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

IN THE MATTER OF THE CLAIM OF

GEORGE M. SZABAD

Claim No. PO-6133

Decision No. PO-784

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

Counsel for claimant: Blum, Jolles, Haimoff, Szabad & Gersen
by Jacob Jolles, Esq.

AMENDED FINAL DECISION

On December 27, 1962, the Commission issued its Proposed Decision granting claimant an award in the principal amount of $835.00 with interest thereon in the sum of $734.11. The award was based upon the finding that claimant had owned a one-sixth interest in a building lot at Twarda Street No. 34 and Prosta Street No. 56 in Warsaw, Poland, which had been taken by the Government of Poland on November 21, 1945. The Proposed Decision was entered as the Final Decision on April 4, 1963.

Thereafter, in connection with a related claim, additional evidence was received as a result of which the Commission now finds that the subject property was taken by the Government of Poland by administrative decision on March 30, 1960, and that the value of a one-sixth interest in the property was $1,667.00.

Accordingly, it is ORDERED that the Final Decision entered herein on April 4, 1963 be and it is hereby vacated, and it is

FURTHER ORDERED that the award granted in the Proposed Decision which was issued herein on December 27, 1962 be and it is hereby amended and restated as follows, and as so amended entered as the Amended Final Decision on this claim.

A W A R D

An award is hereby made to GEORGE M. SZABAD in the principal amount of One Thousand Six Hundred Sixty-seven Dollars ($1,667.00) with interest thereon at 6% per annum from March 30, 1960 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Twenty-nine Dollars and Forty-five Cents ($29.45).

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

MAY 20 1964

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

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PROPOSED DECISION

This claim in the amount of $16,666.66 is based upon asserted ownership and loss of improved real property in the City of Warsaw, Poland. Claimant, GEORGE M. SZABAD, has been a national of the United States since his naturalization on April 8, 1940.

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 a one-sixth interest in improved real

property at Twarda Street No. 34 and Prosta Street No. 56, Warsaw, Poland; that the improvements were destroyed during World War II; and that the land was within the purview of the Decree of October 26, 1945 (Dz. U. 1945, No. 50, item 279). That Decree, effective November 21, 1945, provided for the taking of land in Warsaw. In the absence of evidence to the contrary, the Commission finds that claimant's land was taken on November 21, 1945.

The Commission has conducted an independent investigation into the value of the real property, and finds that claimant's one-sixth interest therein had a value of $835.00 at the time of its taking and concludes that he is entitled, under the Agreement, to an award in that amount.

The Polish Claims Agreement of 1960 provides for the payment of compensation for property which was nationalized, appropriated, or otherwise taken by the Government of Poland. It does not settle or discharge claims based upon damage to or destruction of property, or the taking of property by forces occupying Poland during World War II. (See the Claim of Dominick W. Przybylinski, Claim No. PO-1358). Accordingly the protion of the claim based upon loss of improvements on the property is denied.

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 GEORGE M. SZABAD in the principal amount of Eight Hundred Thirty-Five Dollars ($835.00) with interest thereon at

6% per annum from November 21, 1945 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Seven Hundred Thirty-Four Dollars and Eleven Cents ($734.11).

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

DEC 27 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)).