

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ULYSSES S. GRANT

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0322

Decision No. G-2590

Counsel for Claimant:

James Jackson Caldwell, Esquire

Hearing on the Record held on **MAR 18 1981**

FINAL DECISION

This claim in the amount of \$479,250.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon the loss of a residence located at 3A Cottbuser Strasse, Peitz, and land, improvements, and a business located at 32 Muehlen Strasse, Cottbus, in the German Democratic Republic, and a summer house at 2 Slossensee, West Berlin.

By Proposed Decision dated September 17, 1980, the Commission denied this claim in its entirety and found that: the claimant had not inherited an ownership interest in the villa at 3A Cottbuser Strasse in Peitz; the claimant had failed to establish that he was the owner or successor in interest of an owner of the real property in Cottbus at Muehlen Strasse 32; and, because of its location in West Berlin, the summer house at 2 Slossensee was outside the scope of this program which is limited to claims for losses that occurred in the German Democratic Republic or in East Berlin.

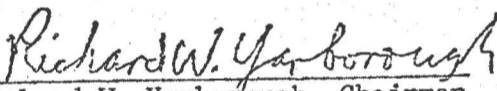
Claimant objected to the findings of the Proposed Decision on the ground that he questioned the validity of his mother's will which left the villa at 3A Cottbuser Strasse in Peitz to another person. No other documentation or information in support of the objection has been received by the Commission.

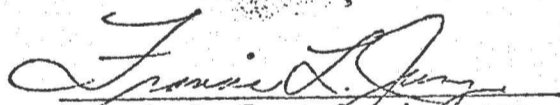
The Commission has reviewed the entire record herein, including the claimant's objection and the letter submitted in support thereof, and finds that, since the will in question has been probated in New York City, the record is insufficient to establish that the claimant had an ownership interest in the subject properties which was nationalized, or otherwise taken by the German Democratic Republic, as is required for a claim to found compensable under section 602 of the Act.

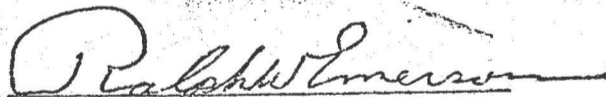
The Commission therefore affirms its previous denial as its final determination on this claim.

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

MAR 18 1981


Richard W. Yarborough, Chairman


Francis L. Jung, Commissioner


Ralph W. Emerson, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on MAR 18 1981


Executive Director

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IN THE MATTER OF THE CLAIM OF

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PROPOSED DECISION

This claim in the amount of \$479,250.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon the loss of a residence located at 3A Cottbuser Strasse, Peitz, and land, improvements, and a business located at 32 Mühlen Strasse, Cottbus, in the German Democratic Republic, and a summer house at 2 Slossensee, West Berlin.

The record indicates that claimant has been a United States citizen since his birth in 1905.

Under section 602, Title VI of the Act the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

As to the claim for property located at 2 Slossensee, Berlin, this property is located in West Berlin. Pursuant to section 602 the Commission is only authorized to consider claims for losses which occurred in the German Democratic Republic or in East Berlin. For this reason, the claim for the property located at Slossensee, Berlin, must be and hereby is denied.

A portion of this claim is for the loss of what is described as a villa at 3A Cottbuser Strasse, Pietz. Claimant asserts that this property was owned by his mother, Lorna Schröter. The record, including the results of an independent investigation conducted by the Commission's field office in the Federal Republic of Germany, confirms that this property was owned by claimant's mother. However, upon the death of claimant's mother, by duly probated will, claimant's mother left her interest in the property in Pietz to Dr. Walter Rosenthal, claimant in claim number G-2905. Although claimant, by letters to the Commission, now questions the validity of such will, the record is clear that claimant was on notice of the contents of said will and of the probate proceedings. Any question concerning the validity of such a will was determined in those probate proceedings which are conclusive upon the Commission as to that issue. Therefore, claimant did not inherit an interest in said property from his mother and for that reason this part of the claim must be denied.

Finally, claim is made for a paint manufacturing plant and other buildings located at 32 Mühlen Strasse, Cottbus. The improvements upon said property, according to claimant, were totally destroyed during World War II. As to the land which remained, claimant has stated that the property was originally owned as of 1919 by Max Schroeter and his brother prior to the marriage in 1925 of Max Schroeter and claimant's mother. An independent investigation by the Commission's field office in the Federal Republic of Germany confirms that the property at Mühlen Strasse 32 was owned by Mr. Max Schroeter. Max Schroeter was subsequently divorced from claimant's mother. No evidence has

been submitted that claimant's mother ever acquired any interest in this property, nor has any evidence been submitted, nor is there reason to presume that claimant inherited any interest in said property from his step-father, Max Schroeter.

By letter dated January 15, 1980, claimant was informed of this state of the record and claimant was requested to forward documentation or other evidence to establish that title to this property was at any time transferred from Mr. Schroeter to claimant's mother. No response has been received thereto. Therefore, claimant has not established nor has the independent investigation of the Commission established that claimant was the owner or successor in interest of an owner of the real property in Cottbus at Mühlen Strasse 32. Therefore, this part of the claim must be and hereby is denied.

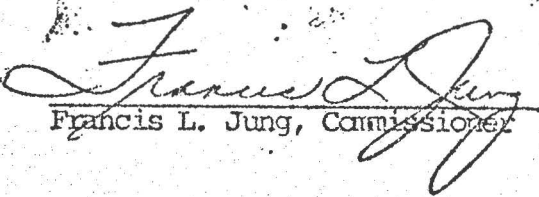
For the reasons set forth herein above, this claim, in its entirety, must be and hereby is denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

SEP 17 1980


Richard W. Yarborough, Chairman


Francis L. Jung, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the 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 Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)