

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

IN THE MATTER OF THE CLAIM OF

BOARD OF TRUSTEES OF FOREIGN
PARISHES OF THE PROTESTANT
EPISCOPAL CHURCH IN THE UNITED
STATES OF AMERICA

Claim No. G-2876

Decision No. G-2315

Under the International Claims Settlement
Act of 1949, as amended

Counsel for Claimant:

Arthur V. Savage, Esquire
Turk, Marsh, Kelly &
Hoare

PROPOSED DECISION

This claim in an unstated dollar amount 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 real property in Dresden at Reichplatz 5.

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. . ."

Section 603 of Title VI of the Act limits the Commission's jurisdiction as follows:

"A claim shall not be favorably considered under section 602 of this title unless the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss, and if favorably considered, the claim shall be considered only if it has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission."

Based on information submitted by claimant, and the report of an independent investigation conducted by the Commission's field office, the Commission finds that the BOARD OF TRUSTEES OF FOREIGN PARISHES OF THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA (Board of Foreign Parishes) owned at the end of World War II real property in Dresden at Reichplatz 5.

The Commission finds that claimant is a New York corporation organized under the laws of New York and that claimant is and has been at all times relevant herein a United States national as that term is defined in Public Law 94-542.

The Commission has examined all the evidence, including information submitted by claimant, the report of the Commission's field office, and the Commission's knowledge of laws and decrees in the German Democratic Republic, and finds that the real property at Reichplatz 5 would have been placed under administration by the German Democratic Republic pursuant to the Decree on the Administration and Protection of Foreign Owned Property 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.

The Commission has considered all the evidence, including descriptions and photographs of the property as well as general information concerning the rise in land values in Eastern Europe after World War II, and concludes that the real property in Dresden at Reichplatz 5 had a value on the date of taking of \$8,000.00. Therefore, claimant is entitled to an award in the amount of \$8,000.00.

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)).

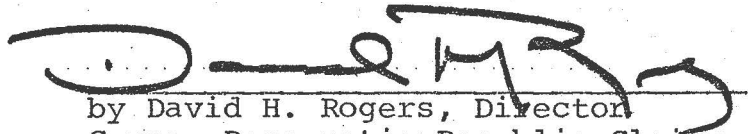
A W A R D

Claimant, BOARD OF TRUSTEES OF FOREIGN PARISHES OF THE
PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA,
is therefore entitled to an award in the amount of Eight Thousand
Dollars (\$8,000.00), 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.

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

JUN 11 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.)