

COLAPIETRO CASE—DECISION No. 187 OF 4 FEBRUARY 1959 <sup>1</sup>

The Italian-United States Conciliation Commission, established by the Government of the United States of America and the Government of the Italian Republic pursuant to Article 83 of the Treaty of Peace and composed of Messrs. Alexander J. Maturri, Representative of the United States of

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<sup>1</sup> *Collection of decisions*, vol. VI, case No. 279.

America and Antonio Sorrentino, Representative of the Italian Republic, finds it has jurisdiction to adjudicate the rights and obligations of the parties to this dispute.

This dispute arose out of the rejection of a claim, by the Italian Ministry of the Treasury, submitted through the Embassy of the United States by Angelo and Giuseppe Colapietro, American nationals. They had requested compensation for the war damages sustained:

(a) by a building used as dwelling quarters composed of three rooms, located at Via Madonna della Pace, Ceccano, referred to under No. 1135 in the property records certificate;

(b) by one room located in a building used for dwelling purposes, also in the aforesaid Via Madonna della Pace, and referred to in the property records certificate under No. 3282. Claimants affirm they are the owners of one half of this room.

By letter No. 409097 dated October 30, 1956, the Italian Ministry of the Treasury informed the Embassy of the United States that, acting in concurrence with an opinion rendered by the Interministerial Commission, the claim was rejected in that the investigations made had disclosed that under deed of sale of October 11, 1935, the claimants had sold the real property for which they were now claiming compensation.

In the Petition filed with this Commission, the Agent of the United States says that the deed of transfer of 1935 refers to the ownership of one-half of the afore-mentioned room, registered under No. 3282; that this part of the claim was hence withdrawn by the Parties concerned. But that no sale had been effected with respect to the three rooms registered under No. 1135.

The Agent of the United States hence concluded by requesting that the obligation of the Italian Government to compensate the claimants for the damages sustained by the afore-mentioned building be asserted. On July 9, 1953 these damages had been estimated at 1,074,181 lire, plus 35,000 lire representing expenses incurred in establishing the claim.

On the basis of the information supplied by the Agent of the United States in the Petition, the Italian Ministry of the Treasury re-examined the claim, but the Ministry, as appears from the communication of the Agent General for all Conciliation Commissions, acting concurrently with an opinion rendered by the Interministerial Commission, again rejected the claim. In particular, the afore-mentioned Ministry of the Treasury, on the basis of the investigations made by the competent Ufficio Tecnico Erariale, assumed that map 1135, Sect. IV, is identical to map 3282 of the property records now in force, and the subject of the transfer effected under deed dated March 10, 1934, drawn up by notary Scalone at Corona (U.S.A.) deposited on October 11, 1935 with notary Peruzzi at Ceccano, in behalf of Luigi Giudici and Maria Colapietro of Angelo (the latter later deceased).

#### CONSIDERATIONS OF LAW:

The question which the Commission must decide concerns the exact scope of the Scalone deed of March 10, 1933 deposited with the records of notary Peruzzi in Ceccano on October 11, 1935. Under this deed the claimants, Angelo and Giuseppe Colapietro sold to Luigi Giudici and Maria Colapietro, among other things, "ownership title on the building at Ceccano, city map 3282, sub. 1, surface measuring 32 centiares, under the direct domaine of De Nardis, with all such rights over this property as are declared by us".

The claimants contend that, because the notarial deed refers only to map 3282, the sale should be considered as limited to the room which was registered

with the property records under this number. The Commission holds that this argument is unfounded.

The property records certificate dated November 16, 1957 submitted by the United States Agent, shows that the underground room which was added to map 1135-1 under No. 3282 in 1884, was subsequently transferred to the rural property records.

Conversely, in the more recent records, No. 3282 no longer refers to the ground room (see copy of note of transcription dated January 21, 1924 in favour of the claimant, following inheritance from the mother and grandmother).

In any event, the Commission considers as decisive the reference made in the 1933 deed of sale to De Nardis' long-term lease rights; from the documents submitted it appears that these rights encumbered the entire building at Via Madonna della Pace and not the ground room originally registered under No. 3282.

In any event it appears that the deed, at the time the transcription was made in favour of Luigi Giudici and Maria Colapietro, was interpreted in the sense appearing from the note of transcription connected therewith and introduced in the records of the case.

Consequently, the claimants have failed to prove that they are still the owners of the building for which they request war damage compensation, and, therefore, the Commission

DECIDES :

That the Petition filed by the Agent of the United States of America in behalf of Messrs. Angelo and Giuseppe Colapietro is rejected.

This Decision is final and binding.

Rome, February 4, 1959.

*The Representative of the  
United States of America*

Alexander J. MATTURRI

*The Representative of the  
Italian Republic*

Antonio SORRENTINO