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

IN THE MATTER OF THE CLAIM OF

BERTHE ROOS
and
DERCK ROOS

Claim No. PO-2416
PO-3295

Decision No. PO-1724

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

SUPPLEMENTAL FINAL DECISION

By Proposed Decision of October 16, 1963, which became the Commission's Final Decision on these claims on December 11, 1963, awards were granted to claimants BERTHE ROOS and DERCK ROOS in the amount of $22,814.00 each, plus interest in the amount of $17,840.55, for the loss of their shareholder interests in the corporation Tomaszowska Fabryka Sztucznego Jedwabiu Sp. Akc., having its main office in Warsaw, Poland.

On the basis of new evidence, the claims have been reconsidered and the Commission now finds that on July 4, 1947, when Tomaszowska Fabryka Sztucznego Jedwabiu Sp. Akc. was nationalized by the Government of Poland, the value of one share of stock in the corporation was $50.00 (and not $34.00 as found in the Proposed Decision of October 16, 1963); and concludes that each claimant is entitled to compensation, under the Polish Claims Agreement of 1960, for the loss of 671 shares in the principal amount of $33,550.00.

In view of the awards to claimants in the principal amount of $22,814.00 each, already certified to the Secretary of the Treasury, each claimant now is entitled to a supplemental award in the amount of $10,736.

A W A R D S

An award is hereby made to BERTHE ROOS in the principal amount of

Ten Thousand Seven Hundred Thirty-six Dollars ($10,736.00), with interest thereon at 6% per annum from July 4, 1947 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Eight Thousand Three Hundred Ninety-five Dollars and Fifty-five Cents ($8,395.55); and

an award is made to DERCK ROOS in the principal amount of Ten Thousand Seven Hundred Thirty-six Dollars ($10,736.00), with interest thereon at 6% per annum from July 4, 1947 to July 16, 1960, in the sum of Eight Thousand Three Hundred Ninety-five Dollars and Fifty-five Cents ($8,395.55).

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

OCT 27 1965

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

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IN THE MATTER OF THE CLAIM OF

BERTHE ROOS
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Claim No. PO-2416
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Decision No. 1724

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

PROPOSED DECISION

These claims, each for $22,453.00, are based upon a total of 1,342 shares of stock of the corporation Tomaszowska Fabryka Sztucznego Jedwabiu S. A., having its main office in Warsaw, Poland. Claimants BERTHE ROOS and DERCK ROOS, have been nationals of the United States since their naturalization on February 5, 1945, and August 14, 1944, respectively.

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 Commission finds, on the basis of the evidence of record, that each of the claimants owned six hundred seventy-one (671) shares in the corporation Tomaszowska Fabryka Sztucznego Jedwabiu S.A. (further referred to as the corporation) and that on July 4, 1947, this enterprise was nationalized by the Government of Poland pursuant to Article 3 of the Law of January 3, 1946 relating to the taking of key branches of the national economy (Dz. U. 1946, No. 3, it. 17).

As evidence of the value of the shares of stock in question, claimants submitted a copy of the corporation's balance sheet for December 31, 1938. In the course of its independent investigation as to value, the Commission also obtained a copy of a balance sheet as of December 31, 1936. The Commission has also examined pertinent portions of the record of the British Foreign Compensation Commission in claims based upon other shares of stock in the same corporation. On the basis of the available evidence, the Commission finds that the value of each share of stock at the time of nationalization was $34.00. Accordingly, each claimant is entitled under the Agreement to an award in the amount of $22,814.00 for loss of the interest represented by 671 shares of stock.

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 awards will be increased to that extent.

A W A R D S

An award is hereby made to BERTHE ROOS in the principal amount of Twenty-two Thousand Eight Hundred Fourteen Dollars ($22,814.00), with interest thereon at 6% per annum from July 4, 1947 to July 16, 1960, the date of the Polish Claims Agreement in the sum of Seventeen Thousand Eight Hundred Forty Dollars and Fifty-five Cents ($17,840.55), and

award is hereby made to DERCK ROOS in the principal amount of Twenty-two Thousand Eight Hundred Fourteen Dollars ($22,814.00),

with interest thereon at 6% per annum from July 4, 1947 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Seventeen Thousand Eight Hundred Forty Dollars and Fifty-five Cents ($17,840.55).

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

OCT 16 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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