

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

IN THE MATTER OF THE CLAIM OF

FREDA STARGARTER
DORIS LEVINE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0891
G-0892

Decision No. G-1725

PROPOSED DECISION

These claims in unstated amounts 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), are based upon the loss of business property, apartments, and land located in Gotha, Thuringia.

The record indicates that claimant, FREDA STARGARTER, was naturalized a United States citizen on April 5, 1944, and that claimant, DORIS LEVINE, was born a United States citizen on March 4, 1940.

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 record establishes that the claimants' predecessor in interest, Moritz Gruenstein, was the owner of improved real property located at Fritzens Gasse 5, in Gotha, before World War II. Moritz Gruenstein, who became a United States citizen on January 12, 1944, died on October 28, 1963. His testamentary successor in interest was his wife, Minna Gruenstein, who became a United States citizen on January 26, 1944 and died on November 8, 1970. Eric Gruenstein and claimant, FREDA STARGARTER, son and

daughter respectively, are the testamentary successors in interest to Minna Gruenstein. Eric Gruenstein, who became a United States citizen on May 19, 1943, transferred by gift any interest he had related to the subject property to his daughter, DORIS LEVINE, claimant herein, on April 19, 1976.

The record in these claims indicates that legal title to the subject property was originally lost during the Nazi regime as a result of racial and religious persecution. A land record extract, dated October 19, 1937, shows that Karl Heinrich Schneider purchased the property for a price of 9,500 reichsmarks on September 9, 1937. Pursuant to the Thuringian Restitution Law of September 14, 1945, Moritz Gruenstein reacquired legal title to the property after World War II. In a settlement agreement dated November 11, 1948, Karl Heinrich Schneider agreed to return the property to Moritz Gruenstein in exchange for a 9,500 mark mortgage against the property, representing the consideration he paid therefor in 1937.

The record indicates that Eric Gruenstein wrote to authorities in the German Democratic Republic in September 1974 requesting information as to the status of the property at Fritzens Gasse 5, in Gotha. By letter dated January 23, 1975, from the Division of State Administered Property of the Office for the Legal Protection of Property of the German Democratic Republic, Eric Gruenstein was advised that the matter raised by him would be the subject of future negotiations between the German Democratic Republic and the United States. Based upon the entire record, the Commission finds that the subject property came under the purview of the "Decree on the Administration and Protection of Foreign Property in the German Democratic Republic" dated September 6, 1951. The Commission has held that implementation of the provisions of that decree constitutes a taking as defined by section 602 of the Act, which, absent more specific evidence, will be considered to have occurred on August 11, 1952, the date of the first implementing regulation. (Claim of GEORGE L. ROSENBLATT, Claim No. G-0030, Decision No. G-0100 (1978)).

In determining the value of the Fritzens Gasse property, the Commission has considered such evidence as its tax assessment value and the 1937 sales price. The Commission has also reviewed the 1937 land record extract which describes the property as including a dwelling house, adjoining building and yard on a 350 square meter lot. The Commission notes that a 9,500 mark mortgage was registered against the property in favor of Karl Heinrich Schneider. On the basis of all the evidence, the Commission determines that the property had an equitable value of \$4,500.00 on the date of taking in 1952.

Section 606 of the Act provides:

"With respect to any claim under section 602 of this title which, at the time of the award, is vested in persons other than the person by whom the original loss was sustained, the Commission shall issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in any payments that may be made under this title in all respects as if the award had been in favor of a single person."

FREDA STARGARTER and DORIS LEVINE, therefore, are entitled to equal shares in a consolidated award of \$4,500.00.

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)).

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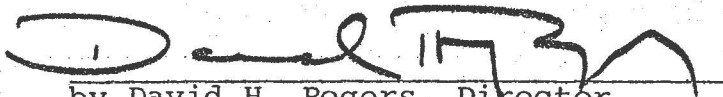
A consolidated award is made in the amount of \$4,500.00 plus interest at the rate of 6% simple interest per annum from August 11, 1952 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic, as follows:

FREDA STARGARTER	1/2	\$2,250.00
DORIS LEVINE	1/2	\$2,250.00

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

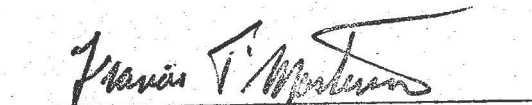
JAN 9 1980

For Presentation to the Commission



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

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on SEP 10 1980



Executive Director

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.)

At any time after Final Decision has been issued on a claim, or a Proposed Decision has become the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with this program, a petition to reopen on the ground of newly discovered evidence may be filed. (FCSC Reg., 45 C.F.R. 531.5 (1), as amended.)

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