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

IN THE MATTER OF THE CLAIM OF

LEO H. STERNBACH

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

Claim No. PO-1934

Decision No. PO-3706

PROPOSED DECISION

This claim, for $30,000.00, is based upon the asserted ownership and loss of an interest in a pharmacy "Pod Swietym Hubertem" located at No. 1 Krakowska Street in Krakow, Poland. Claimant, LEO H. STERNBACH, has been a national of the United States since his naturalization on February 10, 1947.

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 Abraham Sternbach was the owner of the pharmacy "Pod Swietym Hubertem" at No. 1 Krakowska in Krakow, Poland, and that he died intestate on January 21, 1940. Abraham Sternbach was survived by his widow and only child, Leo H. Sternbach, claimant herein. The applicable law of descent and distribution in Krakow, Poland in 1940 provided that the surviving spouse receive one-quarter of the estate and surviving issue the remaining three quarters. Claimant, therefore, succeeded as the owner of a three-quarter interest in the aforesaid property.

The Commission further finds that the pharmacy came within the purview of Article 2 of the Decree of January 8, 1951 (Dz. U. 1951, No. 1, it. 1), which provided for the nationalization of pharmacies in Poland. The Commission finds that the pharmacy "Pod Swietym Hubertem" was taken over by the Prezydium of the Municipal National Council of Krakow on January 9, 1951, in accordance with the aforesaid Decree.

Claimant has submitted no evidence in support of the asserted value of the pharmacy. The Commission has conducted an independent investigation and finds that the value of the pharmacy at the time of its taking was $2,264.15 and that claimant is entitled, under the Polish Claims Agreement of 1960, to an award for his interest therein.

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 LEO H. STERNBACH in the principal amount of One Thousand Six Hundred Ninety-eight Dollars ($1,698.00), with interest thereon at 6% per annum from January 9, 1951, to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Nine Hundred Seventy Dollars and Twelve Cents ($970.12).

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

JUN 24 1964

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))