

By letter dated March 19, 1997, claimants objected to the Proposed Decision, to the extent that compensation was denied for the loss of the house and surrounding land owned by their father. Claimants maintained that, while the property has now been returned to them, they are entitled to compensation for the intervening decades in which the house was occupied by others who paid no rent to the family. They further contended that they should be compensated for that part of the original house which was razed to make way for a new apartment building, and for the land on which the apartment building is situated. Finally, they asserted that three garages have been built on the property which are being used to store vehicles. The occupants refuse to pay compensation to claimants for the use of the property, or to vacate the premises. Another individual who occupies a structure and a courtyard on part of the property also refuses to either vacate or pay compensation.

Claimants requested an oral hearing, which was held on April 15, 1997. Claimants MARIA STEVENS and PHILIP STEVENS appeared at the hearing, on their own behalf and on behalf of their siblings.

At the oral hearing, claimants stated that their father purchased the land and built the house at issue, and that their family lived in it until 1939, when they left Albania. According to claimants, relatives then moved into the house, and

lived there until 1947, when they were evicted and the government confiscated the house. Claimants testified that an Albanian government official occupied the house from 1947 until 1992, and that rent was paid for a number of years.¹

According to the claimants, the Albanian government began demolishing the house in 1991 or 1992. When claimants' relatives discovered that demolition was in progress, they notified the Albanian government that the property belonged to U.S. nationals and could not be demolished without approval. Demolition ceased but, claimants testified, by that time more than one-half of the house had been torn down.² Claimants' family later repaired what remains of the house and rented it to a businessman. Claimants were unable to assign a value to the property that was confiscated and to that which was returned.

At the close of the hearing, the Commission reminded claimants of their burden to establish the size and value of the piece of land that has not been returned (on which the apartment building stands), as well as the value of the part of the house that was demolished. The Commission further explained that, to

¹Claimants could not recall when rent payments stopped. However, according to a statement by claimants' cousin, payment of rent of 700 lek per month ceased in 1957.

²According to claimants, the house was to be demolished because the family living in the house had purchased an apartment in the building to be built on the property.

establish an entitlement to compensation for loss of use of property which has been returned, a claimant must prove that the fair market value of the property when confiscated, together with interest, exceeds the present value of the property as returned. Finally, the Commission pointed out that, unless claimants can establish responsibility on the part of the Albanian government, their only recourse against "squatters" is to pursue the matter under the domestic laws of Albania.³

By letter dated February 12, 1998, claimants submitted several documents and photographs in support of their claims and asserted two additional claims.⁴ According to claimants, ROBERT STEVENS discovered on a recent trip to Albania that two-thirds of the house formerly owned by their mother was demolished to make way for the apartment building. Claimants contend they should be compensated for the razed portion of that house, along with the land

³Claimants' more recent submittals have not addressed the issue of "squatters" on their property. It thus appears that they have elected not to pursue that part of their objection. In any event, they have submitted no evidence to prove that the Albanian government is responsible for the actions of the squatters. Accordingly, that portion of their claim must be denied.

⁴Claimants hand-delivered these documents to the Commission staff on March 12, 1998.

partitioned off from the property for the construction of the apartment building.

They assert a value of \$88,284.24 for these new claims.

The Commission now has reviewed the entire record, including the evidence offered at the oral hearing, as well as the recently submitted documents. Based on that review, the Commission is persuaded that approximately 66 square meters of the house that formerly belonged to their father and approximately 230 square meters of the surrounding land was confiscated in 1947 and used for construction of the apartment building sometime in 1991 or 1992. The Commission's investigation in Albania determined, and claimants concede, that the remainder of their father's property has been returned to them.

In support of their loss of use argument, claimants rely on the Commission's valuation of their mother's house as of 1946 (\$5,000.00) and argue that their father's house was more than three times the size of that house and was located on a much larger lot. Based on the Commission's valuation of their mother's house, claimants argue that their father's house would have been worth at least \$25,000.00 in 1947 and that, together with accumulated interest (totaling 295.8 percent), their claim would have been valued at approximately \$99,625.00 in 1994. They state that the house and land are now appraised at

only \$68,229.00, yielding a difference of \$31,396.00. They claim that sum as compensation for the loss of use of their father's property.

The Commission is not persuaded that claimants' father's house would have had a value of as much as \$25,000.00 in 1947. Claimants' valuation is undercut first by their own comparison of the size of their mother's house with that of their father's. While claimants contend that their father's house was more than three times larger, in fact it was at most *double* the size of their mother's, and his lot was less than double in size – 803 square meters vs. 500 square meters. Moreover, it is not plausible in any event that a three-room house in Tirana, Albania, would have been worth as much as \$25,000.00 in 1947.

Based on the 2,800 franc purchase price of the 803 square meter lot and the generally accepted principle that a house and lot have a combined value of 500 percent of the value of the lot alone, claimants' father's property would have had a pre-war value of approximately 14,000 francs, or about \$4,600.00. Allowing for appreciation in property values due to demand for housing after the end of the Nazi occupation of Albania in 1944, the property would at most have had a value of \$10,000.00 in 1947. Adding to this figure the interest accrued on the claim for the taking of the property between 1947 and 1994 (282 percent),

claimants' awards for the loss of the property in 1947 would total approximately \$38,200.00 in principal and interest.

However, as discussed above, claimants' father's property -- except for 230 square meters of garden and 66 square meters of land underlying the razed portion of the house -- was returned to claimants' family in 1994. Comparing the appraised value of the returned property -- \$68,229.00 -- to the value of the property at the time of taking plus interest -- \$38,200.00, it is clear that claimants benefited more from regaining ownership of the property in 1994 than they would have from receiving an award to compensate them for the taking of the property in 1947 plus loss of use. Accordingly, claimants' claim for loss of use of their father's property must be denied.

The Commission also holds, however, that claimants are entitled to compensation for the 296 square meters of their father's land which has not been returned to them, and for the demolition of a portion of his house. Based on the 1933 purchase price which claimants' father paid for the 803 square meters of land (2,800 francs), the Commission finds that the 296 square meters at issue had a value of \$800.00 when taken in 1947, and that the later-demolished portion of the house had a value of \$2,000.00 at that time. For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1947.

Accordingly, each of the claimants is entitled to an award in the principal amount of \$700.00 for his or her inherited share in their father's claim for the unreturned portion of his property, dating from January 1, 1947.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimants are entitled to interest as part of their awards, amounting to 6 percent simple interest per annum from the respective dates of loss to April 18, 1995, the effective date of the Settlement Agreement. Accordingly, each claimant is entitled to an interest award of 295.8 percent of his or her principal award of \$1,250.00, or \$3,697.50, and an interest award of 289.8 percent of his or her principal award of \$700.00, or \$2,028.60.

Claimants' new claims remain. Claimants contend that they are entitled to further compensation because two-thirds of their mother's house has been demolished and a portion of the land was taken (in 1991) to make way for the apartment building. However, the Proposed Decision compensated claimants -- as their mother's heirs -- for the 1946 confiscation of their mother's house, together with approximately 500 square meters of underlying and surrounding land. Once the property was confiscated, claimants' mother by definition was

no longer its owner and thus had no further rights to it. Any later activity affecting the property could not affect her or her heirs. Accordingly, under the circumstances, there is no basis on which to change the result reached in the Commission's Proposed Decision on the part of the claim involving claimants' mother's property.

For the reasons set forth above, the Commission withdraws the awards made in its Proposed Decision and enters the awards set forth below, which will be certified to the Department of Treasury for payment in accordance with sections 5, 7 and 8 of Title I of the International Claims Settlement Act of 1949, as amended (22 U.S.C. §§ 1624, 1626 and 1627). In all other respects, the Proposed Decision is affirmed.

Under the terms of the Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards, so as to prevent double recovery in any claim. A copy of this decision therefore will be forwarded to the Albanian government in due course.

This constitutes the Commission's final determination in this claim.

A W A R D S

Claimant MARIA A. STEVENS is entitled to an award in the principal amount of One Thousand Nine Hundred Fifty Dollars (\$1,950.00), plus interest on \$1,250.00 from January 1, 1946, to April 18, 1995, in the amount of Three Thousand Six Hundred Ninety-Seven Dollars and Fifty Cents (\$3,697.50), and interest on \$700.00 from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), for a total interest award of Five Thousand Seven Hundred Twenty-Six Dollars and Ten Cents (\$5,726.10), and a total award of principal and interest of Seven Thousand Six Hundred Seventy-Six Dollars and Ten Cents (\$7,676.10).

Claimant ROBERT J. STEVENS is entitled to an award in the principal amount of One Thousand Nine Hundred Fifty Dollars (\$1,950.00), plus interest on \$1,250.00 from January 1, 1946, to April 18, 1995, in the amount of Three Thousand Six Hundred Ninety-Seven Dollars and Fifty Cents (\$3,697.50), and interest on \$700.00 from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), for a total interest award of Five Thousand Seven Hundred Twenty-Six Dollars and Ten

Cents (\$5,726.10), and a total award of principal and interest of Seven Thousand Six Hundred Seventy-Six Dollars and Ten Cents (\$7,676.10).

Claimant JANE STEVENS INGLEY is entitled to an award in the principal amount of One Thousand Nine Hundred Fifty Dollars (\$1,950.00), plus interest on \$1,250.00 from January 1, 1946, to April 18, 1995, in the amount of Three Thousand Six Hundred Ninety-Seven Dollars and Fifty Cents (\$3,697.50), and interest on \$700.00 from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), for a total interest award of Five Thousand Seven Hundred Twenty-Six Dollars and Ten Cents (\$5,726.10), and a total award of principal and interest of Seven Thousand Six Hundred Seventy-Six Dollars and Ten Cents (\$7,676.10).

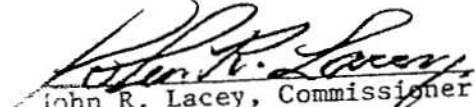
Claimant PHILIP A. STEVENS is entitled to an award in the principal amount of One Thousand Nine Hundred Fifty Dollars (\$1,950.00), plus interest on \$1,250.00 from January 1, 1946, to April 18, 1995, in the amount of Three Thousand Six Hundred Ninety-Seven Dollars and Fifty Cents (\$3,697.50), and interest on \$700.00 from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), for a total interest award of Five Thousand Seven Hundred Twenty-Six Dollars and Ten

Cents (\$5,726.10), and a total award of principal and interest of Seven Thousand Six Hundred Seventy-Six Dollars and Ten Cents (\$7,676.10).

Dated at Washington, DC and entered as the Final Decision of the Commission.

APR 16 1998


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner