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

IN THE MATTER OF THE CLAIM OF

OLGIERD LANGER

Claim No. PO-6910

Decision No. PO- 5798

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

PROPOSED DECISION

This claim, for $63,640.00, is based upon the asserted ownership and loss of an interest in inundated property in Zbyszyce, county of Nowy Sacz, voivodeship of Krakow, Poland. Claimant, OLGIERD LANGER, has been a national of the United States since his naturalization on March 11, 1952.

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 and evidence submitted by claimant, that claimant, OLGIERD LANGER, was the owner of a 1/2 interest in inundated improved real property in Zbyszyce, county of Nowy Sacz, voivodeship of Krakow, Poland, and that the subject

property was taken pursuant to the Decree of March 12, 1958 (Dz. U. 1958, No. 17, item 70) on April 5, 1958. This Decree provided that real property administered by the State against which expropriation proceedings have been initiated prior to September 1, 1939, and have not been completed up to the date of the Decree shall become the property of the State by force of law. The subject property constituted a portion of much greater area of land against which expropriation proceedings were commenced by the pre-war Polish Government in connection with construction of a large hydro-electric project known as Roznow Dam.

The Commission, in determining the value of the subject property, has considered the evidence submitted by claimant as to the value of the property affixed by the Polish Government prior to World War II during the expropriation proceedings. It finds that at the time of taking the expropriated land, measuring 172.27 hectares, the buildings and the miscellaneous personalty thereon had a value of $120,075.26. The Commission concludes that claimant is entitled, under the Polish Claims Agreement of 1960, to an award in the amount of $60,038.00, for his fifty percent interest in the subject property.

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 OLGIERD LANGER in the principal amount of Sixty Thousand Thirty-eight Dollars ($60,038.00) with interest thereon at

6% per annum from April 5, 1958 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Eight Thousand Two Hundred Fifteen Dollars ($8,215.00).

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

30 DEC1964

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 30 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) (1964))

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