



Decision no. 1521/2018

## Application

Applicant, Status

Arthur M., Rejection

Public owner

Land Burgenland  
Stadtgemeinde Kobersdorf

Type of property

immovable

Real estate in

KG Kobersdorf (33021), Kobersdorf, Burgenland | [show on map](#)  
KG Brigittenau (01620), Wien, Wien | [show on map](#)  
[Show all on map](#)

## Decision

Number

1521/2018

Date

15 Mar 2018

Reasons

Outside the jurisdiction of the Arbitration Panel or the scope of application of the GSF Law  
Compensation or other consideration pursuant to Sec. 32 (1) GSF Law  
No ownership 1938-1945

Type

substantive

Decision in anonymous form

[Entscheidung 1521 2018 \(PDF, 193.95 KiB\)](#)

[Press release](#)

[Press Release Decision No. 1521/2018](#)

Burgenland, Kobersdorf Vienna, Brigittenau

On 15 March 2018, the Arbitration Panel for *In Rem* Restitution rejected an application for in rem restitution of two properties situated in Burgenland and in Vienna. The Viennese property had never been owned by the applicant. The applicant had already received compensation for the Burgenland property in 1963.

In 1938, a residential house stood on the property in Kobersdorf, which belonged to the Jewish siblings Arthur M., Leo M., Eugen M., and Paula E. After the Anschluss Arthur and Leo M. were able to flee Austria; Eugen M. and Paula E. were murdered in the Holocaust. In 1942 the property was sold in a forced sale at auction due to outstanding provincial property tax. The highest bid of 400 Reichsmark was placed by Maria H. and the property was subsequently awarded to her. Once the debts had been paid, the balance of the proceeds from the sale was forfeited to the German

Reich on grounds of the *Elfte Verordnung zum Reichsbürgergesetz* (“Eleventh Decree to the Reich Citizenship Law”).

In 1960, Collection Agency A contacted Johann H., who had bought the property in Kobersdorf from his mother Maria H. Collection Agencies A and B were established by the Austrian government in 1957 in order to assert restitution claims that had not yet been filed and distribute the resultant proceeds to benefit the victims of National Socialism. In 1961, Johann H. paid the collection agencies 7,560 Schilling in order to settle the restitution matter and in return he kept the property.

In 1962 Arthur and Leo M. filed an application for disbursement of the proceeds from the settlement concluded by Collection Agency A and Johann H. Subsequently, on 30 October 1963, the Collection Agency paid an amount of 5,829 Schilling to Arthur and Leo M., having deducted a fee for the Collection Agencies’ efforts.

The present applicant, who was previously also a part-owner of the Kobersdorf property, Arthur M., filed a request with the Arbitration Panel for *In Rem* Restitution for the in rem restitution of this property. As the applicant had already “otherwise” received compensation pursuant to Sec. 32 (1) of the *Entschädigungsfondsgesetz* (“General Settlement Fund Law”) in the form of his share of the compensation amount, which was disbursed by the Collection Agencies, the Arbitration Panel had to reject his application.

For use by media; not legally binding upon the Arbitration Panel for In Rem Restitution.  
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