

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, DC 20579

In the Matter of the Claim of	}	
	}	
	}	
SPIRO GODELLAS	}	Claim No. ALB-332
	}	
	}	Decision No. ALB-316
	}	
Against the Government of Albania	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Hlomo, Gjirokaster, Albania.

Under section 4(a) of Title I of the International Claims Settlement Act of 1949 ("ICSA"), as amended, the Commission has jurisdiction to

receive, examine, adjudicate, and render final decisions with respect to claims of . . . nationals of the United States included within the terms of . . . any claims agreement on and after March 10, 1954, concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) . . . providing for the settlement and discharge of claims of . . . nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof.

22 U.S.C. 1623(a)(2004).

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the*

*Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The claimant in this case states that the property which is the subject of his claim originally belonged to his father, Steve Godellas, a United States national since his naturalization as a United States citizen in 1930. He also states that based on his father's United States citizenship, he acquired United States nationality at birth in 1937. Further, he asserts that because his father was absent from Albania, his property passed into the "administratorship" of his wife (claimant's mother), Kleopatra Godellas, in 1946, and continued in that status until it was confiscated by the Albanian government in 1958 and 1969. After his father's death in Illinois in 1971 and his mother's death in Albania in 1972, he asserts that he and his two sisters succeeded to the right to claim for the loss of their father's property under the terms of his will.

In support of his claim, the claimant has submitted evidence of his and his father's United States nationality, and has also submitted a copy of his father's death certificate and a copy of his will. In addition, claimant has submitted a document from Albania which reflects that his mother, Kleopatra Godellas, an Albanian national, was the record owner of the property in Albania that is the subject of this claim.

The Commission first notes that under the ICSCA, the Commission is required to decide claims in accordance with "[t]he applicable principles of international law," (ICSCA section 4(a)(2), 22 U.S.C. 1623(a)(2)), and it is a well-established principle of international law that the Commission may find a claim compensable only if the property which is the subject of the claim was owned by a national of the United States when the property was expropriated or otherwise taken. *See, e.g., Claim of EUGENIA D. STUPNIKOV Against Yugoslavia*, Claim No. Y-2-0071, Decision No. Y-2-0003 (1967); *Claim of ILONA CZIKE Against Hungary*, Claim No. HUNG-2-0784, Decision No. HUNG-2-191 (1976); *Claim of JOSEPH REISS Against the German Democratic Republic*, Claim No. G-2853, Decision No. G-2499 (1981); *Claim of TRANG KIM Against Vietnam*, Claim No. V-0014, Decision No. V-0001 (1982). This principle has also been recognized by

the courts of the United States. *See e.g., Haas v. Humphrey*, 246 F.2d 682 (D.C. Cir. 1957), *cert. denied* 355 U.S. 854 (1957).

The claimant has asserted in the present claim that after 1946 his father's property was under the administratorship of his mother, because of his father's absence from Albania. However, the only documentation claimant has submitted relating to the record ownership of the property reflects that his mother, Kleopatra Godellas, was listed as the record legal owner of the property in question, and he has indicated that she was a national of Albania at all times until her death in 1972. Accordingly, the Commission must conclude that under the terms of the ICSA and the Settlement Agreement, claimant's claim may not be favorably considered.

Moreover, the Commission has examined claimant's father's will, and notes that under the terms of the will, claimant and the other named beneficiaries in it were not designated as successors to his father's estate but rather were income beneficiaries under a testamentary trust. Furthermore, once the testamentary trust terminates, which will not occur under the will's terms until twenty-one years after the death of the last of the named beneficiaries, whatever is left is to be distributed to Steve Godellas's then living grandchildren. Accordingly, based on the record before it, the Commission must conclude that under the terms of his father's will,

claimant in any case did not succeed to any right or interest in any claim for any property that his father may have owned in Albania.

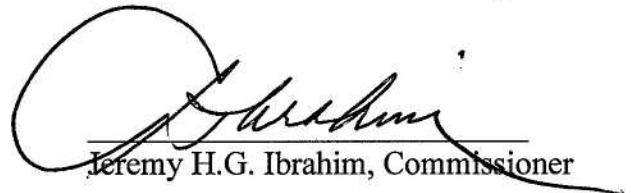
Accordingly, while the Commission sympathizes with the claimant for the loss of his family's property, it must conclude that his claim is not compensable under the terms of the ICSA and the Settlement Agreement. His claim therefore must be and is hereby denied.

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

SEP 29 2005

This decision was entered as the Commission's  
Final Decision on NOV 08 2005

  
Mauricio J. Tamargo, Chairman

  
Jeremy H.G. Ibrahim, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. 509.5 (e) and (g) (2004).