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CONFIDENTIAL

JUN 18 1943

MEMORANDUM TO: The Executive Committee of the Office of Alien Property Custodian

FROM: The Division of Investigation and Research

SUBJECT: Real properties situated in Chicago, Illinois, property insurance policies, and a claim held in trust for Lucie Klein and Bella Schmal.

Attached hereto is a report upon the basis of which the Committee may wish to recommend that:

A. The Alien Property Custodian find:

- (1) That Lucie Klein and Bella Schmal are residents of Germany whose respective last known addresses are Rutebuehlstrasse 98, Stuttgart, Germany, and Lubnizstrasse 72, Stuttgart, Germany, and are nationals of a designated enemy country (Germany);
- (2) That Lucie Klein and Bella Schmal own interests in certain property hereinafter described in Section C;
- (3) That the properties hereinafter described in subsections C(1), (2) and (3) are the subject of a revocable Trust Agreement dated June 29, 1931 identified as Trust No. 27871, executed by Lucie Klein and Bella Schmal as the settlors and beneficiaries therein, and the Chicago Title and Trust Company as trustee;

B. The Alien Property Custodian determine, pursuant to Section 2(c) of Executive Order No. 9095, as amended:

That the insurance policies and claim described in subsections C(2) and C(3) below are necessary for the maintenance and safeguarding of the real properties described in subsection C(1) in which interests owned by Lucie Klein and Bella Schmal are subject to vesting;

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Committee of the Office of Alien

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C. The Alien Property Custodian vest, pursuant to the provisions of Section 2(c) of Executive Order No. 9095, as amended:

- (1) All right, title, interest, and estate, both legal and equitable, of Lucie Klein and Bella Schmal and of every other national of a designated enemy country in and to the real properties situated in Chicago, Cook County, Illinois, more particularly described in Exhibits A, B, and C attached hereto and by reference made a part hereof, together with all the fixtures, improvements, and appurtenances thereto, and any and all claims of Lucie Klein and Bella Schmal and of every other national of a designated enemy country for rents, refunds, benefits or other payments arising from the ownership of such properties;
- (2) All right, title and interest of Lucie Klein and Bella Schmal and of every other national of a designated enemy country in and to certain policies of insurance more particularly described in Exhibit D attached hereto and by reference made a part hereof;
- (3) All right, title, interest and claim of Lucie Klein and Bella Schmal and of every other national of a designated enemy country in and to the sum of \$2,500.00 owing to Lucie Klein and Bella Schmal, and constituting a portion of the cash held for their credit by the Chicago Title and Trust Company, as Trustee under the Trust Agreement dated June 29, 1931 identified as Trust No. 27871, including but not limited to all security rights in and to any and all collateral for the above described obligation, and the right to sue for and collect the same.

D. Special Comment

It is necessary to secure working capital to provide against seasonal expenditures (such as the payment of the 1942 taxes which amount to \$986.10) falling due in advance of the realization of any appreciable operation funds; or against abnormal expenses and other unforeseeable contingencies. Furthermore, in 1942, a deficit resulted from the operation of the properties. The Examiner therefore recommends that the sum of \$2,500.00, a portion of the cash held by the trustee for the use, benefit and credit of the nationals be vested, for the purpose of maintaining and safeguarding the real properties,

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which have a total estimated market value of \$39,000.00 (there are no claims or encumbrances except an unreleased trust deed to secure the payment of \$3,750.00, which appears to have been paid).

The following assets of the above trust were held by the trustee on May 3, 1943, in addition to those previously described: Stocks valued at \$154.00; other investments, \$10.00; miscellaneous items (worthless securities), \$3.00. The balance of cash in the sum of \$22,694.37 (as of May 4, 1943) held by the trustee for the use and benefit of the nationals, and the stocks and sundry assets in the trust having a total value of \$167.00 are within the exceptions of Section 2(c) of Executive Order No. 9095, as amended, and do not appear to be necessary for the maintenance and safeguarding of the properties subject to vesting. Therefore, no recommendation for vesting the above sum of money, stocks and sundry assets has been included in this report.

Since it has not been recommended that the entire sum of money held by the trustee be vested, no basis exists for recommending that all the right, title, interest and estate, both legal and equitable, of the nationals arising under Trust Agreement No. 27871 be vested. This action would be inconsistent with the policy of vesting the interests of the nationals in the real properties and only such assets as are necessary to maintain and safeguard them.

Homer Jones

Homer Jones, Chief
Division of Investigation and Research

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Investigation and Research
Illinois,

Re: Real property situated in Chicago, Illinois held in trust for Lucie Klein and Bella Schmal.

EXHIBIT A

All that certain lot, piece or parcel of land, situate, lying and being in the City of Chicago, County of Cook, State of Illinois, and particularly bounded and described as follows:

Lots Twenty-five (25), Twenty-six (26), Twenty-seven (27) and Twenty-eight (28) in Block Four (4) in EDWARD'S SUBDIVISION of the Southeast quarter (SE-1/4) of the Southeast quarter (SE-1/4) of the Southeast quarter (SE-1/4) of Section Twenty-one (21), Township Forty (40) North, Range Thirteen (13), East of the Third Principal Meridian.

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Custodian

Re: Real property situated in Chicago,
Illinois held in trust for Lucie
Klein and Bella Schmal.

EXHIBIT B

All that certain lot, piece or parcel of land, situate,
lying and being in the City of Chicago, County of Cook, State
of Illinois, and particularly bounded and described as follows:

Lot Fourteen (14), in Block three (3), in
Britiganwood, a subdivision of the South Half
(S. 1/2) of the North West Quarter (N.W. 1/4)
of the South East Quarter (S.E. 1/4) (except
the West Thirty-three (33) feet thereof) and of
that part of the South Half (S. 1/2) of the
North East Quarter (N.E. 1/4) of the South East
Quarter (S.E. 1/4) lying West of the West line
of the right of way of the North Shore Channel
of the Sanitary District of Chicago, in Section
Two (2), Township forty (40) North, Range thir-
teen (13), East of the Third Principal Meridian.

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Re: Real property situated in Chicago,
Illinois held in trust for Lucie
Klein and Bella Schmal.

EXHIBIT C

All that certain lot, piece or parcel of land, situate,
lying and being in the City of Chicago, County of Cook, State
of Illinois, and particularly bounded and described as follows:

Lots Sixty-two (62) and Sixty-three (63) in
Griffin's Subdivision of Lot Four (4) in the
Commissioner's Partition of the South twenty-
five (25) acres of the North Half (N. 1/2)
and the North fifteen (N. 15) acres of the
South Half (S. 1/2) of the West Half (W. 1/2)
of the Northeast quarter (N.E. 1/4) of Section
One (1), Township Thirty-eight (38) North,
Range Thirteen (13), East of the Third Principal
Meridian.

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Re: Real property situated in Chicago,
Illinois, held in trust for Lucie
Klein and Belle Schmal (Insurance policies)

EXHIBIT D

I. Policies insuring the building located at 3967-9 Archer Avenue, Chicago,
Illinois.

<u>Policy No.</u>	<u>Company</u>	<u>Amount</u>	<u>Kind</u>	<u>Premium</u>	<u>Term</u>
5627	Continental Insurance Company	\$13,100	Fire and Extended Coverage	\$319.64	7/10/42 - 45
57-21-829	War Damage Corporation	12,400	War Damage	17.36	7/1/42 - 43
3587136	Continental Casualty Company		Plate Glass	48.53	3/1/43 - 44
9427	London Guarantee & Accident Company, Ltd.	10/20M	Public Liability	15.12	3/1/43 - 44
23040	London Guarantee & Accident Company, Ltd.	20,000	Steam Boiler	53.65	3/1/43 - 44

II. Policies insuring the building located at 5816 North Bernard Street,
Chicago, Illinois.

<u>Policy No.</u>	<u>Company</u>	<u>Amount</u>	<u>Kind</u>	<u>Premium</u>	<u>Term</u>
57-21-830	War Damage Corporation	\$ 7,850	War Damage	\$ 7.85	7/1/42 - 43
57233	Continental Insurance Company	8,400	Fire and Extended Coverage	43.68	4/17/43 - 46

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C O N F I D E N T I A L

May 31, 1943

OFFICE OF ALIEN PROPERTY CUSTODIAN
DIVISION OF INVESTIGATION AND RESEARCH
REAL AND PERSONAL PROPERTY SECTION
INVESTIGATION REPORT

SUBJECT: Real properties situated in Chicago, Illinois, property insurance policies, and a claim held in trust for Lucie Klein and Bella Schmal.

FILE NOS: F-9-100-28-13764
F-9-100-28-14151

I. PROPERTY

(1) First parcel of land

(a) Description:

The real estate described in Exhibit A, attached hereto and by reference made a part hereof, consists of unimproved property, and is located at 4848-56 Belmont Avenue, Chicago, Illinois. 1/

(b) Ownership:

Richard Israel died intestate February 17, 1930, leaving him surviving Lucie Klein and Bella Schmal, his sisters, as his sole heirs at law and next of kin. The Chicago Title and Trust Company was appointed administrator of his estate. 2/

This property was conveyed (pursuant to a decree in a foreclosure proceeding) by a Master in Chancery of the Circuit Court of Cook County, Illinois to the

1/ Property inspection, memorandum to file dated May 26, 1943 by Ira S. Kolb, Examiner, p. 10. A.P.C. File No. F-9-100-28-13764.
2/ Estate of Richard Israel, deceased, Probate Court of Cook County, Illinois, Case No. 153119, Docket 291, page 493. Memorandum pp. 4-5.
1/ supra.

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(c) Value:

For 1942 tax purposes, the land has been assessed at \$2,554.00 which represents 37% of its actual value. 6/

The real estate consists of unimproved property situated on the Northeast corner of Belmont and Lamont Avenues, and is commonly designated as 4848-56 Belmont Avenue, Chicago, Illinois. There is a street car line on Belmont Avenue. The property is located in a fair residential district in the Northwest section of Chicago. 7/ There is no income from the property. The 1941 real estate taxes amounted to \$252.64. 8/

Although the property in 1931 was sold at the master's judicial sale in the foreclosure proceeding for \$12,258.57 9/, it is estimated that the present market value is \$7,500.00. 10/ There is, however, an unreleased trust deed of record in the sum of \$3,750.00 11/, which does not appear to be an outstanding encumbrance. This trust deed is more fully discussed in the "Analysis" of this report.

(d) Outstanding claims and encumbrances:

None, except the above unreleased trust deed executed by Melanie Roessler on June 24, 1921 to Peter Cotsirilos, Trustee to secure the payment of \$3,750.00 due within seven years after date, and recorded July 27, 1921 in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 7216816 in Book 16423 of Records, page 373. (see "Analysis") 12/

- 6/ Tax search for this parcel. Copy of letter dated May 5, 1943 from Assessor of Cook County, Illinois. A.P.C. File No. F-9-100-28-13764.
- 7/ Property inspection, memorandum p. 10. 1/ supra.
- 8/ Letter from Chicago Title and Trust Company dated May 5, 1943. Tax Search 6/ supra. A.P.C. File No. F-9-100-28-13764.
- 9/ Title search, memorandum p. 6. 1/ supra.
- 10/ Property inspection, memorandum p. 10. 1/ supra.
- 11/ Title search, memorandum pp. 2-3, 6-7. 1/ supra.
- 12/ Title search, memorandum pp. 2-3, 6-7. Judgment search, memorandum p. 10. 1/ supra. Tax search 6/ supra.

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This does not take into account the unpaid 1942 taxes which amount to \$266.16, and are payable in two instalments, due July 1, and September 1, 1943 respectively. 13/ As of May 4, 1943, no charges were due the trustee. 14/

(e) Management:

Under the trust agreement, the trustee manages the property. 15/ For its services, with reference to this parcel, the trustee makes an annual charge of 1/2% of the assessed valuation. 16/ It appears that no Treasury license has been issued in connection with the operation of this property. 17/

(2) Second parcel of land

(a) Description:

The property described in Exhibit B, attached hereto and by reference made a part hereof, is located at 5816 N. Bernard Street, Chicago, Illinois, and is improved with a two story brick building containing two apartments. 18/

(b) Ownership:

The property was conveyed (pursuant to a decree in a foreclosure proceeding) by Otto C. Rentner, a Master in Chancery of the Circuit Court of Cook County, Illinois, to the Chicago Title and Trust Company as Trustee under Trust Agreement dated June 29, 1931, by a Master's deed executed August 16, 1932, and recorded August 23, 1932 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 11131544 in Book 30291 of Records, page 617. 19/

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- 13/ Tax Search 6/ supra.
14/ Memorandum p. 2. 1/ supra.
15/ Copy of trust agreement 5/ supra.
16/ Memorandum p. 2. 1/ supra.
17/ Memorandum p. 9. 1/ supra.
18/ Property inspection, memorandum p. 10. 1/ supra.
19/ Certified copy of deed, A.P.C. File No. F-9-100-28-13764. Title Search, memorandum pp. 3, 8. 1/ supra. Search 4/ supra. Not an opinion of title. 4/ supra.

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The facts relating to the Estate of Richard Israel, Deceased, and the trust provisions with reference to this property are the same as those previously described with respect to the first parcel. 20/

(c) Value:

For 1942 tax purposes, the land and improvements have been assessed at \$2,422.00 which allegedly represents 37% of their actual value. This valuation appears to be inadequate. Fire insurance on the building amounts to \$8,400.00. 21/

The structure is located at 5816 N. Bernard Street, Chicago, Illinois, and consists of a two story brick building containing two six room apartments. The building is faced with light colored brick, appears to be 15 years old and in very good condition. The property is situated in an excellent residential district in the Northwest section in Chicago. 22/

The gross annual income for 1942 was \$1,505.00. Operating expenses (including the payment of 1941 taxes in the sum of \$239.54) for the same period amounted to \$1,541.41 resulting in a deficit of \$36.41. However, the above expenses included the sum of \$406.26 expended in the purchase of a new stove, 2 new refrigerators, caulking the premises, and a payment on account of exterior painting. 23/

Although the property in 1931 was sold at a master's judicial sale in the foreclosure proceeding for \$12,500.00, 24/ it is estimated that the present market value of the property (there are no claims or encumbrances) is \$14,000.00. 25/

- 20/ Footnotes 2/ and 5/ supra.
21/ Tax search for this parcel. A.P.C. File No. F-9-100-28-13764. Letter 6/ supra. Insurance statement from Chicago Title and Trust Company. A.P.C. File No. F-9-100-28-13764.
22/ Property inspection, memorandum p. 10. List of Investments by Chicago Title and Trust Company dated May 3, 1945. A.P.C. File No. F-9-100-28-13764.
23/ Letter 8/ supra. Tax search 21/ supra.
24/ Title search, memorandum p. 8. 1/ supra. Certified copy of deed. 19/ supra.
25/ Property inspection, memorandum p. 10. 1/ supra.

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(d) Outstanding claims and encumbrances:

None. This does not take into account the unpaid 1942 taxes which amount to \$252.38 and are payable in two instalments, due July 1 and September 1, 1943 respectively. 26/ As of May 4, 1943 no charges were due the trustee. 27/

(e) Management:

The management is the same as that described for the first parcel. The trustee has, however, retained the services of a real estate agent in the operation of this building. The agent receives 4% and the trustee 3% of the gross rentals.

In addition the trustee makes an annual charge of 1/2% of the assessed valuation of the property. 28/ It appears that no Treasury license has been issued in connection with the operation of the property. 29/

(3) Third parcel of land

(a) Description:

The property described in Exhibit C attached hereto and by reference made a part hereof, is located at 3967-69 Archer Avenue, Chicago, Illinois, and is improved with a single story brick structure containing a double store in the front for use as an automobile salesroom, and garage space in the rear. 30/

(b) Ownership:

The property was conveyed (pursuant to a decree in a foreclosure proceeding) by Samuel B. Epstein, a Master in Chancery of the Circuit Court of Cook County, Illinois, to the Chicago Title and Trust Company as trustee under Trust No. 27871, by a Master's deed executed August 24, 1935, and recorded August 29, 1935 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 11671987 in Book 32323 of Records, page 440. 31/

26/ Title search, memorandum pp. 3, 8. Judgment search, memorandum p. 10. 1/ supra. Tax search 21/ supra.

27/ Memorandum p. 2. 1/ supra.

28/ Memorandum p. 2. 1/ supra.

29/ Memorandum p. 9. 1/ supra.

30/ Property inspection, memorandum p. 10. 1/ supra.

31/ Certified copy of deed. A.P.C. File No. F-9-100-28-13764. Title search, memorandum pp. 3, 9. 1/ supra. Search 4/ supra. Not an opinion of title. 4/ supra.

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The facts relating to the Estate of Richard Israel, Deceased, and the trust provisions with reference to this property are the same as those previously described with respect to the first parcel. 32/

(c) Value:

For 1942 tax purposes, the land and improvements have been assessed at \$4,487.00 which represents 37% of their actual value. Fire insurance on the building amounts to \$13,100.00. 33/

The structure is located at 3967-69 Archer Ave., Chicago, Illinois and consists of a single story brick building containing a double store in the front for use as an automobile salesroom and garage space in the rear. The property appears to be in good condition and is approximately 15-20 years old. It has a frontage of approximately 50 feet on Archer Avenue and is about 120 feet in depth. This property is situated on a street car line in a fair business district in the Southwest section in Chicago. 34/

The gross annual income for 1942 was \$1,000.00. The operating expenses (including the payment of 1941 taxes in the sum of \$443.78) for the same period amounted to \$1,019.83, resulting in a deficit of \$19.83. 35/ The above rental appears inadequate for the size and type of premises involved. This may be due to the fact that the automotive sales and repair business has been adversely affected by present war conditions.

Although the property in 1934 was sold at a master's judicial sale for \$11,000.00 36/, it is estimated that the present market value (there are no claims or encumbrances) is \$17,500.00. 37/

32/ Footnotes 2/ and 5/ supra.

33/ Tax search for this parcel. A.P.C. File No. F-9-100-28-13764. Letter 6/ supra. Insurance statement. 21/ supra.

34/ Property inspection, memorandum p. 10. 1/ supra.

35/ Letter 8/ supra. Tax search 33/ supra.

36/ Title search, memorandum p. 9. 1/ supra. Certified copy of deed. 31/ supra.

37/ Property inspection, memorandum p. 10. 1/ supra.

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(d) Outstanding claims and encumbrances:

None. This does not take into account the unpaid 1942 taxes which amount to \$467.56, and are payable in two instalments, due July 1 and September 1, 1943, respectively. 38/ A trust deed executed November 28, 1923 by John Pierce, Jr. to Paul E. Price, trustee and recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 8244195 in Book 19016 of Records, page 568 has been released. A deed executed by Paul E. Price, trustee on August 14, 1924 and recorded September 5, 1924 in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 8576645 releases the above trust deed, although from the Recorder's tract book, it appears that the deed released Document No. 8241561, which is a warranty deed. 39/ As of May 4, 1943 no charges were due the trustee. 40/

(e) Management:

The management is the same as that described for the first parcel. The trustee receives 6% of the gross rental, in addition to its annual charge of 1/2% of the assessed valuation of the property. 41/ It appears that no Treasury license has been issued in connection with the operation of the property. 42/

(4) Insurance:

Various contracts of property insurance covering separately the two improved parcels of property, as described in Exhibit D attached hereto and by reference made a part hereof. 43/

(5) Claim:

On May 4, 1943, the Chicago Title and Trust Company, as Trustee, for the benefit and credit of Trust No. 27871 and the beneficiaries thereof, held cash in the total amount of \$25,194.37 in an account designated as "blocked", for

- 38/ Title search, memorandum pp. 3, 9. Judgment search, memorandum p. 10. 1/ supra. Tax search 33/ supra.
39/ Title search, memorandum p. 4. 1/ supra.
40/ Memorandum p. 2. 1/ supra.
41/ Memorandum p. 2. 1/ supra.
42/ Memorandum p. 9. 1/ supra.
43/ Insurance statement 21/ supra.

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the purpose of preventing distribution to the cestuis. The above amount consists of an income balance of \$2,292.70, and a principal balance of \$22,901.67, which has been accumulated from the sales of other properties, and the payment of mortgages formerly constituting a part of the trust corpus. 44/

II. JURISDICTION

Lucie Klein and Bella Schmal are residents of Germany, whose respective last known addresses are Rutebuehlstrasse, 98, Stuttgart, Germany, and Lubnizstrasse, 72, Stuttgart, Germany, 45/ and are "nationals" of a designated enemy country, (Germany) as defined in Section 10(a) of Executive Order No. 9095, as amended.

The interests owned by Lucie Klein and Bella Schmal in the real properties held in trust, as hereinbefore set forth, may be vested pursuant to Section 2(c) of Executive Order No. 9095, as amended, since such interests constitute property within the United States owned by "nationals" of a designated enemy country (Germany).

The sum of \$2,500.00, a portion of the cash held by the trustee for the benefit and credit of the nationals as hereinbefore set forth, and the above insurance policies may be vested pursuant to Section 2(c) of the Executive Order, since they are necessary for the maintenance and safeguarding of the foregoing parcels of real property, including upkeep, repairs, and the payment of taxes and insurance premiums.

III. ANALYSIS

It is to be noted that no real estate was included in the Estate of Richard Israel, Deceased. The titles to the above three parcels of land were acquired through proceedings instituted to foreclose certain mortgages which constituted a part of the assets of the estate. 46/

With reference to the first parcel of land, an unreleased trust deed appears of record. This trust deed was executed June 24, 1921 to secure the payment of \$3,750.00 due within 7 years after date. It was recorded on July 27, 1921 in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 7216816. It was

44/ Memorandum p. 2. 1/ supra.

45/ Treasury Forms TFR-300, Nos. 34945 and 34946, filed November 29, 1941 by the Chicago Title and Trust Co. (copies not executed) A.P.C. Files No. F-9-100-28-13764 and 14151. Memorandum pp. 2, 4, 11. 1/ supra.

46/ Title searches, memorandum pp. 2-9. 1/ supra.

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not included in the proceeding to foreclose the trust deed executed August 30, 1927, and recorded on September 6, 1927 in the above Recorder's Office as Document No. 9769648. It appears that when the later trust deed was executed, a mortgage guaranty policy was issued by the Chicago Title and Trust Company setting forth that Document No. 9769648 was not subject to any superior mortgage or lien. The Chicago Title and Trust Company obtained a bond in the sum of \$3,750.00 indemnifying it against any loss it might sustain in the issuance of the above guaranty policy by reason of any claims asserted under Document No. 7216816 or the notes secured thereby. After the above foreclosure proceeding was completed, the Chicago Title and Trust Company, on August 10, 1942, issued its Title Guaranty Policy No. 2667455 which set forth that the trustee was the owner of the fee simple title subject only to the payment of the 1942 taxes. 47/

No affidavit or other document which may have been filed in connection with the execution of the above bond could be located. A bond in such case is usually executed upon the basis of an affidavit setting forth that the notes evidencing the indebtedness have been paid but through inadvertence have been lost or destroyed and a release deed can not therefore be secured from the trustee. 48/

It should also be pointed out that the last note secured by Document No. 7216816 matured on or about June 24, 1928. 49/ It appears that a cause of action on the notes would be barred. 50/ The lien of the trust deed has not ceased. 51/ In the circumstances hereinbefore set forth, it is reasonable to conclude that the notes secured by Document No. 7216816 have been paid.

Treasury Form TFR-300 filed for Lucie Klein sets forth that in 1941 Ernst Weill asserted a claim in excess of \$3,000.00 against her. This claim has not been reduced to judgment. In any event, it is not a claim or encumbrance against the parcels involved, since title thereto is in the trustee. If the above claim is determined to be valid, either by court proceedings or consent of the parties, it appears that the trustee is holding for the use and benefit of Lucie Klein, sufficient cash to satisfy the claim. 52/

- 47/ Title search, memorandum pp. 2-3, 6-7. 1/ supra.
48/-49/ Memorandum p. 7. 1/ supra.
50/ Chap. 83, Sec. 16 Illinois Revised Stat. (1941) provides that actions on notes or other evidences of indebtedness in writing shall be commenced within ten years next after the cause of action accrued.
51/ Chap. 83, Sec. 11 b Illinois Revised Stat. (1941) provides that the lien of a trust deed, the due date of which is stated upon the face or ascertainable from the written terms thereof shall cease by limitation after the expiration of twenty years from the time the last payment on such trust deed became due upon its face and according to its written terms.
52/ Copy of Registered letter dated September 11, 1941 from Ernst Weill to the Chicago Title and Trust Company. Memorandum pp. 2, 10, 11. 1/ supra. Treasury Form TFR-300 No. 34945. 45/ supra.

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AL COMMENT

is necessary to secure working capital to provide against seasonal expenditures (such as the payment of the 1942 taxes which amount to \$986.10) falling due in advance of the realization of any appreciable operation funds; or against abnormal expenses and other unforeseeable contingencies. Furthermore, in 1942, a deficit resulted from the operation of the properties. The Examiner therefore recommends that the sum of \$2,500.00, a portion of the cash held by the trustee for the use, benefit and credit of the nationals be vested, for the purpose of maintaining and safeguarding the real properties, which have a total estimated market value of \$39,000.00 (there are no claims or encumbrances except an unreleased trust deed to secure the payment of \$3,750.00, which appears to have been paid).

The following assets of the above trust were held by the trustee on May 3, 1943, in addition to those previously described: Stocks valued at \$154.00; other investments, \$10.00; miscellaneous items (worthless securities), \$3.00. 53/ The balance of cash in the sum of \$22,694.37 (as of May 4, 1943) held by the trustee for the use and benefit of the nationals, and the stocks and sundry assets in the trust having a total value of \$167.00 are within the exceptions of Section 2(c) of Executive Order No. 9095, as amended, and do not appear to be necessary for the maintenance and safeguarding of the properties subject to vesting. Therefore, no recommendation for vesting the above sum of money, stocks and sundry assets has been included in this report.

Since it has not been recommended that the entire sum of money held by the trustee be vested, no basis exists for recommending that all the right, title, interest and estate, both legal and equitable, of the nationals arising under Trust Agreement No. 27871 be vested. This action would be inconsistent with the policy of vesting the interests of the nationals in the real properties and only such assets as are necessary to maintain and safeguard them. 54/

V. ORIGIN OF CASE

This case was secured from an analysis of United States Treasury Forms TFR-300 in the File Section.

Dated at Chicago, Illinois this 31st. day of May, 1943.

Ira S. Kolb
Ira S. Kolb, Examiner

Reviewed: W. Steffel
Approved: John Hampton

53/ List of Investments 22/ supra.
54/ Memorandum from A. Matt Werner, General Counsel, to the Executive Committee, dated January 26, 1943 and captioned "Trusts-Vestible Interests".

348471

REPRODUCED AT THE NATIONAL ARCHIVES

RG 131-OAP
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Box 368

V. 2. 2302

DEPARTMENT OF JUSTICE

By Scale 26, 441.81(4), an instrument, Belco of the Department of Justice (in P.A. 2435, June 4, 1949) OFFICE OF ALIEN PROPERTY Director, Office of Alien Property, Department of Justice, he executed the foregoing instrument as the free and voluntary act WASHINGTON, D.C. and General and for the uses and purposes therein set forth.

WITNESSE my hand and ASSIGNMENT 87th day of February, 1949.

Whereas, the Deputy Director, Office of Alien Property, acting for the Attorney General of the United States, by Return Order No. 257, directed that the vested property described below, now held by the Attorney General of the United States, as successor to the Alien Property Custodian, be returned to Bella Schmal, Zurich, Switzerland.

Now, therefore, pursuant to said Return Order and pursuant to section 38(a) of the Trading with the Enemy Act, as amended, (60 Stat. 50), there is hereby returned to Bella Schmal the following property:

All right, title, interest and claim of Bella Schmal in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee.

Executed at Washington, D. C. FEB 8 1949

For the Attorney General:

Harold I. Baynton
Harold I. Baynton
Deputy Director
Office of Alien Property

DISTRICT OF COLUMBIA: SS:

J. Josephine A. Sterling, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

DUPLICATE ORIGINAL

348472

REPRODUCED AT THE NATIONAL ARCHIVES

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DEPARTMENT OF JUSTICE

F. D. No. 2005

OFFICE OF ALIEN PROPERTY

by Title 28, 551.51(b), as amended, Rules of the Department of Justice (12 F.R. 5625, June 4, 1947), and as such Deputy Director, Office of Alien Property, Department of Justice, he executed the foregoing instrument as the free and voluntary act of the said Attorney General and for the uses and purposes therein set forth.

ORDER NO. 257

WITNESS my hand and seal this 8th day of February, 1949.

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is Ordered, that the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration hereof prior to return, and after adequate provision for the payment of expenses:

Joseph A. Sterling
Notary Public

Claimant and Notice of Intention to Return Published
Claim Number 6-30-52
By Commission Expires:
October 23, 1949
(12 F. R. 5625)

Property
All right, title, interest and claim of Julia Schmid as and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as trust No. 27071, arising by reason of a trust agreement executed June 29, 1931, by and between Julia Schmid and Julia Schmid, its executor, and the Chicago Title and Trust Company, as trustee.
\$24,470.00 in the Treasury of the United States.

REPRODUCED AT THE NATIONAL ARCHIVES

Appropriate documents and papers effectuating this order will be...

Executed at Washington, D. C., on FEB 4 1949

For the Attorney General:

DUPLICATE ORIGINAL
FEB 1949

Harold I. Hayton
Harold I. Hayton
Deputy Director
Office of Alien Property

I hereby certify that on the date hereof, Harold I. Hayton, Deputy Director, Office of Alien Property, Department of Justice, personally appeared before me the undersigned and executed the foregoing instrument as the free and voluntary act of the said Attorney General of the United States of America, and that the contents thereof, personally appeared before me and that I am a duly qualified Notary Public for the State of Illinois.

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DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON, D. C.

RETURN ORDER NO. 257

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is Ordered, that the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

<u>Claimant and Claim Number</u>	<u>Notice of Intention to Return Published</u>	<u>Property</u>
Bella Schmal Zurich, Switzerland Claim No. 6530	December 30, 1948 (15 P. R. 8829)	All right, title, interest and claim of Bella Schmal in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee. \$24,979.36 in the Treasury of the United States.

REPRODUCED AT THE NATIONAL ARCHIVES

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on FEB 8 1949

For the Attorney General:

Harold I. Baynton
Harold I. Baynton
Deputy Director
Office of Alien Property

DUPLICATE ORIGINAL

FILE COPY

J

I, *Josephine U. Sterling*, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

348474

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UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY

In the Matter of the Claim of
BELLA SCHMAL
Claim No. 6530

DETERMINATION

Statement of the Claim

This is a claim for the return of an interest in a trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, vested by the Alien Property Custodian under Vesting Order No. 2302, dated September 30, 1943, as property owned or controlled by, Bella Schmal, a national of a designated enemy country, Germany. On February 17, 1947 the claimant, Bella Schmal, filed a Notice of Claim on Form APC-1A for the return of this property.

The claimant seeks a return of the property under Section 32(a) of the Trading with the Enemy Act, as amended, and alleges that she was the owner thereof on the vesting date.

The matter has been submitted to me for determination upon recommendation for allowance by the Chief, Claims Branch. In accordance

348475

I, *Frederic W. ...*, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

REPRODUCED AT THE NATIONAL ARCHIVES

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with Section 38(f) of the Trading with the Enemy Act, as amended, notice of intention to return the claimed property was published in the Federal Register on December 20, 1949 (13 F.R. 8828). No response to said notice has been received indicating any reason for withholding return of the property claimed.

Upon the basis of the reports of investigation, the representations made by the claimant in the claim forms, exhibits, and other documents of record, I make the following findings and conclusions:

The Property - Title - Section 38(a)(1)

The property consists of all right, title, interest and claim of Bella Schmal in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27571, arising by reason of a Trust Agreement executed on June 29, 1931 by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee. Under the terms and conditions of this trust, Bella Schmal had a one-half interest in the income and principal thereof.

The Chief, Comptroller's Branch, reported that, as of August 31, 1948, the amount of \$24,979.56 had been received by this Office representing the vested interest. The Department of State has asserted that the return of the increment, if any, will, by furthering good foreign relations of the United States, be in the national interest.

348476

in and for the District of Columbia, in the United States of America, hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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Claimant, within the meaning of Section 32(a)(1), was the owner of the claimed property immediately prior to vesting.

Eligibility - Section 32(a)(2)

Bella Schmal, a Jewess, was born on February 22, 1877 at Ludwigsburg, Wuerttemberg, Germany, and is presently resident at Zurich, Switzerland. She was deprived of the full rights of German citizenship by the Citizenship Law of the Reich (1935 RGBl, 1146, 1147), dated September 15, 1935, and the First Ordinance to the Citizenship Law of the Reich (1935 RGBl, 1335, 1334), dated November 14, 1935, and was interned at the Theresienstadt Concentration Camp from August 22, 1942 until February 6, 1945. Bella Schmal is not disqualified under Section 32(a)(2), as amended.

Cloning - Section 32(a)(3)

The claimant has at no time attempted to conceal any enemy interest in the property claimed nor assented to any arrangement to conceal any property or interest of a person ineligible to receive a return.

Renegotiation and Royalty Adjustment Liability - Section 32(a)(4)

The Attorney General ^{1/} has no renegotiation or royalty

^{1/} The words "Attorney General" appearing herein include his predecessor, the Alien Property Custodian.

348477

In and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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adjustment liability with respect to the property claimed. The claimant has represented that she has no such liability and her representation has been confirmed by all interested Government agencies. There is no actual or potential liability under the Renegotiation Act or the Act of October 31, 1948 (55 Stat. 1013; 35 U.S.C. 89-96) within the meaning of Section 32(a)(4).

National Interest - Section 32(a)(5)

The Department of State has asserted that return of the claimed property will be in the interest of the United States. After considering information received respecting the claimant, including responses to consultive inquiries addressed to interested offices in this Department and other Federal agencies, it is concluded that a return in this case is in the interest of the United States.

Conservatory Expenses - Section 32(g)

After final audit of the account relating to the property claimed has been made, expenses, if any, incurred for the conservation, preservation and maintenance of the property, will be deducted prior to return.

Taxes - Sections 32(d) and 36

Adequate provision will be made for the discharge of allowable tax claims presented prior to return of the property.

348478

in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
Attorneys' Fees - Section 20

The fee for prosecuting the claim is \$1,250.00. The value of the property involved in this proceeding is in excess of \$24,000.00.

With respect to the nature of the services rendered, the attorneys conferred with the claimant and her agent, prepared a notice of claim and furnished supporting documents, conducted research into legal issues relating to the claim and engaged in correspondence with this

Office. Taking into consideration the factors bearing on reasonable compensation, it is determined that the proposed fee does not exceed fair compensation for the services rendered and is not in excess of 10% of the value of the property to be returned. This determination does not fix the fee but merely establishes the maximum fee to be charged for the services rendered for the prosecution of this claim.

Upon the basis of the foregoing findings and conclusions, it is determined that the applicable statutory provisions of sections 32 and 30 of the Trading with the Enemy Act, as amended, are satisfied and the claim is hereby allowed.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on
DATE: FEB 8 1949

Harold I. Baynton
Harold I. Baynton
Deputy Director
Office of Alien Property

348479

in and for the District of Columbia, I, *Harold I. Baynton*, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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49 1188

V. C. No. 8302

DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON, D. C.

RETURN ORDER NO. 257

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is Ordered, that the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number	Notice of Intention to Return Published	Property
Bella Schmal Sargis, Switzerland Claim No. 6580	December 30, 1948 (15 F. R. 6829)	All right, title, interest and claim of Bella Schmal in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee. \$24,979.36 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will be issued

Executed at Washington, D. C., on

FEB 8

I hereby certify that the within is a true and correct copy of the original paper on file in this office.

For the Attorney General
David L. Bazelon, Assistant Attorney General
Director, Office of Alien Property

By Loyle M. Blanton
Assistant Secretary for Records

THE NATIONAL ARCHIVES
FILED AND MADE AVAILABLE
FOR PUBLIC INSPECTION
FEB 11 9 01 AM '49
IN THE DIVISION OF THE
FEDERAL REGISTER

For the Attorney General:

(Signed) Harold I. Baynton

Harold I. Baynton
Deputy Director
Office of Alien Property

348480

in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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UNITED STATES OF AMERICA
OFFICE OF ALIEN PROPERTY CUSTODIAN

Vesting Order Number 2302

Re: Property held in trust for Lucie Klein
and Bella Schmal

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Lucie Klein and Bella Schmal are Rutebuehlstrasse 98, Stuttgart, Germany, and Lubnizstrasse 72, Stuttgart, Germany, respectively, and that they are residents of Germany and nationals of a designated enemy country (Germany);
2. That Lucie Klein and Bella Schmal, and each of them, are the owners of the property described in subparagraph 3 hereof;
3. That the property described as follows:

All right, title, interest and claim of Lucie Klein and Bella Schmal, and each of them, in and to that certain trust estate being administered by Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said Chicago Title and Trust Company as Trust No. 27871, arising by reason of a certain Trust Agreement executed on June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and Chicago Title and Trust Company, as trustee; including specifically, but not limited to, all rights of Lucie Klein and Bella Schmal, and each of them, to revoke, alter or amend said Trust Agreement,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

HEREBY VESTS in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

348481

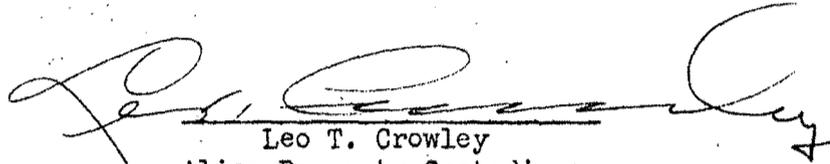
DUPLICATE ORIGINAL

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Property held in trust for Lucie Klein
and Bella Schmal

The terms "national" and "designated enemy country" as used
herein shall have the meanings prescribed in Section 10 of
Executive Order No. 9095 as amended.

Executed at Washington, D. C. on September 30, 1943.


Leo T. Crowley
Alien Property Custodian

(Official Seal)

REPRODUCED AT THE NATIONAL ARCHIVES

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DUPLICATE ORIGINAL

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ORIGINAL

FILE COPY

V.O. 2302

DEPARTMENT OF JUSTICE

by Title 28, § 521, 21(1), Department of Justice
(15 U.S.C. 522, June 2, 1941), and by said Deputy Director, Office of Alien
Property, Department of Justice, in executing the foregoing instrument as
the free and voluntary act of the said Attorney General and for the uses
and purposes therein set forth.

OFFICE OF ALIEN PROPERTY
WASHINGTON, D. C.

ASSIGNMENT

Whereas, the Deputy Director, Office of Alien Property, acting for
the Attorney General of the United States, by Return Order No. 242, directed
that the vested property described below, now held by the Attorney General
of the United States, as successor to the Alien Property Custodian, be re-
turned to Lucie Klein, Stuttgart, Germany.

Now, therefore, pursuant to said Return Order and pursuant to
section 52(a) of the Trading with the Enemy Act, as amended, (50 Stat. 50),
there is hereby returned to Lucie Klein the following property:

All right, title, interest and claim of Lucie Klein in
and to the trust estate being administered by the Chicago
Title and Trust Company, Chicago, Illinois, identified
on the books of said company as Trust No. 27871, arising
by reason of a trust agreement executed June 29, 1931,
by and between Lucie Klein and Bella Schmal, as settlers,
and the Chicago Title and Trust Company, as trustee.

Executed at Washington, D. C. JAN 3 1949

For the Attorney General:

Harold I. Baynton
Harold I. Baynton
Deputy Director
Office of Alien Property

DISTRICT OF COLUMBIA: SS:

Josephine A. Sterling, a Notary Public
in and for the District of Columbia, in the United States of America, do
hereby certify that on the date hereof, Harold I. Baynton, Deputy Director,
Office of Alien Property, Department of Justice, personally known to me to
be the same person who executed the foregoing instrument on behalf of the
Attorney General of the United States of America, I having first made known
to him the contents thereof, personally appeared before me and acknowledged
that, pursuant to authority delegated to him by the said Attorney General

348483

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DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY

V. D. No. 2222

by Title 28, §51.81(b), as amended, Rules of the Department of Justice (18 F.R. 3625, June 4, 1947), and as such Deputy Director, Office of Alien Property, Department of Justice, he executed the foregoing instrument as the free and voluntary act of the said Attorney General and for the uses and purposes therein set forth.

WITNESS my hand and seal this 3rd day of January, 1949.
Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is Ordered, that the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and necessary expenses:

Josephine A. Sterling
Notary Public

Claimant and Notice of Intention
Claim Number to Return Published
By Commission Expires: Property

Mrs. Lucie Klein 30-52
Schlagbaum, Germany Novusack 25, 1943
(18 F. R. 3625)

Claim No. 2870

All right, title, interest and claim of Lucie Klein do and do her trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified as the trustee of said estate as Trust No. 2870, arising by reason of a trust agreement executed June 27, 1942, by and between Lucie Klein and Nella Schmal, no children, and the Chicago Title and Trust Company, as trustee.

Returned to the Treasury of the United States

Appropriate documents and papers effectuating this order will be

Executed at Washington, D. C., on JAN 3 1949

For the Attorney General:

Harold L. Raymon
Harold L. Raymon
Deputy Director

Office of Alien Property

DUPLICATE ORIGINAL FILED

REPRODUCED AT THE NATIONAL ARCHIVES

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DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON, D. C.

V. O. No. 2302

RETURN ORDER NO. 242

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is Ordered, that the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number	Notice of Intention to Return Published	Property
---------------------------	---	----------

Mrs. Lucie Klein
Stuttgart, Germany
Claim No. 6470

November 24, 1948
(13 F. R. 6948)

All right, title, interest and claim of Lucie Klein in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, (as settlors, and the Chicago Title and Trust Company,) as trustee.

\$24,840.99 in the Treasury of the United States.

REPRODUCED AT THE NATIONAL ARCHIVES

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on JAN 3 1949

For the Attorney General:

Harold I. Baynton
Harold I. Baynton
Deputy Director
Office of Alien Property

DUPLICATE ORIGINAL + FILE COPY

348485

I, *Josephine A. Sterling*, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

OFFICE OF ALIEN PROPERTY

In the Matter of the Claim of

LUCIE KLEIN

Claim No. 6470

DETERMINATION

Statement of the Claim

This is a claim for the return of an interest in a trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27571, vested by the Alien Property Custodian under Vesting Order No. 2302, dated September 30, 1945, as property owned or controlled by, Lucie Klein, a national of a designated enemy country, Germany. On February 5, 1947 the claimant, Lucie Klein, filed a Notice of Claim on Form AFG-1A for the return of this property.

The claimant seeks a return of the property under Section 32(a) of the Trading with the Enemy Act, as amended, and alleges that she was the owner thereof on the vesting date.

The matter has been submitted to me for determination upon recommendation for allowance by the Chief, Claims Branch. In accordance

348486

I, *Y. G. [Signature]*
in and for the District of Columbia, in the United States of America, hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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with Section 32(f) of the Trading with the Enemy Act, as amended, notice of intention to return the claimed property was published in the Federal Register on November 24, 1948 (13 F.R. 6948). No response to said notice has been received indicating any reason for withholding return of the property claimed.

Upon the basis of the reports of investigation, the representations made by the claimant in the claim forms, exhibits, and other documents of record, I make the following findings and conclusions:

The Property - Title - Section 32(a)(1)

The property consists of all right, title, interest and claim of Lucie Klein in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a Trust Agreement executed on June 29, 1931 by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee. Under the terms and conditions of this trust, Lucie Klein had a one-half interest in the income and principal thereof.

The Chief, Comptroller's Branch, reported that, as of January 31, 1948, the amount of \$24,902.24 had been received by this Office representing the vested interest and that \$61.25 had been incurred as administrative expense. The Department of State has advised that the return of any increment will, by furthering good foreign relations of the United States, be in the national interest.

I, Josephine A. Sterling, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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Claimant, within the meaning of Section 32(a)(1), was the owner of the claimed property immediately prior to vesting.

Eligibility - Section 32(a)(2)

Lucie Klein, a Jewess, was born on July 13, 1883 at Ludwigsburg, Wuertemberg, Germany, and is presently resident in Stuttgart. She was deprived of the full rights of German citizenship by the Citizenship Law of the Reich (1935 RGBl. 1146, 1147), dated September 15, 1935, and the First Ordinance to the Citizenship Law of the Reich (1935 RGBl. 1233, 1234), dated November 14, 1935. The Welfare Department for Victims of Nazi Regime Persecution, Stuttgart, Germany, has certified that the claimant was a victim of racial persecution by the Nazi regime. Lucie Klein is not disqualified under Section 32(a)(2), as amended, in case it is in the interest of the United States.

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Concealing - Section 32(a)(3)

The claimant has at no time attempted to conceal any enemy interest in the property claimed nor assented to any arrangement to conceal any property or interest of a person ineligible to receive a return.

Renegotiation and Royalty Adjustment Liability - Section 32(a)(4)

The Attorney General ^{1/} has no renegotiation or royalty

^{1/} The words "Attorney General" appearing herein include his predecessor, the Alien Property Custodian.

348488

I, Joseph H. Sterling, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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adjustment liability with respect to the property claimed. The claimant has represented that she has no such liability and her representation has been confirmed by all interested Government agencies. There is no actual or potential liability under the Renegotiation Act or the Act of October 21, 1942 (56 Stat. 1013; 35 U.S.C. 89-96) within the meaning of Section 32(a)(4).

National Interest - Section 32(a)(5)

The Department of State has asserted that return of the claimed property will be in the interest of the United States. After considering information received respecting the claimant, including responses to consultive inquiries addressed to interested offices in this Department and other Federal agencies, it is concluded that a return in this case is in the interest of the United States.

Conservatory Expenses - Section 32(g)

After final audit of the account relating to the property claimed has been made, expenses, if any, incurred for the conservation, preservation and maintenance of the property, will be deducted prior to return.

Taxes - Sections 32(d) and 36

Adequate provision will be made for the discharge of allowable tax claims presented prior to return of the property.

348489

I, *Joseph A. Sterling*, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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Attorneys' Fees - Section 20

The fee for prosecuting the claim is \$1,250.00. The value
RETURN ORDER NO.

of the property involved in this proceeding is in excess of \$24,000.00.

With respect to the nature of the services rendered, the attorneys
allowing the claim, which is incorporated by reference herein and filed herewith,
conferred with the claimant and her agent, prepared a notice of claim
It is ordered, that the claimed property, described below and in the Determina-
tion, be returned, subject to any increase or decrease as determined by the administration
and furnished supporting documents, conducted research into legal
thereof prior to return, and after adequate provision for taxes and conservatory ex-
penses:

issues relating to the claim and engaged in correspondence with this

Claimant and Office. Taking into consideration the factors bearing on reasonable
Claim Number Notice of Intention to Return Published Property

compensation, it is determined that the proposed fee does not exceed

fair compensation for the services rendered and is not in excess of

10% of the value of the property to be returned. This determination

does not fix the fee but merely establishes the maximum fee to be

charged for the services rendered for the prosecution of this claim.

Upon the basis of the foregoing findings and conclusions, it

is determined that the applicable statutory provisions of sections 32

and 20 of the Trading with the Enemy Act, as amended, are satisfied

and the claim is hereby allowed.

Executed at Washington, D. C., on JAN 3 1949

DATE: JAN 3 1949

Harold I. Baynton
Harold I. Baynton
Deputy Director
Office of Alien Property

I hereby certify that the claim is a
true and correct copy of the original
paper on file in this office.
For the Director,
Deputy Director, Attorney General
Department of Justice
Office of Alien Property

Joseph M. Platten
Joseph M. Platten
Secretary for Records

Harold I. Baynton
Deputy Director
Office of Alien Property

348490

I, *Joseph A. Sterling*, a Notary Public
in and for the District of Columbia, in the United States of America, do
hereby certify that on the date hereof, Harold I. Baynton, Deputy Director,
Office of Alien Property, Department of Justice, personally known to me to

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49 154 DEPARTMENT OF JUSTICE
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WASHINGTON, D. C.

RETURN ORDER NO. 248

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is Ordered, that the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number Notice of Intention to Return Published Property

Mrs. Lucie Klein
Stuttgart, Germany
Claim No. 6470

November 24, 1948
(15 F. R. 6948)

All right, title, interest and claim of Lucie Klein in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee.

\$24,840.99 in the Treasury of the United States.

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Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on JAN 3 1949

For the Attorney General:

(Signed) Harold I. Baynton

Harold I. Baynton
Deputy Director
Office of Alien Property

I hereby certify that the within is a true and correct copy of the original paper on file in this office.
For the Attorney General
David L. Baslon, Assistant Attorney General
Director, Office of Alien Property
By *Joseph M. Blanton*
Assistant Secretary for Records

348491

I, *Joseph A. Sterling*, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

JAN 6 8 53 AM '49
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

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V. O. No. 2302

DEPARTMENT OF JUSTICE
OFFICE OF ALIEN PROPERTY
WASHINGTON, D. C.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to §32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

<u>Claimant</u>	<u>Claim No.</u>	<u>Property and Location</u>
Mrs. Lucie Klein Stuttgart, Germany	6470	All right, title, interest and claim of Lucie Klein in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlers, and the Chicago Title and Trust Company, as trustee. \$24,840.99 in the Treasury of the United States.

Executed at Washington, D. C., on NOV 17 1948

For the Attorney General

David L. Bazelon

David L. Bazelon
Assistant Attorney General
Director, Office of Alien Property

DUPLICATE ORIGINAL

FILE COPY

348492

I, *Josephine A. Sterling*, a Notary Public in and for the District of Columbia, in the United States of America, do hereby certify that on the date hereof, Harold I. Baynton, Deputy Director, Office of Alien Property, Department of Justice, personally known to me to be the same person who executed the foregoing instrument on behalf of the Attorney General of the United States of America, I having first made known to him the contents thereof, personally appeared before me and acknowledged that, pursuant to authority delegated to him by the said Attorney General

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