

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

IN THE MATTER OF THE CLAIM OF

KARIN STUEBBEN THORNTON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-2056

Decision No. G-0802

PROPOSED DECISION

This claim in the amount of \$10,881.00 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 an unimproved plot of land in Berlin.

Claimant became a United States citizen on December 14, 1955.

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. . ."

Claimant has submitted an extract from the Grundbuch verifying that her mother was registered as sole owner of the property located at Memelerstrasse 11. The Commission notes that the name of the street was subsequently changed to Marchlewskystrasse. Claimant has submitted an Erbschein verifying that claimant's mother died on February 16, 1952, and that claimant was her sole heir.

By letter dated June 14, 1957, from the chief architect of the City of Greater Berlin claimant's agent was informed that the property was needed for the construction of housing and would be claimed according to the reconstruction order of December 18, 1950, and the order to carry out the reconstruction order dated August 16, 1951. This communication further stated that as of July 20, 1957, the expropriation of claimant's property would take effect. No compensation has been paid to or on behalf of claimant.

Based upon the evidence, the Commission finds that on July 20, 1957, claimant was the owner of an unimproved lot of approximately 906 square meters located in Berlin and that on said date said property was expropriated without payment of compensation to claimant. Therefore, the Commission concludes that claimant is entitled to an award pursuant to Public Law 94-542.

The claimant has submitted evidence that in 1935 the property which then had an apartment house situated upon the land was purchased for 86,500 marks. The property was located in what appears to the Commission to be a valuable residential area in Berlin. The Commission believes that the value of the land in 1935 as estimated from the total purchase price at that time would have approximated 18,900 reichsmarks and that its value would have doubled between 1935 and 1957, the date of its expropriation, so that the land would have had a fair value of 37,800 marks on that date. The Commission has previously determined that in converting ostmarks to dollars the ratio of 4.2 marks to the dollar should be used. Therefore, the Commission determines the value of the claimant's lot on the date of expropriation was \$9,000.00. This determination is consistent with evidence received and reviewed by the Commission in other claims relating to unimproved land in the immediate vicinity of claimant's property. The Commission notes that the chief architect of Berlin in his letter of June 14, 1957, indicates that a value had been set at 22,320 DM, however, no supporting documentation or calculation was provided concerning

the basis upon which this figure had been computed and the Commission determines in the face of other evidence that such valuation does not constitute a reasonable and fair value for the property in question.

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, KARIN STUEBBEN THORNTON, is therefore entitled to an award in the amount of \$9,000.00 (Nine Thousand Dollars), plus interest at the rate of 6% simple interest per annum from July 20, 1957, until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

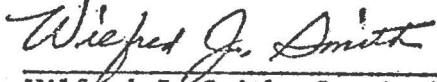
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

JUN 6 1979


Richard W. Yarborough, Chairman

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

JUL 18 1979


Wilfred J. Smith, Commissioner


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.)