

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

IN THE MATTER OF THE CLAIM OF

JOHANNA KATHARINA POPPE
BERTHA M. OERDING

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0971
G-0991

Decision No. G-1434

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 a plot of land in Magdeburg, German Democratic Republic.

Claimants, JOHANNA KATHARINA POPPE and BERTHA M. OERDING, acquired United States citizenship at birth on September 28, 1918 and July 27, 1915, respectively.

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 these claims establishes that claimants' mother was the owner of the land at Hohestrasse 24, Magdeburg until her death in 1951. Claimants and their stepfather then inherited the property. In 1954, when their stepfather died, claimants became the sole owners of the land.

The evidence submitted by claimants also establishes that the land in Magdeburg was taken by the German Democratic Republic on February 27, 1957, pursuant to the Reconstruction Law of September 6, 1950. On the basis of all the evidence of record, the Commission finds that the plot of land had a value of \$5,000.00 on the date it was taken by the German Democratic Republic.

After the Government of the German Democratic Republic took the land at Hohestrasse 24, it notified claimants' representative that it would pay the sum of DM 3914 plus interest into a bank account in the German Democratic Republic. The Commission determines that this sum, equal to \$932.00, constitutes partial compensation for the taking of the land. This compensation, paid in ostmarks, was deposited into a blocked bank account in the German Democratic Republic.

The Commission has held that it is a well established principle of international law that such blocking of a bank account is an exercise of sovereign authority which does not give rise to a compensable claim (Claim of MARTIN BENDRICK, Claim No. G-3285, Decision No. G-0220). However, since the Commission has found that the plot of land had a value of \$5,000.00 on the date of loss, claimants, JOHANNA KATHARINA POPPE and BERTHA M. OERDING, are entitled to an award for the remainder of the value of the property not paid by the German Democratic Republic, or \$4,068.00. Claimants are therefore entitled to an award of \$2,034.00 each for their respective one-half interests in the property.

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)).


G-0971
G-0991

A W A R D S

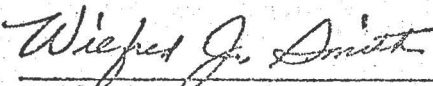
Claimant, JOHANNA KATHARINA POPPE, is therefore entitled to an award in the amount of \$2,034.00 (Two Thousand Thirty-Four Dollars), plus interest at the rate of 6% simple interest per annum from February 27, 1957 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

Claimant, BERTHA M. OERDING, is therefore entitled to an award in the amount of \$2,034.00 (Two Thousand Thirty-Four Dollars), plus interest at the rate of 6% simple interest per annum from February 27, 1957 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.


Richard W. Yarborough, Chairman

OCT 17 1979


Wilfred J. Smith, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on NOV 21 1979


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, 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).

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).