

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

IN THE MATTER OF THE CLAIM OF

ROSINE BALDAUF

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-3085

Decision No. G-3033

PROPOSED DECISION

This claim in an unstated 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 three pieces of improved real property in Annaberg, German Democratic Republic.

The record indicates that claimant became a United States citizen on February 3, 1936.

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 claimant's husband, Fritz Baldauf, a United States citizen from February 3, 1936, had held a 3/17 interest in houses and land at Scheibnerstrasse 1 and 2 in Annaberg, Germany. The evidence of record also indicates that a building and land at Scheibnerstrasse 3 had been owned by the firm of Reifenberg & Company, which was forced to sell the property under duress during the Nazi regime.

The Commission has held in the Claim of MARTHA TACHAU, Claim No. G-0177, Decision No. G-1071 that the loss of property due to the persecutory measures of the Nazi regime will not be considered by the Commission to have cut off all rights of the original owners or their heirs. The Commission further held that, in spite of the loss of legal title to the property, the persecuted owners retained a beneficial interest in the property.

By Commission letter dated August 28, 1980, claimant was requested to submit any documentation she had pertaining to her family's purchase of the property at Scheibnerstrasse 3 in Annaberg in order to attempt to establish a valid ownership of the property. No response to this letter was ever received. Accordingly, the Commission finds that the evidence indicates that claimant's predecessor did not acquire an ownership interest in the property at Scheibnerstrasse 3 which gave rise to a compensable loss under the Act.

The evidence of record indicates that the properties at Scheibnerstrasse 1 and 2 in Annaberg were taken by the Soviet forces pursuant to a decree issued on October 30, 1945. As such takings by the Soviet forces were later ratified by the government of the German Democratic Republic, the Commission has found that these takings constituted a nationalization, expropriation or other taking of property which, as the responsibility of the German Democratic Republic, is a compensable loss under the Act.

Based upon all the evidence of record, including a report from the Commission's West German field office, the 1928 market values of the two properties at Scheibnerstrasse 1 and 2 and the general increase in land values in Europe, the Commission finds that the property at Scheibnerstrasse 1 had a value of \$21,250.00 on October 30, 1945 and that the 3/17 interest inherited in 1970 by ROSINE BALDAUF had a value of \$3,750.00. The Commission further finds that the property at Scheibnerstrasse 2 had a value of

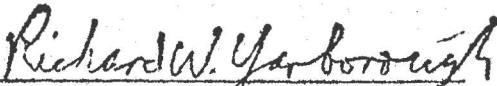
\$11,900.00 on the date of taking, and that ROSINE BALDAUF is entitled to an award for the loss of that property of \$2,100.00. Claimant ROSINE BALDAUF is therefore entitled to an award in the total amount of \$5,850.00 under section 602 of the Act.

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)).

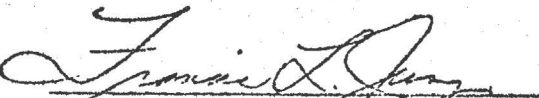
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Claimant, ROSINE BALDAUF, is therefore entitled to an award in the amount of Five Thousand Eight Hundred Fifty Dollars (\$5,850.00), plus interest at the rate of 6% simple interest per annum from October 30, 1945 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

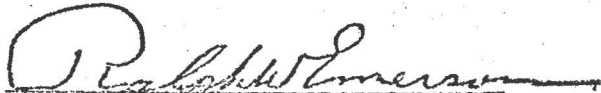
Dated at Washington, D.C. and entered as the Proposed Decision of the Commission.

  
Richard W. Yarborough, Chairman

FEB 4 1981

  
Francis L. Jung, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision on MAR 11 1981

  
Ralph W. Emerson, 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.)