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

IN THE MATTER OF THE CLAIM OF

MARK BERKOWITZ

Claim No. PO-1765

Decision No. PO-1114

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

Counsel for Claimant: Myron Levenstein, Esquire

SUPPLEMENTAL FINAL DECISION

On June 21, 1963, the Commission issued its Proposed Decision granting claimant an award in the principal amount of $9,400.00, with interest thereon in the sum of $2,561.50. The award was predicated upon a finding that claimant was the hereditary owner of improved real property at No. 11 Rynek, Osieciny, County Radziejow, voivodeship Bydgoszcz, Poland; and, that the improved property had been nationalized by the Government of Poland on January 1, 1956. The Proposed Decision was entered as the Final Decision on September 5, 1963. The award was certified to the Secretary of the Treasury on September 5, 1963.

Thereafter, additional evidence has been uncovered as a result of which the Commission now finds that claimant further owned a one-fourth interest in a parcel of improved real property located at No. 12 Kosciuszki Street, Osieciny, County Radziejow, voivodeship Bydgoszcz, Poland and that the value of this one-fourth interest in the property on January 1, 1956, the time of its nationalization, was $2,210.00. Accordingly, it is

ORDERED that a supplemental award be and hereby is granted to claimant in the principal amount of $2,210.00, plus appropriate interest.

SUPPLEMENTAL AWARD

A supplemental award is hereby made to MARK BERKOWITZ in the principal amount of Two Thousand Two Hundred Ten Dollars ($2,210.00),

with interest thereon at 6% per annum from January 1, 1956 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Six Hundred Two Dollars and Twenty-Three Cents ($602.23).

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

OCT 13 1965

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

NOTICE TO TREASURY: This is a supplemental award. The original award in the amount of $9,400.00, plus $2,561.50 interest, granted to claimant herein, was certified by the Commission's Transmittal Letter No. 15 on September 5, 1963.

PO-1765

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

IN THE MATTER OF THE CLAIM OF

MARK BERKOWITZ

Claim No. PO-1765

Decision No. 1114

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

Counsel for claimant: Myron Levenstein, Esq.

PROPOSED DECISION

This claim, for $40,000, is based upon the asserted ownership and loss of improved real property in Osieciny, Radziejow, Bydgoszcz, Poland. Claimant, MARK BERKOWITZ, has been a national of the United States since his naturalization on November 11, 1954.

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 II)

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 . . . (a) directly by natural persons who were nationals of the United States . . . . (Polish Claims Agreement of 1960, supra, at Annex, Paragraph A. See also 14 FCSC Semiann. Rep. 186 (Jan.-June 1961))

The Commission finds, on the basis of official Polish documentation, that claimant was the owner of improved real property at Rynek No. 11, Osieciny, Radziejow, Bydgoszcz, Poland; and that this property was within the purview of Article 34 of the Decree of March 8, 1946 (Dz. U. 1946, No. 13, it. 87). That Article provides for the taking of real property considered as abandoned, on the expiration of ten years from the end of the year in which World War II terminated, January 1, 1956. In the absence of evidence to the contrary, the Commission finds that claimant's property was taken on that date, January 1, 1956.

In arriving at the value of this property, the Commission has considered claimant's evaluation, his description of the property as consisting of land approximately 60 by 300 feet, with a 1-1/2 or 2-story building, with eight brick stables and a brick bungalow, not entirely finished. The main building was further described by claimant as having housed three families and two stores, and he states that the interior was altered by the Germans to permit its use as a cafe. On the basis of all evidence of record, including evidence of values of similar properties in Poland, the Commission finds that this property had a value of $9,400, and that claimant is entitled, under the Polish Claims Agreement of 1960, to an award in that 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 MARK BERKOWITZ in the principal amount of Nine Thousand Four Hundred Dollars ($9,400), with interest thereon

at 6% per annum from January 1, 1956 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Two Thousand Five Hundred Sixty-One Dollars and Fifty Cents ($2,561.50).

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

JUN 21 1963

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)).