

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

IN THE MATTER OF THE CLAIM OF

CHARLOTTE DUNWIDDIE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0580

Decision No. G-1902

Counsel for Claimant:

Lester Nelson, Esquire

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

FINAL DECISION

This claim in the amount of \$500,000.00 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 building and land in East Berlin.

By Proposed Decision dated February 20, 1980, the Commission found that claimant had inherited a beneficial interest in property at 18 Neue Jacobstrasse in East Berlin, which was taken by the German Democratic Republic on June 24, 1952. The improvements on the subject property had been destroyed in the war. Furthermore, there were mortgages encumbering the property on the date of taking. Taking these facts into account, the Commission found that the claimant's equity in the remaining plot of land at Neue Jacobstrasse totalled \$13,000.00 on June 24, 1952.

By letter dated March 10, 1980, claimant, through her attorney, stated that the plot of land was worth a higher proportion to the total value of the property than the Commission had awarded, and that the mortgages which encumbered the property were worth less than that found by the Commission.

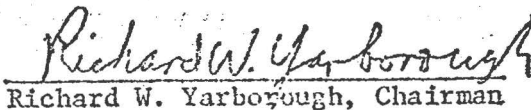
The Commission has considered claimant's objections; documentation submitted; and values for land put forth in Die Baustellenwerte in Berlin by Ferdinand Kalweit. It finds that claimant's equity in the subject property had a value of \$25,000.00 on the date of loss. Accordingly, the Commission withdraws its previous award and issues an award in the above amount to CHARLOTTE DUNWIDDIE, as the final determination on this claim.

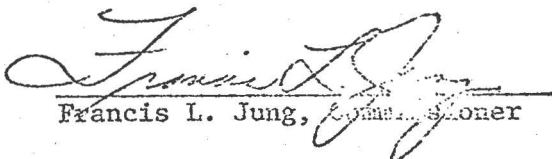
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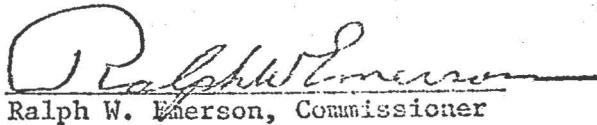
Claimant, CHARLOTTE DUNWIDDIE, is therefore entitled to an award in the amount of Twenty-Five Thousand Dollars (\$25,000.00), plus interest at the rate of 6% simple interest per annum from June 24, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

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

CHARLOTTE DUNWIDDIE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0580

Decision No. G-1902

Counsel for Claimant:

Lester Nelson, Esquire

PROPOSED DECISION

This claim in the amount of \$500,000.00 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 building and land in East Berlin.

The record indicates that claimant became a United States citizen on June 25, 1948.

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. . ."

The evidence of record in this claim establishes that the building and land at 18 Neue Jacobstrasse in East Berlin was originally owned by claimant's father, Adolph Hanau. In 1941, Hanau, fearing that his property would be taken by the Nazi regime because he was Jewish, transferred ownership of the property to Louis Helkenberg, a non-Jew. Helkenberg was to hold the property in trust for Hanau's daughter, claimant CHARLOTTE DUNWIDDIE. Although Hanau succeeded in avoiding the seizure of his property by the Nazis, he himself died during the war in 1942. In or

about 1951, Helkenberg, living in West Germany, asked the German Democratic Republic to enter Hanau's daughter as the rightful owner in the land registry. The German Democratic Republic responded that, upon submission of the pertinent documents, they would change the land registry, but added that the property would then be put under administration as "foreign property." In 1952 Helkenberg received a letter from the German Democratic Republic, dated June 24, 1952, stating that the property at 18 Neue Jacobstrasse was being administered by the Berliner Volkseigene Wohnungsverwaltung (Berlin People's Owned Residential Property Administration). In 1953, Helkenberg, in spite of the 1952 letter, conveyed the property to the claimant, and in 1957 this conveyance was registered in the land registry.

Based upon the series of events recounted above, the Commission finds that the property at 18 Neue Jacobstrasse was taken by the German Democratic Republic on June 24, 1952, the date of the letter to Helkenberg from the Berlin People's Owned Residential Property Administration. The Commission further finds that claimant, CHARLOTTE DUNWIDDIE, was the beneficial owner of the property on that date, and as such, is entitled to an award for the taking of the property by the German Democratic Republic under section 602 of the Act. The Commission notes that even if the property had not been taken by the German Democratic Republic in 1952, it most likely would have been taken as "foreign property" after the conveyance from Helkenberg to the claimant in 1953, as the German Democratic Republic had advised Helkenberg in 1951.

The evidence of record in this claim indicates that the building at 18 Neue Jacobstrasse was destroyed during the war. As war damage is not compensable under Public Law 94-542, the Commission can grant an award only for the value for the plot of land which was taken by the German Democratic Republic. Documentation submitted by claimant indicates that there were outstanding mortgages on the property as of the time she received the property back from Helkenberg. Taking these facts into account, the Commission finds that the value of claimant's equity in the property at Neue Jacobstrasse on June 24, 1952 totalled \$13,000.00. Claimant, CHARLOTTE DUNWIDDIE, is therefore entitled to an award in this amount under section 602 of the Act.

The Commission has concluded that in granting awards on claims under section 602 of Title VI of the Act, for the nationalization or other taking of property or interests therein, interest shall be allowed at the rate of 6% per annum from the date of loss to the date of settlement. (Claim of GEORGE L. ROSENBLATT, Claim No. G-0030, Decision No. G-0100 (1978)).

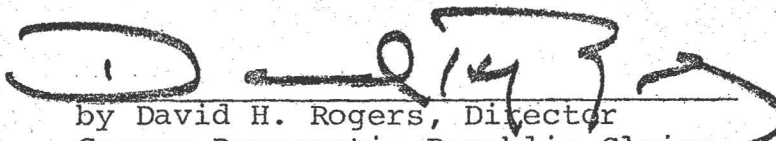
A W A R D

Claimant, CHARLOTTE DUNWIDDIE, is therefore entitled to an award in the amount of Thirteen Thousand Dollars (\$13,000.00), plus interest at the rate of 6% simple interest per annum from June 24, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

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

FEB 20 1980

For Presentation to the Commission


by David H. Rogers, Director
German Democratic Republic Claims
Division

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, a Final Decision based upon the Proposed Decision will be issued upon approval by the Commission any time after the expiration of the 30 day period following such service or receipt of notice. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)