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

IN THE MATTER OF THE CLAIM OF

JOSEPH ROSENMAN, HYMAN ROSENMAN, JULIUS ROSENMAN, FANNIE SAFFIAN and HELEN POMERANTZ

Claim No. PO-8828

Decision No. 1610

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

Counsel for claimants: Alexander Levin, Esq.

PROPOSED DECISION

This claim, for $25,000, is based upon the asserted ownership and loss of a one-half interest in improved real property and personal property at Pruszkow, Warsaw, Poland. Claimants have been nationals of the United States since their naturalization on April 8, 1919, June 28, 1917, January 3, 1928, July 8, 1943 and November 22, 1932, respectively.

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 claimants were the owners of a one-half interest in improved real property at Kraszewski Street 813, Pruszkow, Warsaw, Poland; and that this property was within the purview of Article 34 of the Decree of March 8, 1946 (Dz. U. 1946, No. 13, it. 87). That Article provides for the taking of real property considered as abandoned, on the expiration of ten years from the end of the year in which World War II terminated, January 1, 1956. In the absence of evidence to the contrary, the Commission finds that claimants' property was taken on that date, January 1, 1956.

In arriving at the value of this property, the Commission has considered the description of the property as having a building 100 feet by 90 to 100 feet, with four or five floors, with marble stairs, having 16 apartments of four to five rooms each; with appurtenant land also measuring 100 feet by 90 to 100 feet, having terraces and an orchard; and a 2-car brick garage. The building contained two stores, shown in a photograph submitted by claimants, in which was carried on a general merchandise business. There is no evidence that any of the merchandise survived the war and was taken by the Government of Poland. On the basis of the entire record the Commission finds that a one-half interest in the improved real property had a value of $19,425, and that claimants are entitled, under the Polish Claims Agreement of 1960, to awards for their respective interests therein.

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 during World War II, or the taking

of property by forces occupying Poland during the war. (See the Claim of Dominick W. Przybylinski, Claim No. PO-1358.) Accordingly, the portion of the claim based upon merchandise of the store is denied.

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 amounts of the awards will be increased to that extent.

A W A R D S

An award is hereby made to JOSEPH ROSENMAN in the principal amount of Three Thousand Eight Hundred Eighty-Five Dollars ($3,885), 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 One Thousand Fifty-Eight Dollars and Sixty-Six Cents ($1,058.66);

and an award is hereby made to HYMAN ROSENMAN in the principal amount of Three Thousand Eight Hundred Eighty-Five Dollars ($3,885), 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 One Thousand Fifty-Eight Dollars and Sixty-Six Cents ($1,058.66);

and an award is hereby made to JULIUS ROSENMAN in the principal amount of Three Thousand Eight Hundred Eighty-Five Dollars ($3,885), 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 One Thousand Fifty-Eight Dollars and Sixty-Six Cents ($1,058.66);

and an award is hereby made to FANNIE SAFFIAN in the principal amount of Three Thousand Eight Hundred Eighty-Five Dollars ($3,885), 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 One Thousand Fifty-Eight Dollars and Sixty-Six Cents ($1,058.66);

and an award is hereby made to HELEN POMERANTZ in the principal amount of Three Thousand Eight Hundred Eighty-Five Dollars ($3,885), 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 One Thousand Fifty-Eight Dollars and Sixty-Six Cents ($1,058.66).

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

25 SEP 1963

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)).