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

IN THE MATTER OF THE CLAIM OF

BERNARD SOBOTTA

Claim No. PO-6301

Decision No. PO- 2808

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

PROPOSED DECISION

This claim for $4,819.00 is based upon the asserted ownership and loss of an interest in improved realty in Nowa Wies Ksiazeca, County Kepno, voivodeship Poznan, Poland. Claimant, BERNARD SOBOTTA, has been a national of the United States since his naturalization on July 24, 1930.

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 2).

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 (January - June 1961))

The Commission finds, on the basis of official Polish documentation submitted by the claimant, that he inherited an interest in

improved realty in Nowa Wies Ksiazeca, Poznan, Poland from his late mother. The claimant then transferred his interest in the property to his brother, Piotr Sobotta, on October 25, 1925 and was accorded a charge upon the property for a payment of 3,125 Zlotys at a guaranteed rate of exchange of $1.00 to 5.18 Zlotys. The Commission further finds that the improved realty was taken by the Polish Committee of National Liberation pursuant to the Decree of September 6, 1944, which provided for the effectuation of agricultural reform and as a result of disavowal of Polish nationality by Piotr Sobotta, the record owner of the property. Under the terms of a unified text of that decree, property is effectively taken on the date of publication. From evidence available, it appears that publication of the unified text of this decree appeared in the Journal of Laws on January 19, 1945. The Commission finds, therefore, that the improved realty upon which the obligation owed by the record owner to the claimant was charged was taken on that date.

The Commission finds that the guaranteed rate of exchange expressed by the obligor in the agreement entered into with the claimant should be retained. It is, therefore, found that the value of claimant's debt at the time that the property was taken was $600.00 and the Commission concludes that he is entitled under the Agreement to an award in that amount.

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 BERNARD SOBOTTA in the principal amount of Six Hundred Dollars ($600.00), with interest thereon at 6% per annum from January 19, 1945 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Five Hundred Fifty-seven Dollars and Seventy Cents ($557.70).

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

MAR 11 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)).