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

IN THE MATTER OF THE CLAIM OF

FANNIE JACOBS

Claim No. PO-2374

Decision No. PO-901

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

PROPOSED DECISION

This claim, for $10,000, is based upon the asserted ownership and loss of a building, barn and four (4) acres of land located in Pilzno, Poland. Claimant, FANNIE JACOBS, has been a national of the United States since her naturalization on September 4, 1941.

Under the Polish Claims Agreement of 1960, claims by nationals of the United States for "(a) the nationalization or other taking 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 documents and additional evidence submitted by the claimant, that she was the owner of a house, barn and approximately 1.62 hectares of land known

as Bloniu, in Pilzno, Powiat Debica, Poland. Further, on the basis of the official Polish document submitted, namely, the report of the Presidium of the Municipal National Council in Pilzno dated November 27, 1962, and in the absence of other evidence as to the date of taking, the Commission finds that the property was taken on June 9, 1959.

Claimant has submitted no evidence with regard to the value of the property at the time it was taken. However, the Commission has conducted an independent investigation into methods of evaluating agricultural property in Poland. On the basis of all the information available to the Commission, including the average values published in 1956 by the Praesident des Bundesausgleichsamtes, Bad Homburg (Verzeichnis der Gemeinde-Hektarsatze mit alphabetischem Kreisverzeichnis der Vertreibungsgebiete), used in administering the German Equalization of Burdens Law, and the average values published by the Kommission fur Nationalisierungsentschadigungen, the Swiss National Claims Commission, used in determining claims of Swiss nationals against the Government of Poland, and in the absence of other evidence as to the value of particular property, the Commission finds that the average value of farm land in the vicinity of Pilzno, Powiat Debica, Poland, was $267.50 per hectare; that the average value of a farmhouse and a barn in the same vicinity was $1,500. Accordingly, the Commission finds that the value of claimant's property, measuring 1.62 hectares of land with a farmhouse and barn, at the time of its taking was $1,933.35, and concludes that she is entitled, under the Agreement, to an award in that amount.

The Commission has concluded 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 FANNIE JACOBS in the amount of One Thousand Nine Hundred Thirty-three Dollars and Thirty-five Cents ($1,933.35), with interest thereon at 6% per annum from June 9, 1959 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of One Hundred Twenty-seven Dollars and Ninety-three Cents ($127.93).

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

MAR 13 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)).

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