 1960, the effective date of the Agreement. (See the Claim of John Hedio Proach, Claim No. PO-3197.) Accordingly, the amount of the award will be increased to that extent.

A W A R D

An award is hereby made to THE THEOLOGICAL SEMINARY YESHIVATH CHACHMEY LUBLIN in the principal amount of One Hundred Seventy-five Thousand Dollars ($175,000.00) with interest thereon at 6% per annum from May 6, 1960, the date of the loss, to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Two Thousand Forty-two Dollars and Twenty-five Cents ($2,042.25).

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

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections to this Proposed Decision are filed within 20 days of service thereof, the decision will, upon the expiration of 60 days after such service or receipt of notice, be entered as the Final Decision of the Commission unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. § 531.5 (e) and (g) (1961)).