

No. 7432

**UNITED STATES OF AMERICA
and
AUSTRIA**

**Agreement (with schedule and annex) regarding the return
of Austrian property, rights and interests. Signed at
Washington, on 30 January 1959**

Official texts of Agreement and schedule: English and German.

Official text of annex: English.

Registered by the United States of America on 30 September 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

**Accord (avec liste et annexe) concernant la restitution de
certains biens, droits et intérêts autrichiens. Signé à
Washington, le 30 janvier 1959**

Textes officiels de l'Accord et de la liste: anglais et allemand.

Texte officiel de l'annexe: anglais.

Enregistré par les États-Unis d'Amérique le 30 septembre 1964.

No. 7432. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA REGARDING THE RETURN OF AUSTRIAN PROPERTY, RIGHTS AND INTERESTS. SIGNED AT WASHINGTON, ON 30 JANUARY 1959

The United States of America and the Republic of Austria, in accordance with the provisions of paragraph 1 of Article 27 (Austrian Property in the Territory of the Allied and Associated Powers) of the State Treaty for the Re-establishment of an Independent and Democratic Austria, which was signed at Vienna on May 15, 1955,² have agreed as follows :

Article I

1) The property listed in the schedule³ to this agreement constitutes a complete list of property, rights and interests as they now exist in the United States, and of the proceeds arising out of the liquidation, disposal or realization of such property, rights and interests, determined to be Austrian within the meaning of paragraph 1 of Article 27 of the Austrian State Treaty and which have not yet been returned.

2) The United States agrees to return, through such officer or agency as may be designated by the President of the United States, such property, rights, interests and proceeds to the claimants listed in the schedule, or to their successors in interest by inheritance, devise, bequest or operation of law, within six months of the effective date of this agreement, subject to the provisions of Article V hereof and to the requirements regarding fees of agents, attorneys, or representatives contained in Section 20 of the Appendix to Title 50 of the United States Code, as set forth in the Annex⁴ hereto.

Article II

The Government of Austria declares that no claimant to property listed on the attached schedule was convicted of war crimes personally and by name by a court of competent jurisdiction.

¹ Came into force on 19 May 1964, upon the exchange of the instruments of ratification at Vienna, in accordance with the provisions of article VII.

² United Nations, *Treaty Series*, Vol. 217, p. 223.

³ See p. 150 of this volume.

⁴ See p. 158 of this volume.

Article III

The Government of Austria agrees that upon the return of the property listed on the attached schedule the United States shall be deemed to have complied in full with the provisions of paragraph 1 of Article 27 of the aforementioned State Treaty, provided, however, that should additional property, rights and interests, or the proceeds thereof, be determined by the Governments of the United States and Austria within one year from the effective date of the agreement to be Austrian and not claimed by persons who were convicted of war crimes personally and by name by a court of competent jurisdiction, the Government of the United States will return such property within six months of such final determination, subject to the provisions of Article V hereof and to the requirements regarding fees of agents, attorneys, or representatives contained in Section 20 of the Appendix to Title 50 of the United States Code, as set forth in the Annex hereto.

Article IV

Nothing in this agreement shall be deemed to affect any rights which any person not listed in the attached schedule may have under United States law.

Article V

The return of property, rights and interests by the United States under this agreement shall be subject to deductions for accrued taxes, expenses of administration, creditor claims and other like charges and shall be made as far as possible subject to the rights, obligations and procedures with respect to returns contained in Section 32 (a)(4), (b), (c), (d), (e), and (f), Section 34, and Section 36 of the Appendix to Title 50 of the United States Code, as set forth in the Annex to this agreement.

Article VI

The Government of Austria agrees to save harmless the Government of the United States from any responsibility and liability for acts performed by or on behalf of the United States in fulfillment of the provisions of this agreement.

Article VII

This agreement shall be ratified and the instruments of ratification shall be exchanged at Vienna as soon as possible. The agreement shall come into force upon exchange of ratifications.

IN WITNESS WHEREOF, the undersigned representatives duly authorized thereto by their respective governments have signed this agreement.

DONE at Washington, in duplicate, in the English and German languages, both texts being equally authentic, this thirtieth day of January, 1959.

For the United States
of America :

John Foster DULLES
[SEAL]

For the Republic
of Austria :

Wilfried PLATZER
[SEAL]

SCHEDULE¹

<i>Office of Alien Property Claim No.</i>	<i>Austrian Interests</i>	<i>Description of Property</i>
4.223 and 43.937 5.277	Salesianer, Don Bosco Wucherer, Otto a/k/a Otto Wucherer- Huldenfeld	\$36,108.13 \$ 23,043.96 and interest in a trust under the last will and testament of Sarah Maria Price, deceased
6.822 11.781 12.942 13.845 15.656	Frank, Carl Friedrich Danzner, Anna Heise, Eva Margl, Josefa a/k/a Josefina Lise, & Anna a/k/a Anna Lisetz Riesenhuber, Anna, as heir of Johann Reichel	\$ 25,000.00 \$ 486.12 \$ 5,341.47 \$ 1,154.78 \$ 1,154.78 \$ 251.15
28.588 30.079 30.977 33.811 33.812	Holzmayr, Josef Duerrigl, Karl Pfingstl, Hilda Stoerl, Ernst Josef Mikulitsch, Johann Maschek, Maria a/k/a Marie Maschek Kratochwil, Franz	\$ 251.15 \$ 100.00 \$ 350.90 \$ 1,831.84 \$ 438.09 \$ 109.52 \$ 109.52
36.370	William Kohler, Albert E. Arent and Fidelity Philadelphia Trust Com- pany, substituted trustees under Dec- laration of Trust of Dr. Otto Rohm dated May 20, 1926 as amended	Interest of Marianne Thun-Hohenstein under the Declaration of Trust of Dr. Otto Rohm dated May 20, 1926 as amended involving a corpus in the amount of \$ 4,025,425.33

¹ All amounts listed are gross and subject to any increase or decrease resulting from the administration thereof prior to return, or to elimination from the schedule in the event that payment is made prior to ratification of the Agreement, and to the deductions specified in Article V of the Agreement.

<i>Office of Alien Property Claim No.</i>	<i>Austrian Interests</i>	<i>Description of Property</i>
36.390	Czernin, Wolfgang	\$ 9,863.17
36.768	Churfuerst, Sophie	\$ 1,000.00
36.779	Schilling, Hugo	\$ 1,287.43
	Wedl, Rosalia	\$ 1,222.83
	Worel, Rosa	\$ 965.58
	Kreuzbauer, Brigitta	\$ 122.97
	Fuerst, Anna Maria	\$ 122.97
36.893	Woseczek, August a/k/a August Woseszek	\$ 110.31
37.087	Schaefer, Wilhelm ¹	\$ 15,536.62
37.788	Teuber, Oskar	\$ 1,126,093.76; bonds and stock; interest in certain real property in Philadelphia, Pennsylvania; mortgage; interests in improved and unimproved real estate, including mineral rights in various counties in Pennsylvania; interest in a trust under the last will and testament of Brinton Cox, deceased
37.806	Woseczek, Ernst	\$ 110.31
37.868	Seblatnigg, Hubert	\$ 1,639.04
39.409	Seedorf, Margarete a/k/a Margarete Seedorf-Oberhauser	\$ 16,992.30 and life interest in the estate of Henry W. T. Steinway, deceased
40.089	Exner, Mathilde a/k/a Adele Exner . .	\$ 349.20
40.652	Fink, Franz	\$ 1,023.46
	Fink, Hermann	\$ 1,023.46
41.127	Petz, Anton	\$ 6,632.74
41.128	Payr, Elsa	\$ 495.25
41.136	Stuetz, Ludwig	\$ 108.96
41.207	Weissenboeck, Magdalena a/k/a Marie Weissenboeck	\$ 483.96
41.210	Lawitschka, Mathilde	\$ 335.26
	Gruber, Maria	\$ 335.26
41.257	Gruda, Emanuel	Right, title, and interest in the estate of Joseph a/k/a Josef Gruda, deceased
41.258	Hubatsch, Hubert, individually and as natural guardian of Hannelore and Erhard Hubatsch	Right, title, and interest in the estate of Joseph a/k/a Josef Gruda, deceased
41.259	Jauernig, Maria	Right, title, and interest in the estate of Joseph a/k/a Josef Gruda, deceased
41.283	Krobot, Frank Jr.	\$ 184.58
41.349	Tiroler Glasmalerei and Mosaikanstalt	\$ 5,784.86
41.714	Hillebrand, Wilhelm	\$ 220.65
41.918	Dietlen, Otto	\$ 10,000.00

¹ This property will be held in trust by the Government of Austria for the claimant until such time as the claimant, or any successor in interest to the claimant by inheritance, devise or bequest, has established his principal dwelling place in the Republic of Austria.