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

IN THE MATTER OF THE CLAIM OF

MAX STORCH AND
MILTON STORCH

Claim No. PO-10529

Decision No. PO-2490

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

Counsel for Claimant: Irving Rosen, Esq.

PROPOSED DECISION

This claim, for $45,000.00, is based upon the asserted ownership and loss of two houses and three acres of land in Tarnow, and of unimproved land measuring 60 acres in the vicinity of the town of Goleszow, Poland. Claimant, MAX STORCH withdrew his claim in a letter postmarked September 4, 1963. Claimant, MILTON STORCH, has been a national of the United States since his naturalization on December 8, 1952.

Under Section 4(a) of the International Claims Settlement Act of 1949, as amended, (64 Stat. 13 (1950), 22 U.S.C. § 1623(a) (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960 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)).

That Agreement provides as follows:

> Claims to which reference is made in Article 1 and which are settled and discharged by this Agreement are claims of 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;
>
> (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other

(c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland. (Polish Claims Agreement of 1960, supra, Article II)

Claimants have submitted no evidence in support of the claim. They asserted that they inherited the property situated in Tarnow, consisting of two houses and land from Leon and Schimon Storch, claimants' brothers, and the land in the area of Golexzow from Manes Storch, another relative.

However, documentation originating from Polish official sources, reveals that all the property owned by Leon and Schimon Storch in Tarnow upon which the claim is based, was sold to third persons in 1929, 1930 and 1931, and that the land books for real property of the township of Goleszow do not indicate that either MAX STORCH or MILTON STORCH owned any real property in that area.

At an interview held in New York City on October 21, 1963, claimant MILTON STORCH was unable to show that he owned the property upon which the claim is predicated.

The Regulations of the Commission provided:

> The claimant shall be the moving party and shall have the burden of proof on all issued involved in the determination of his claim. (FCSC Reg., 45 C.F.R § 531.6(d) (1961))

The Commission finds that the claimants have not met the burden of proof, in that they failed to establish their ownership of rights and interests in property which was nationalized, appropriated or otherwise taken by the Government of Poland

Accordingly, this claim is denied.

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

February 5, 1964

Edward D. Re, Chairman

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))