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

IN THE MATTER OF THE CLAIM OF

ANIELA BIGOT

Claim No. PO-2939

Decision No. PO-3056

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

PROPOSED DECISION

This claim for $6,520.00 is based upon the asserted ownership and loss of (1) a mortgage recorded on real property situated in Grudziadz, Poland; and (2) a bank account in the Komunalna Kasa Oszczednosci in Grudziadz. Claimant, ANIELA BIGOT, formerly known as ANIELA JAROSZ, is a native-born citizen of the United States.

Under Section 4 (a) of the International Claims Settlement Act of 1949, as amended, (64 Stat. 13 (1950), 22 U.S.C. § 1623 (a) (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960 (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)). That Agreement provides as follows:

> Claims to which reference is made in Article 1 and which are settled and discharged by this Agreement are claims of 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;
>
> (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property . . . ; and

(c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland. (Polish Claims Agreement of 1960, supra, Article 2)

(1) MORTGAGE

The Commission finds on the basis of the documentation presented that claimant was the record owner of an interest in a mortgage to the extent of 3,452.24 Swiss francs which constituted a charge upon real property registered in Vol. 6, item 89 of the land records of the County Court in Grudziadz, Poland. A review of the Polish legislation enacted after World War II discloses that by Decree effective August 6, 1949 (Dz. U. 1949, No. 45, it. 332) relating to agreements concerning monetary obligations, all clauses stipulating payment in foreign currency were declared null and void. The Commission has held that such Decree was, in effect, an annulment of obligee's right to receive payment in accordance with the terms of the contract and that a claim based thereon is compensable under Article 2 (a) of the Agreement. (See Claim of Sophia Predka, No. PO-1178.)

On August 6, 1949, the effective date of the aforesaid Decree, the average rate of exchange of the Swiss franc was 3.98 francs for 1 U. S. dollar. Accordingly, the Commission concludes that claimant is entitled to compensation in the amount of $867.40 for that portion of the claim based upon her interest in the mortgage.

(2) BANK ACCOUNT

The Commission further finds that claimant was the owner of a bank account of 3,857.10 zlotys deposited with the Komunalna Kasa Oszczednosci Miasta Grudziadz (Communal Savings Bank of the City of Grudziadz) as evidenced by savings book No. 36082 issued on August 16, 1932.

The Commission's records reveal that the Government of Poland by a series of decrees effective November 12, 1948 (Dz. U. 1948, No. 52, it. 410, 411 and 412) ordered the liquidation of banking enterprises and that Article 28 of Decree No. 412 provided for the transfer of assets and liabilities of the liquidated banks to other designated government-owned banking institutions.

The records further disclose that the Communal Savings Bank of the City of Grudziadz was liquidated as of January 1, 1950 (Dz. U. 1949, No. 64, it. 519). The Commission finds that such liquidation was for all intents and purposes a nationalization of that bank. Since the subject bank account represents a debt of a nationalized (liquidated) enterprise, a claim based thereon is compensable under Article 2 (c) of the Polish Claims Agreement.

The Commission finds that the dollar value of claimant's bank account on January 1, 1950, the date of the nationalization of the bank, was $4.29. Claimant's asserted loss with respect to the bank account is due to the drastic depreciation of the Polish zloty between the prewar years and the time after World War II. However, such loss cannot properly be deemed to have resulted from nationalization, appropriation or other taking of property under the terms and provisions of the Agreement.

In view of the foregoing, claimant is entitled to an award in the principal amount of $867.40 based upon the mortgage, and $4.29 based on the bank account, totaling $871.69.

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 ANIELA BIGOT in the principal amount of Eight Hundred Seventy-one Dollars and Sixty-nine Cents ($871.69) with 6% interest per annum on the amount of $867.40 from August 6, 1949, and on the amount of $4.29 from January 1, 1950, to July 16, 1960, the effective date of the Polish Claims Agreement, in the sum of Five Hundred Seventy-two Dollars and Thirty-one Cents ($572.31).

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

APR 2 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)).