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Particular Type of Property Restitution after World War II – German Military Exercise Areas on the Territory of the Ex-Protectorate Bohemia and Moravia

Abstract

The article describes the restitution process that took place after 1945 in Czechoslovakia in relation to the property occupied in 1939–1945 in the Protectorate of Bohemia and Moravia for the creation of German military exercise areas. They were supposed to be used for the Germanization of the Czech lands. To create these spaces, the Nazis abused the legal order of the Czechoslovak Republic from 1918 to 1938. The restitution process subject to this territory after 1945 was governed by the separate Directive of the Settlement Office and the National Renewal Fund of 2 December 1947. It was generally based on the principles contained in the Act No. 128/1946 Coll., on the invalidity of certain property-right acts from the time of oppression and of some other intervention into property-rights, as amended by the Act No. 79/1948 Coll. This directive was, generally speaking, more favorable to restituents than analogous legal regulations. Attention is paid not only to the content of the Directive of 2 December 1947 and related legislation, but also to its application from the end of World War II to the present. The article also refers to the professional literature, which was devoted to the topic.

Keywords: Czechoslovakia, Protectorate of Bohemia and Moravia, German military training grounds, restitution, land law, National Recovery Fund

Słowa kluczowe: Czechosłowacja, Protektorat Czech i Moraw, niemieckie poligony wojskowe, restytucja, prawo ziemskie, Narodowy Fundusz Odbudowy

Ending of the Protectorate Bohemia and Moravia and renewal of the Czechoslovak Republic in May 1945 were connected with plenty of changes – apart of political, national, or social ones, also changes of property rights were one of those most important. These had three forms – firstly, confiscation processes regarding mostly German agricul-

tural[1] and other property,[2] secondly, extensive nationalization occurred,[3] and, finally, rectification of injustice caused in the period of the 1938–1945 by Nazi occupation bodies should have occurred. Final regulation of these after-war restitutions was established as late as by the Act No. 128/1946 Coll. of 16 May 1946, on invalidity of certain property-right acts from the time of oppression and of some other intervention into property-rights, as amended by the Act No. 79/1948 Coll. of 7 April 1948. The Act provided for two basic forms of restitution method: (a) restitution made by the office establishing national administrator pursuant to Section 24 of the Decree No. 5/1945 Coll.; (b) restitution by court in cases when administrative office fully or partially denied the restitution application, or if such application was not resolved within three-months period as of its filing.[4] However, period commentary says that "restitution proceedings pursuant to Section 24 of the Decree No. 5/1945 Coll., was not very popular with restitution applicants. National administration bodies, already on their way to socialistic transformation, organized restitutions in very tardy way, and in some cases also unreasonably strictly against applicants."[5] Judicial restitutions therefore prevailed.

The Act No. 128/1946 Coll. established, that invalidity of property rights transfers and property rights acts occurred after 29 September 1938 under pressure of occupation or national, racial, or political persecution, shall be decided in special restitution proceedings held at the competent district court based on the seat of the accused body or based on choice of entitled person also at the district court in the circuit of which the real estate being subject of the restitution existed. Active capacity rested on a person who lost the thing (right) by invalid transfer or whom damage was caused by invalid property right act, or, as the case may be, on his/her legitimate successors; passive capacity rested on person who acquired the thing or right by invalid transfer or who had benefits from other invalid property right act, or, again, on his/her legitimate successors.[6] Anyway, it was not adversary proceedings, but non-adversary proceedings.[7] This requested more active attitude of the court, which should have, pursuant to Section 11 (1) of the Act No. 128/1946 Coll., act upon proceedings participants to reach mutual agreement.

Nonetheless based on the original wording of the Act No. 128/1946 Coll. it might appear that there was no other way to restore property rights of original owners, in specific

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[1] Presidential Decree No. 12/1945 Coll., on confiscation and quick distribution of agricultural property of Germans, Hungarians, and traitors and enemies of Czech and Slovak nation.

[2] Presidential Decree No. 108/1945 Coll., on confiscations of enemy property and National Recovery Funds.

[3] Presidential Decree No. 100/1945 Coll., on nationalization of mines and some industrial companies; Presidential Decree No. 101/1945 Coll., on nationalization of some food industry companies; Presidential Decree No. 102/1945 Coll., on nationalization of stock banks; Presidential Decree No. 103/1945 Coll., on nationalization of private insurance companies.

[4] Comp. J. Kuklík, *Znárodněné Československo. Od znárodnění k privatizaci – státní zásahy do vlastnických a dalších majetkových práv v Československu a jinde v Evropě* [Nationalized Czechoslovakia. From Nationalization to Privatisation – State Interventions into Ownership and Other Property Rights in Czechoslovakia and Elsewhere in Europe], Prague 2010, p. 143.

[5] V. Knapp, *Osidlovací právo hmotné* [Settlement Material Law], Prague 1949, p. 44.

[6] Section 4 (1) of the Act No. 128/1946 Coll., on invalidity of certain property-right acts from the time of oppression and of some other intervention into property-rights.

[7] Section 10 (2) of the Act No. 128/1946 Coll., on invalidity of certain property-right acts from the time of oppression and of some other intervention into property-rights.

cases this principle did not apply. Exception was, indirectly, referred in the cited wording of Section 11 (1) of the Act No. 128/1946 Coll. The very same year of passing and publishing of the Act No. 128/1946 Coll., Viktor Knapp[8] and Tomáš Berman pointed out similarity of this provision with Section 204 of the Act No. 113/1895 Reich Law Gazette, Civil Procedure Code, based on which the court, during the oral hearing in any phase, could based on an application or ex officio try to settle the dispute amicably or to reach settlement on individual disputable articles, whereas validity of such settlement merely required its logging during the proceedings. This principle in fact referred to adversary proceedings, however, pursuant to Section 34 of the Act No. 100/1931 Coll. It was possible to apply it also to non-adversary proceedings.[9] Therefore, if it was possible to conclude judicial settlement, Knapp and Berman deduce, that there was no limit for such settlement to be concluded out-of-court, namely based on Section 1380 of the Patent No. 946/1811 Coll. of Court Laws, the General Civil Code, based on which participants of private-law relationships could resolve dubious or disputable rights by settlement agreement. Subject of the settlement could include any legal relationship except of personal rights.[10]

The Act No. 128/1946 Coll. in its original wording did not recognize the option of out-of-court settlement, however, it did not exclude this option expressively. Subsequently, its amendment No. 79/1948 Coll. added provision to actual wording of Section 11 (1) another provision establishing that effectivity of both court and out-of-court settlement requires consent of the competent National Recovery Fund. This was a body founded based on Presidential Decree No. 108/1945 Coll. To take care primarily for tasks connected with intermediary management of confiscated property and its distribution, subordinated to Settlement Office and *ex lege* represented by financial prosecution.[11] As of 28 April 1948, i. e. as of effectivity of the amendment No. 79/1948 Coll., the consent of the National Recovery Fund was required also for the restitution of such property, even in the case it was not under its management.[12] It was the National Recovery Fund to play crucial role in application of the Act No. 128/1946 Coll., when it, without any legislative authority, actually assumed the role of general courts and individually executed restitu-

[8] Viktor Knapp (1913–1996), leading personality of Czechoslovak and Czech law, was employed at Settlement Office and National Recovery Fund as of 21 October 1946 and gradually served in position of deputy head of Department VI (property management), head of department (as of 15 December 1947) and head of department I. (presidial) (as of 3 January 1949). More to this theme Karel Řeháček, *Osidlovací úřad a Fond národní obnovy v Praze (umístění, personální obsazení a organizační struktura centrály a oblastních úřadoven v letech 1945–1951)* [Settlement Office and National Recovery Fund in Prague (Location, Personal Cast and Organizational Structure of Headquarters and Regional Branches in the Years 1945–1951)] [in:] *Paginae historiae. Sborník Státního ústředního archivu 19 (Central State Archive Anthology 19)*, Prague 2011, p. 169 and pp. 182–186.

[9] V. Knapp, T. Berman, *Vrácení majetku pozbytého za okupace (Restituční zákon)* [Restitution of Property Lost during Occupation (Restitution Act)], Prague 1946, p. 240–241.

[10] *Komentář k československému obecnému zákoníku občanskému a občanské právo platné na Slovensku a v Podkarpatské Rusi* [Commentary to Czechoslovak General Civil Code and Civil Right Applicable in Slovakia and Carpathian Ruthenia], *Díl šestý (§§ 1342 až 1502)* [Part Six (Sections 1342 to 1502)], eds. F. Rouček, J. Sedláček, Prague 1937, p. 89 and p. 98.

[11] Section 3 (1) and (3) of the Presidential Decree No. 108/1945 Coll., on confiscations of enemy property and National Recovery Funds.

[12] V. Knapp, *Nové předpisy o restituci* [New Restitution Regulation], Prague 1948, p. 62.

tion of rather large volume of real estates, which became part of German military exercise area on the territory of the Protectorate of Bohemia and Moravia during 1939–1945.

Nonetheless the German occupation and in connection with that also Protectorate bodies stated that creation of extensive military exercise manor in Bohemia and Moravia after the 1939 was not aimed against Czech nation and is only dictated by continuous battles of the World War II, in fact their objective was to divide compact Czech settlement of Bohemian-Moravian area into smaller regions to make it easier for assimilation with German nation in the future.[13] Final objective of occupation policy in Czechoslovakia was destroying Czech nation, Germanization of Czech lands, and its settlement by German colonists. For widely defined, gradually implemented Germanization, actual exercise areas were used for Wehrmacht in Brdy Mountains, in the area of Milovice and Vyškov, and new extensive exercise area was established for Waffen SS near Benešov by Prague.[14] To create image of objectivity, German Nazis covered extension or creation of their military exercise areas in Bohemia and Moravia by legal norms from the time of so called First Republic, amongst others by the Act No. 125/1927 Coll., on political administration, or by the Act No. 63/1935 Coll., on expropriation for the purpose of the state defense.[15] Subsequently, they established details in Regulation of 11 April 1940 published in the Gazette of Regulations of the Reich Protector in Bohemia and Moravia (*Verordnungsblatt des Reichsprotektor in Böhmen und Mähren*).

Area of land expropriated during occupation in this way for military purposes (prospectively however for planned extension of German settlement), exceeded 79,000 hectares in total (about 1% of the territory of todays Czech Republic). In connection with it, about 248 municipalities were damaged from which about 80,000 Czech inhabitants had to vacate.[16] Group of damaged persons who received no or inadequate compensation for their estates was rather large – starting the Protectorate itself, through municipalities, other public law legal entities, farmers, church institutions, up to small farmers and house-keepers. Damaged persons did not show any apparent resistance to their mayors and policemen (vacation itself was organized by Czech bodies and persons), however they were mostly aware of objectives of the occupation power.[17]

The whole process was organized by the Land Registry for Bohemia and Moravia (*Bodenamt für Böhmen und Mähren*) in cooperation with local competent record courts, still at the moment, when final defeat of Third Reich was question of several weeks. We can hardly find any other name as useless servility and collaboration for attitude of the Regional Court in Prague, judge of which having Czech name after the main patron

[13] Comp. J. Gebhard, J. Kuklík, *Velké dějiny zemí Koruny české XV.b. 1938–1945* [Big Book of History of Czech Crowns Lands XVb. 1938–1945], Prague – Litomyšl 2007, p. 57.

[14] Comp. J. Hoffmannová, J. Juněcová, *Zřizování cvičiště zbraní SS Benešov a poválečná obnova území 1942–1950 Faksimilia* [Establishment of Waffen SS Exercise Area in Benešov and After-war Recovery of the Territory 1042–1950. Faksimilia], Prague 1985, p. 3.

[15] Comp. T. Zouzal, *Zabráno pro SS. Zřízení výcvikového prostoru Böhmen v letech 2. světové války* [Seized for SS. Establishment of the Exercise Area Böhmen during World War II], Prague 2016, p. 79.

[16] A. Arburg, T. Staněk, *Vysídlení Němců a proměny českého pohraničí 1945–1951. Díl. I. Češi a Němci do roku 1945. Úvod k edici* [Displacement of Germans and Changes in Czech Borderlands in the 1945–1951. Part I. Czechs and Germans until the 1945. Introduction to Edition], Středokluky 2010, p. 200.

[17] D. Brandes, *Germanizovat a vysídlit. Nacistická národnostní politika v českých zemích* [Germanize and Displace. Nazi National Politics in the Czech Lands], Prague 2015, p. 227.

of Czech Lands, still after 19 March 1945 obediently recorder ownership right to huge complex properties for the Third Reich (*Grossdeutsche Reich*). Third Reich actually seized them more than three years before, however it only applied for the registration into separate ("German") part of records as to 30 January 1944[18] and did not worried about the different records for the same proprietary substance in the period 1939–1945.[19] This all happened in the time when Nazi Germany did not care about change in the Land Registry somewhere in the center of the Protectorate Bohemia and Moravia.

Unconditional Surrender of the Third Reich on 7 May 1945 in Reims and one day later in Karlshorst started process of gradual return of displaced persons to their previous homes on the territory of ex-German military exercise areas which were abolished of course. These returned persons reclaimed tenancy of their estates which any obstacle from whomsoever. This process was rather unrestrained at the beginning, and legal framework was only added later. Issue of the Decree No. 5/1945 Coll. And of the Act No. 128/1946 Coll. Itself had no immediate effect and sometimes it appears that damaged owners were rather disappointed by the latter, as they were forced to formal judicial proceedings which may last rather long time and was connected with payment of judicial costs, at least at the beginning connected with drafting the action. Moreover, it arises clearly from period documents, that concerned legal entities and natural persons pursuant to the Act No. 128/1946 Coll. either refused it, or did not know it at all. To demonstrate it we may cite two examples: On 22 February 1947 the Association of Czech towns and villages expropriated during the occupation, interest organization of 105 local governments sent a note to the Ministry of Interiors in which it stated that citizens of this municipalities did not receive either restitutions, or property right compensations, or resolution of indemnification within previous 22 months, and the Association is very worried by the new legal regulations.[20] Not long before (on 9 February 1946) the Municipal National Committee in Hradištko municipality, one of many municipalities affected by forcible expropriation during World War II, resolved at a public meeting to ask Czechoslovak government directly to help with restitution of real property to original owners.[21] As if the Act No. 128/1946 Coll. not existed at all.

At the beginning, attitude of bodies of Czechoslovak Republic towards claims of persons affected by forced expropriation in the period 1939–1945 was rather hesitant. With regard to its property expropriated by occupants, the State did not need to go through such process – pursuant to the Presidential Decree No. 124/1945 Coll., on some measures in recording matters, recording courts were obligated, based on the application of the competent state body, or independently within their usual activities, to make cleaning of real estate records of such records. However, with certain time lapse, public bodies

[18] Katastralgebiet Hradisch/katastrální území Hradištko (pod Medníkem) [cadastral area Hradištko (pod Medníkem)], Gerichtsbezirk Eule/soudní okres Jílové (District Court in Jílové), Zahl der Grundbuchseinlage 1/číslo knihovní vložky 1 (Number of record file 1), položka (item) B/1.

[19] Czech Land Registry, Number of File record 623, item B/232, decision Ref. No. Zd 413/45 of 19 March 1945.

[20] Association of Czech towns and villages expropriated during the occupation, Ref. No. 67/II/47 of 22 February 1947. In: J. Hoffmannová, J. Juněcová, *Zřizování*..., p. 305.

[21] Okresní archiv Praha – západ, archivní fond MNV Hradištko, podací deník 1946–1947, č. j. 261 ze dne 10. února 1947 (District Archive Prague –West, archive funds of MNC Hradištko, Submissions Log Book for Years 1946-1947, Ref. No. 261 of 10 February 1947).

understood, that in the case of ex-German military exercise areas, standing on literal sense of the Act No. 128/1946 Coll. is apparently meaningless and pointless. Their attitude was probably based on the following reasoning: What if all entitled persons have claimed their rights as stipulated by the Act No. 128/1946 Coll.? All of them have to be successful sooner or later, as creation of German military exercise areas was nothing else but demonstration of national, racial, and political persecution against Czech nation and Czech subjects of law. Moreover, the regulation of the Reich Protector of the 1940 effectivelly starting creation and extension of German military exercise areas was declared invalid by the Decree of the Ministry of Justice No. 19/1947 Coll. Therefore, the most important conditions for success of the person claiming restitution in the matter were certainly met. What causes filing of thousands of motions of original owners at several district courts around Benešov, Vyškov, Brdy, and Milovice? They were literally flooded, whereas nearby district courts remain thereby untouched. What effects will have the waiting for judicial decision in proceedings pursuant to the Act No. 128/1946 Coll.? Dissatisfaction of affected inhabitants already preexisting gets deeper leading to disruption of picture of national unity built in the period after the 1945, regardless of its mostly fictive nature.

It was necessary to find suitable solution of this complex situation granting the claims of the entitled persons pursuant to the Act No. 128/1946 Coll. Conclusion of out-of-court settlement agreements proved acceptable solution. The only thing remaining was to establish the state authority to manage this procedure. At the beginning it was decided for the Ministry of Agriculture, or, more precisely, its department IX (State Land Office), at the end the National Recovery Fund was the final choice. Finally, it was this Fund, pursuant to Section 3 (1) of the Presidential Decree No. 108/1945 Coll. to take care of temporary management of confiscated enemy property as well as of its distribution. However, the National Recovery Fund was certainly no legal successor of the Third Reich. Its status with regard to the property for which the Third Reich was recorded as the owner after the 1945, but was not subject of confiscations,[22] was similar to status of guardian or trustee/curator with regard to persons, who were not able, due to their age or any other serious reasons, to take care of their matters in person[23] (minors, mentally ill, prodigal, unborn, deaf, absent, prisoners), or, as the case may be bankruptcy administrator.[24] However, there was no expressive legal authority for these activities, which seems hardly believable from today's point of view when formalism dominates legal area; in unstable and revolutionary era of Czechoslovakia after the 1945 there were no objections to such solution. Practical idea also played its role: Whom will restitution executed in this way help most politically and whom will persons with restitution claims most grateful for quick solution without undue delay and need to go through burdening judicial proceedings? As already indicated, the National Recovery Fund was subordinated to the Settlement Office, which was, on its side and based on its Statuses established by

[22] Section 2 (3) of the Presidential Decree No. 108/1945 Coll., on confiscations of enemy property and National Recovery Funds.

[23] Section 187 of the Patent No. 946/1811 Coll. of Court Laws, the General Civil Code.

[24] Section 80 (1) of Imperial Regulation No. 337/1914 Reich Law Gazette, implementing bankruptcy code, settlement code, and protect code.

No. 72/1945 Coll. Subordinate to the Ministry of Interiors led in the period 1945–1953 by Václav Nosek, member of the Czechoslovak Communist Party.

Agenda of the property restitution in the territories of ex-military exercise areas was officially assumed by the National Recovery Fund on 1 June 1947.[25] As to this date, in the department V. (establishing) section V/6 was founded marked as "agricultural restitutions", after reorganization made on 3 January 1949 it changed to section III/4 (restitutions) within department III. (real estates).[26] At that moment, the Ministry of Agriculture handed over to the National Recovery Fund approximately 5,500 restitution applications, others were delivered to the Fund directly. On its 101st meeting held on 9 September 1946, Czechoslovak Government led by Mr. Klement Gottwald strongly assigned the National Recovery Fund to significantly speed up the restitution process in these cases.[27] Subsequently on 2 December 1947, Miroslav Kreysa, Settlement Office Chairman, and Karel Moudrý, National Recovery Fund Chairman, issues Directive Ref. No. ZR 12373/47 about conclusion of out-of-court settlement agreement between the National Recovery Fund and persons entitled to enforce claims within restitutions pursuant to the Act No. 128/1946 Coll. with regard to the property on the territory of the ex-German military exercise areas (hereinafter referred to as the "Directive 1947").[28] This document was never published in the Collection of Laws (and probably anywhere else either) and it misses also in the Czech automated systems of legal information. The Directive 1947 having eleven pages was composed of six parts and three annexes.

In its part I it deals with commencement of restitution proceedings. It was possible to file an application for its commencement with the National Recovery Fund either orally, or in writing. To make it easier and quicker, a form was drafted, forming Annex No. 1 to the Directive 1947. The respective form of the property restitution application was very simple and easy to understand – it required identification of the owner of either movable or immovable property, property injustice, assumption of property damages and amount paid up by the Third Reich for confiscated property. As a part of the restitution application, also certificate on national reliability of the applicant and on non-existence of obstacles for release due to public interest issued by the local Municipal National Committee was required. The National Recovery Fund itself should have searched for entitled persons who still did not file an application and ask them if they intend to do so, providing for a record of such decision.

Pursuant to part II of the Directive 1947, the National Recovery Fund should have preliminarily review, if there is no important obstacle to conclusion of out-of-court settlement agreement. The applicant had to prove that he/she is original owner of the property claimed or his/her successor. Beside that, the National Recovery Fund established

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[25] The Settlement Office and the National Recovery Fund, Ref. No. ZR 9551/47 of 21 October 1947, National Archive, ÚPV-B fund, box 1024.

[26] K. Řeháček, *Osidlovací úřad*..., p. 184–186.

[27] Government Bureau, Red. No. 1729/dův./47 of 10 September 1947, decision of the 101st meeting of the third government held on 9 September 1947. National Archive, ÚPV-B fund, box 879.

[28] The Settlement Office and the National Recovery Fund, agricultural restitutions, Ref. No. ZR 12373 of 2 December 1947. Directive on conclusion of out-of-court settlement agreements between the National Recovery Fund and and persons entitled to enforce claims within restitutions pursuant to the Act No. 128/1946 Coll. with regard to the property on the territory of the ex-German military exercise areas. National Archive, ÚPV-B fund, box 1025.

conditions of relative invalidity of the respective property right acts from the period of oppression. However in much more cases it established, that legal regulation forming basis for the change of ownership right were declared invalid, or that the respective expropriation or confiscation act was abolished collectively (by a Decree) or individually. In this phase, also verity of the applicant's claim regarding his/her national eligibility and potential exclusions from release of thing due to public interest was reviewed.

Section III of the Directive 1947 on proceedings on property rights settlement was based on provisions of Sections 6 and 7 of the Act No. 128/1946 Coll. concentrating on specific circumstances on the territories of the ex-German military exercise areas. This part included principles of establishment of mutual claims between the National Recovery Fund and the restitution claimant. The most important active item on the side of the National Recovery Fund was, of course, the monetary compensation (buyout or expropriation price) actually paid up by occupation bodies to the damaged persons. However, such compensation was often not paid up, in particular to municipalities extinct due to establishment or extension of German military exercise areas. In small number of cases there were cases of investments or other increase of property value done after the buyout or expropriation. On the other hand, for entitled persons the most important thing was restitution of the original property *in natura* and indemnification of damages caused by the occupation power, in particular due to deterioration of their property substance and loss of profit. Excluded from the compensation, on the other hand, were damages caused by direct war acts, as this issue was governed by special legal regulation,[29] compensation of material and personal performances requested by Czechoslovak military administration pursuant to the Act No. 131/1936 Coll., on State Defense (ex-German military exercise areas were, after the 1945, shortly used by Czechoslovak army), and furthermore, personal damages to be compensated pursuant to the Act No. 164/1946 Coll., on care for military and war damaged persons and victims of war and fascistic persecution. Assessment of property damages of entitled persons should have been regulated in particular taking into account the character and nature of the property (buildings, forests, agricultural land, life and dead inventory). As already said, the preemptive assessment was specified by the applicant in the restitution invitation, and its verity was subsequently reviewed by the National Recovery Fund, usually through Central Association of Forensic Experts in the Czechoslovak Republic. If the result of mutual settlement recorded on separate record protocol was surplus on the side of the National Recovery Fund, restitution claimant had to pay the difference. In some cases (senior persons, orphans, multi-children families, disabled, etc.), the payment of the respective amount by the applicant could have been postponed by five years or based on installment schedule spanning over maximum ten years. In such case mortgage right of the National Recovery Fund to the respective real estates was established, and this could have been dropped in extraordinary cases.

If any and all conditions for conclusion of out-of-court settlement agreement pursuant to sections I–III of the Directive 1947 were met, it was possible to start negotiations on draft of out-of-court settlement after proceedings with entitled persons. Prerequisites

[29] Presidential Decree No. 54/1945 Coll., on reporting and establishment of war damages and damages caused by extraordinary circumstances.

of such agreement are stipulated in part IV of the Directive 1947, and it is called "restitution record". Respective negotiations were to be held collectively in the respective municipalities with their citizens with the participation of other bodies (Ministry of Agriculture, competent Tax Office, competent district National Committee, competent district association of the Union of Czech Farmers) having advisory status. There were two forms established for restitution records, forming Annex No. 2 and Annex No. 3 of the Directive 1947. In the first (and mostly used) case it referred to return of thing, recovery of record status and mutual settlement between the National Recovery Fund and restitution claimant, in the second case it only referred to property rights settlement, as restitution of thing and recovery of record status already occurred. Both versions of restitution records included (in its very name) reference to the Act No. 128/1946 Coll. Their appurtenances included, apart of identification of parties to acknowledgment of invalidity of transfer/transition from the period 1939–1945, certificate on national reliability of the restitution claimant (to be issued by the local National Committee), specification of buyout/expropriated property (it was enough to state number of record in the land registry), including the day of take over into tenancy and administration (use) by restitution claimant, amount of compensation paid and settled damages, and finally, provision on recovery of the ownership right of the restitution claimant. Such record was considered public deed, based on which the registration of the ownership right pursuant to Section 33 lit. b) of the Act No. 95/1871 Reich Law Gazette, on introduction of General Act on Land Registry, could have been done.

Pursuant to short section V of the Directive 1947 the out-of-court settlement agreement became binding for the entitled person by signing, in the case of minors, legally incapables, and abandoned estates by court confirmation, for the National Recovery Fund than after approval by its Chairman, Vice-Chairman, or authorized employee.

Restitution process with the National Recovery Fund was terminated by making record on the change of the ownership right into the Land Registry, if it did not occurred earlier. Such changes occurred, also in the cases when the ownership right of the original owner was reestablished earlier, however the final property rights settlement did not occur, fulfillment of which may be conditioned by establishment of mortgage right based on receivable held by the National Recovery Fund. The respective application to the record court could have been filed by restitution claimant and the National Recovery Fund together, but usually the state body did so alone. Due to this fact, after the 1947 massive changes occurred in the respective record files of the Land Registry confirming of the Third Reich ownership rights, usually connected with stereotypical repeated note: "Based on restitution record (of the National Recovery Fun in Prague) of [...] Ref[erence]. N[umber]. [...] the plots of land reg. nos. are re-transfered to the original file N[umber]. of this log book."[30] There were dozens and hundreds of such records in a row and this was not even disrupted by the change of political situation occurred in Czechoslovakia on 25 February 1948 when the Communist Party took power. However, many of such returned plots of land were subsequently confiscated again, this time not

[30] Katastralgebiet Hradisch/katastrální území Hradištko (pod Medníkem) [cadastral area Hradištko (pod Medníkem)], Gerichtsbezirk Eule/soudní okres Jílové (District Court in Jílové), Zahl der Grundbuchseinlage 1/číslo knihovní vložky 1 (Number of record file 1), položky (items) AII/17–32, 34–608, 616–620, 623, 625–626 a 630.

by Germany, but by Czechoslovakia, mostly based on the Act No. 142/1947 Coll., on revision of Land Reform, or the Act No. 46/1948 Coll., on the new Land Reform. The National Recovery Fund continued these activities up to its abolishment as to 1 July 1951 occurred due to the Act No. 182/1950 Coll. Agenda of the National Recovery Fund was transferred based on the Decree of the Ministry of Finance No. 255/1951 of the Official Gazette I to Regional and District National Committees.

Restitution agenda for the area of ex-German military exercise areas was already concluded by that time to satisfaction of both sides. Karel Pradáč, author of so far the only popularization study on the Directive 1947 (without mentioning it expressively in a single case) stated that already within less than a year after take over of restitution agenda for the territories of ex-German military exercise areas, the recovery of original status managed by the National Recovery Fund in the estate record system was done or almost done by two thirds,[31] and it continued in similar quick pace also after the 1948. Respective acquisition tittles (out-of-court settlement agreements) of entitled persons were subsequently not contested and they only randomly occur in wide Czech restitution judicature after the 1993 and if so, without any deeper comments.[32] Property rights injustice settlement executed by the National Recovery Fund after the 1947 was not finished for 100 %. Due to political reasons some, often very huge, proprietary substances, were not concluded, as its original owner were church legal entities persecuted after the 1948 in Czechoslovakia. With regard to them, the conclusion of this matter should occur based on the Act No. 428/2012 Coll., on proprietary settlement with churches and religious societies, that acknowledges proprietary injustice in form of refusal to terminate the decision process on proprietary claims by the court or other public body in the period between 25 February 1948 and 1 January 1990.[33] In this matter there is no relevant higher courts judicature so far; until 1 January 2019 decision was made in this matter (not final decision so far) the Regional Court in Prague, which by its judgment Ref. No. 38 C 215/2016-569 of 4 December 2018 recognized restitution process based on the Act No. 128/1946 Coll. As one of options, which was refused before by bodies deciding on these claims before (Czech State Forests, State Estate Office), mostly due to ignorance of historical facts, and maybe also due to caution.

[31] K. Pradáč, *Restituce majetku v oblasti bývalých německých vojenských cvičišť* [Restitution of property in the territory of ex-German military exercise areas], "Osidlování. Věstník Osidlovacího úřadu a Fondu národní obnovy" [Settlement. Gazette of the Settlement Office and of the National Recovery Fund] 1948, vol. III, no. 2, p. 64.

[32] The Supreme Court, File No. 30 Cdo 608/2000 of 18 October 2001.

[33] Section 5 lit. j) in connection with Section 1 of the Act No. 428/2012 Coll., on property settlement with churches and religious societies.

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