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

IN THE MATTER OF THE CLAIM OF

JOE TRALER

Claim No. PO-2301

Decision No. 956

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

Counsel for claimant: Rella R. Shwartz, Esq.
and
Lee M. Hydeman, Esq.

PROPOSED DECISION

This claim, for $50,000, is based upon the asserted ownership and loss of improved real property in the City of Warsaw, Poland. Claimant, JOE TRALER, has been a national of the United States since his naturalization on November 7, 1946.

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 real property at Leszno 19, City of Warsaw; that the improvements were destroyed during World War II; and that the land was within the purview of the Decree of October 26, 1945 (Dz. U. 1945, No. 50, it. 279), and was taken into State ownership on April 4, 1950, by decision of the Presidium of the National Council of the Capital City of Warsaw. The Commission therefore finds that claimant's property was taken on that date, April 4, 1950.

In arriving at the value of this property, the Commission has considered claimant's description of the lot as "about 15 meters (about 50') on the front and 40 meters (about 135') in depth"; and his statement that the price paid for the property was "300,000 zloty (about $42,000)", and that after destruction of the buildings, the value of the lot was about $15,000. Claimant has submitted no evidence in support of his evaluation. On the basis of the entire record, including evidence of record with the Commission as to the value of similar properties in Warsaw, the Commission finds that claimant's property had a value of $15,540, and concludes that he is entitled, under the Polish Claims Agreement of 1960, to an award in that amount.

The Polish Claims Agreement of 1960 provides for the payment of compensation for property which was nationalized, appropriated, or otherwise taken by the Government of Poland. It does not settle or discharge claims based upon damage to or destruction of property during World War II, or the taking of property by forces occupying Poland during the war. (See the Claim of Dominick W. Przybylinski, Claim No. PO-1358.) Accordingly, the portion of the claim based upon improvements on the land is denied.

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 JOE TRALER in the principal amount of Fifteen Thousand Five Hundred Forty Dollars ($15,540), with interest thereon at 6% per annum from April 4, 1950 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Nine Thousand Five Hundred Eighty-Eight Dollars and Eighteen Cents ($9,588.18).

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

15 MAY 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)).