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

IN THE MATTER OF THE CLAIM OF

SZMUL EDELTUCH

Claim No. PO-10605

Decision No. PO-1377

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

AMENDED FINAL DECISION

By Final Decision dated June 8, 1964, the Commission granted a supplemental award to claimant in the amount of $60.00 which award was preceded by an award in the amount of $101.37 granted to claimant by Decision dated September 4, 1963.

The claimant having thereafter submitted additional evidence in support of the claim, and the matter having been duly considered, the Commission now finds that claimant also owned a lot measuring 250 square meters in size and a house constructed of wood with one floor and a cubature of 30 meters on the Rynek in Wisznice, Poland which was taken by Poland on December 17, 1958 thus entitling claimant to an additional award under the Polish Claims Agreement of 1960.

In arriving at the value of this property, the Commission has considered the description of the property, in the official report with respect thereto as well as background information available to it. On the basis of the record, including evidence available to the Commission as to the value of similar properties in Wisznice, the Commission finds that at the time of taking the property had a value of $500.00 and concludes that claimant is entitled, under the Polish Claims Agreement of 1960, to an additional 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, 17 FCSC Semiann. Rep. [July-December 1962] 47.) Accordingly, the amount of the award will be increased to that extent.

Accordingly, the following award will be entered, and in all other respects the Proposed Decision is affirmed.

SUPPLEMENTAL AWARD

An award is hereby made to SZMUL EDELTUCH in the principal amount of Five Hundred Dollars ($500.00), with interest thereon at 6% per annum from December 17, 1958 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Forty-Seven Dollars and Nineteen Cents ($47.19).

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

FEB 23 1966

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

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

IN THE MATTER OF THE CLAIM OF

SZMUL EDELTUCH

Claim No. PO-10605

Decision No. PO-1377

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

SUPPLEMENTAL PROPOSED DECISION

On September 4, 1963, the Commission issued its Proposed Decision granting claimant an award in the principal amount of $372.00 with interest thereon in the sum of $101.37. The award was based upon the finding that claimant had owned 186 square meters of land at Rynek in Slawatycze, Wlodawa, Lublin, which he had inherited from his late grandfather Icek Kornblum, and which had been taken by the Government of Poland on January 1, 1956. The Proposed Decision was entered as the Final Decision on November 13, 1963 and the award was certified to the Secretary of the Treasury on November 14, 1963.

Thereafter and on February 2, 1964, claimant submitted a report from the Prezydium in Lublin stating, in substance, that one Pinkus Korenblum was the owner of a building lot being situate in Koden on Bug River, Biela Podlaski, having an area of 100 square meters which had been taken by the Government of Poland. The loss of this lot was not mentioned in the claim as filed and claimant now requests that it be added to his claim.

The Commission finds that claimant had inherited the aforementioned building lot from his late uncle, Pinkus Korenblum; that the lot was taken by the Government of Poland on January 1, 1956; and that the value thereof when so taken was $60.00.

In arriving at the value of this property, the Commission has considered the area of 100 square meters recited in a Presidium letter of December 13, 1963, and the Presidium's estimate of value, as well as evidence of record with the Commission as to values of similar properties in Poland. Accordingly, claimant is hereby granted a supplemental award in the amount of $60.00 plus interest thereon.

A W A R D

An award is hereby made to SZMUL EDELTUCH in the principal amount of Sixty Dollars ($60.00) 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 Sixteen Dollars and Thirty-five Cents ($16.35).

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

APR 2 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 Supplemental 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))

NOTE TO TREASURY:

Claimant received an award of $372.00 with interest in a Proposed Decision dated September 4, 1963 which was certified to the Treasury on November 14, 1963.

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

IN THE MATTER OF THE CLAIM OF

SZMUL EDELTUCH

Claim No. PO-10605

Decision No. PO- 1377

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

PROPOSED DECISION

This claim, for $2,000, is based upon the asserted ownership and loss of two parcels of improved real property in Slawatycze, Wlodawa, Lublin, Poland. Claimant, SZMUL EDELTUCH, has been a national of the United States since his naturalization on September 1, 1954.

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 186 square meters of real property on Rynek in Slawatycze, Wlodawa, Lublin; that the improvements were destroyed during World War II; 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 claimant's property was taken on that date, January 1, 1956.

In arriving at the value of this property, the Commission has considered claimant's evaluation, the fact of destruction of the house, the size of the plot, and evidence of values of similar properties in Poland. On the basis of all evidence of record the Commission finds that the value of claimant's property at the time of its taking was $372.00; and concludes that claimant is entitled, under the Polish Claims Agreement of 1960, 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 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 improvements on the land is denied.

Claim is also made for a second parcel of improved real property in Slawatycze, said to have been inherited from an uncle, Motel Kornblum. However, evidence submitted by the claimant includes a letter from the Presidium of the Voivodeship National Council in Lublin, dated February 5, 1963, which states in pertinent part that it was not established whether Motel Kornblum had a house in this community, or whether he lived there at all; and a second letter from the Presidium dated May 13, 1963, which states that Motel Korenblum did not own any realty in Slawatycze and did not live there before the outbreak of World War II.

The Regulations of the Commission provide:

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

The Commission finds that claimant has not met the burden of proof with respect to the second item of claim in that he has failed to establish his ownership of rights and interest in property which was nationalized,

appropriated or otherwise taken by the Government of Poland. Accordingly, this part of the claim 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 amount of the award will be increased to that extent.

A W A R D

An award is hereby made to SZMUL EDELTUCH in the principal amount of Three Hundred Seventy Two Dollars ($372.00) 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 Hundred One Dollars and Thirty Seven Cents ($101.37).

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

SEP 4 1963

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

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