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

IN THE MATTER OF THE CLAIM OF

DAVID STURM

Claim No. PO-4375

Decision No. PO- 781

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

Counsel for Claimant: Josef Griliches, Esq.

PROPOSED DECISION

This claim, in the amount of $18,000.00, is based upon the asserted ownership and loss of three morgs of tilled land, a 9-room house, and related farm structures including barns and stables. Claimant, DAVID STURM, has been a national of the United States since his naturalization on April 28, 1944.

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 1.57 hectares of land and a house in

Werbkowice, Hrubieszow, Lublin, Poland, and that this property was within the purview of Article 34 of the Decree of March 8, 1946 (Dz. U. 1946, No. 13, item 87). That Article provides for the taking of real property considered as abandoned, on January 1, 1956, the expiration of ten years from the year in which World War II terminated. In the absence of evidence to the contrary, the Commission finds claimant's property was taken on that date, January 1, 1956.

Claimant stated in his claim form that his house contained nine rooms and that the entire property had a value of $18,000.00. In a 1957 report of loss of property (FCSC Form 708), claimant stated that the house contained seven rooms and that the total value was $10,000.00. A letter from the Lublin Presidium, dated February 26, 1952, regarding the taking of the property, estimates its value at 50,000 zlotys, but does not state as of what year the property had this value. At the effective rate of exchange in 1956, this would be the equivalent of approximately $1,000.00. Claimant has submitted no other evidence of the value of the property.

The Commission has conducted an independent investigation into methods of evaluating agricultural property in Poland. In the absence of other evidence as to the value of particular property, the Commission has considered the average values published in 1956 by the Prasidenten des Bundesausgleichsamtes, Bad Homburg (Verzeichnis der Gemiende-Hektarsatze mit alphabetischem Kreisverzeichnis der Vertreibungsgebiete, 1956 (Supp.)). These values were used in administering the German Equalization of Burdens Law.

In considering these sources, the Commission has made an upward adjustment in value according to a formula evolved by the Kommission fur Nationalisierungsentschadigungen, the Swiss national claims commission, for use in determining claims of Swiss nationals against the Government of Poland.

The Commission's investigation indicates that in the vicinity of Werbkowice the average value of farm land was $375.00 per hectare. Accordingly, the Commission finds that the value of the claimant's land at the time of its taking was $588.75.

The letter dated February 26, 1952, from the Presidium states that a house was situated on the land, but did not describe the house. In the absence of evidence as to the nature, size, condition and description of the house, the Commission finds it was an average farm house similar to others in the same area. On the basis of its independent investigation into the value of average houses in this area, the Commission finds claimant's house had a value of $2,000.00. Accordingly, it is concluded that claimant is entitled, under the Agreement, to an award in the principal amount of $2,588.75.

The Commission has determined that the amount of an award in a claim under the Polish Claims Agreement of 1960 shall be increased by interest thereon at the rate of 6% per annum from the date of loss of property to July 16, 1960, the effective date of the Agreement. (See the Claim of John Hedio Proach, Claim No. PO-3197).

A W A R D

An award is hereby made to DAVID STURM in the principal amount of Two Thousand Five Hundred Eighty-Eight Dollars and Seventy-Five Cents ($2,588.75) with interest thereon at 6% per annum from January 1, 1956 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Seven Hundred Five Dollars and Forty-Three Cents ($705.43).

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

27 DEC 1962

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed upon the expiration of 60 days after service or receipt of notice of this Proposed Decision, and unless the Commission otherwise orders, this Proposed Decision will be entered as the Final Decision of the Commission. (FCSC Reg., 45 C.F.R. §531.5(g) (1961).)