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

IN THE MATTER OF THE CLAIM OF

FRIEDA WEISS

Claim No. PO-5597

Decision No. [illegible]83

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

PROPOSED DECISION

This claim, in the amount of RM 13,790.90, was filed by FRIEDA WEISS on September 21, 1961. Claimant has been a national of the United States since her naturalization on September 21, 1962.

The claim is based upon the asserted ownership and loss of a building site in Wroclaw, Poland, at Zielinskiego (formerly Höfchen-strasse) Nos. 54 & 56, having a total area of 629 square meters.

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 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 629 square meters of land in the center of Wroclaw, Poland, and that this property was within the purview of the Decree of March 8, 1946 (Dz. U. 1946, No. 13, Item 87). Article 2 of that Decree, effective April 19, 1946, provided for the taking of property considered formerly German-owned. In the absence of evidence to the contrary, the Commission finds claimant's property was taken on April 19, 1946.

Claimant states, and the Polish documents support the contention, that the building lot was situated in an apparently good location in the Old Town section in the center of Wroclaw. The claimant submitted some evidence of income from rental of the property prior to 1939, and information concerning the relative value of building sites in the same area, which indicates that such sites had a value ranging from 20 to 30 RM square meter during the years 1938 and 1939.

Based upon an independent investigation into the values of building sites in comparable cities in this part of Europe, the Commission finds that the average value of a building site in the area of claimant's property, was $5.00 per square meter. On this basis, the value of claimant's property, measuring 629 square meters, was $3,145.00; and it is concluded 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 on this claim will be increased to that extent.

A W A R D

An Award is hereby made to FRIEDA WEISS in the amount of Three Thousand One Hundred Forty-five Dollars ($3,145.00), with interest thereon at 6% per annum from April 19, 1946 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Two Thousand Six Hundred Eighty-seven Dollars and Forty Cents ($2,687.40).

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).)