

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

IN THE MATTER OF THE CLAIM OF

JULIANNA L. PAKAY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. RUM-2-013

Decision No. RUM-2- **307**

Counsel for claimant:

Thompson, Hine and Flory
By John Andrew Kundtz, Esq.

PROPOSED DECISION

This claim, for \$10,000.00, under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, against the Government of Rumania, is based upon the asserted ownership and loss of approximately 20 acres of arable land in Foeni, Ciumesti, Carei and Berea, all in Rumania. The claimant, JULIANNA L. PAKAY, has been a national of the United States since her naturalization on June 19, 1953.

Under Section 303, Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955), 22 U.S.C. §§1641-1641q (1964)), as further amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), the Commission is given jurisdiction over certain claims of nationals of the United States included within the terms of the Rumanian Claims Agreement of 1960, which provides, among other things, for

(b) Claims for the nationalization, compulsory liquidation, or other taking, prior to the date of this Agreement of property, rights and interests of nationals of the United States of America in Rumania; (Article I(1)(b) of Agreement Between the United States of America and the Rumanian People's Republic Relating to Financial Questions Between the Two Countries, March 30, 1960, 11 UST 317; TIAS 4451 (1960)).

Secondary evidence obtained from Rumania shows, and the Commission finds that the claimant, JULIANNA L. PAKAY, owned real property in Rumania on or about October 30, 1959, the date when such property was taken by the Government of Rumania, as follows:

(1) one-half interest in 411 square fathoms of land recorded in liber No. 259 of Foeni;

(2) entire fee in 5 joch 400 square fathoms of land recorded in liber No. 1103 of Foeni;

(3) entire fee in 1 joch 1,400 square fathoms of land recorded in liber No. 1112 of Foeni;

(4) entire fee in 1,539 square fathoms of land, recorded in liber No. 1115 of Foeni;

(5) one-half interest in 323 square fathoms of land, recorded in liber No. 1187 of Foeni;

(6) entire fee in 1 joch 139 square fathoms of land, recorded in liber No. 1188 of Foeni;

(7) entire fee in 1 joch 220 square fathoms of land, recorded in liber No. 1378 of Ciumesti;

(8) one-half interest in 1 joch 649 square fathoms of land, recorded in liber No. 2253 of Carei;

(9) one-third interest in 2 joch 72 square fathoms of land, recorded in liber No. 449 of Berea; and

(10) entire fee in 255 square fathoms of land, recorded in liber No. 499 of Berea.

The Commission further finds that the claimant's interest in the above mentioned property, if converted into actual area, amounted to 12 joch 135 square fathoms of land or a little more than 17 U.S. acres.

It is stated by the claimant the value of her property was \$10,000.00 on or about October 30, 1959, the date of loss, but failed to submit evidence in support of such statement.

The Commission has conducted an independent investigation into methods of evaluating agricultural property in Rumania. The Commission has considered the average values published in 1956 by the Präsident des Bundesausgleichsamtes, Bad Homburg (Verzeichnis der Gemeinde-Hektärsätze mit alphabetischem Kreisverzeichnis der Vertreibungsgebiete, 1956 (Supp.)). These values were used in administering the German Equalization of Burdens Laws. The Commission has made an upward adjustment in such values according to a formula evolved by the Kommission für Nationalisierungsschädigungen, the Swiss national claims commission, for use in determining claims of Swiss nationals.

On the basis of all evidence on value, including evidence of values of comparable property in Rumania, the Commission finds that on October 30, 1959, the date of loss, the value of the total of 12 joch 135 square fathoms of arable land, now in question amounted to a total of \$4,900.00; and concludes that the claimant is entitled, under the terms of Section 303(4) of the Act, to compensation in such amount.


The Commission has held that in granting awards on claims under Section 303(4) of the Act for the nationalization or other taking of property interest shall be allowed at the rate of 6% per annum from the date of loss to March 30, 1960; the effective date of the Rumanian Claims Agreement. (See Claim of John Hedio Proach, Claim No. PO-3197; FCSC Dec. & Ann. 549 (1968).


A W A R D

An award is made to JULIANNA L. PAKAY in the principal amount of Four Thousand Nine Hundred Dollars (\$4,900.00), with interest thereon at the rate of 6% per annum from October 30, 1959, the date when the claim arose, to March 30, 1960, the date when the Rumanian Claims Agreement entered into force, in the sum of One Hundred Twenty-Two Dollars and Fifty Cents (\$122.50).

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


JUL 6 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision
of the commission which was entered as the final
decision on 9 AUG 1971.


Clerk of the Commission

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.)