

060 CLARKE, GEORGE E.

Clarke, Geo. E.

File

20 April 1946

MEMORANDUM

060 - Clarke, George E
SM

TO: Burton E. Palmer
FROM: Grace W. Teller

SUBJECT: Claim of George E. Clarke.

Attached is a letter addressed by this office to George E. Clarke in which it is stated that a check for \$150.00 is being sent to him as settlement in full of his claim against the Administration.

Mr. Clarke was the former owner of the property located at 1737 De Sales Street which USRA has leased from the present owners. At the time negotiations were under way for the Lease the present owners were under contract to purchase from Mr. Clarke. They gave USRA permission to enter the premises to make repairs prior to our occupancy of the building under the Lease then being negotiated. At that time USRA was given to understand that the contract purchasers were in fact the real owners of the property.

Subsequently Mr. Clarke advised USRA that it owed him \$2,000.00 as rent for the period during which USRA was in the premises making repairs. This was on the theory that his sale to the present owners had not been consummated and they had no right to lease the property to USRA or give USRA permission to enter the premises to make repairs.

We advised Mr. Clarke that he had no claim for rent because USRA did not occupy the premises during the period for which rent was claimed and had made no agreement to pay him rent; under the circumstances the most he could claim would be damages for trespass on the theory that USRA had committed a trespass in entering the premises without his consent. His claim, if any, would be one for damages sustained by reason of the trespass. Since he could not prove damages, of necessity his claim could be only nominal in amount.

We offered and Mr. Clarke finally agreed to accept \$150.00 in full settlement of his claim. The attached letter states the purpose for which the payment is made. The check which will accompany the letter should also show that it is in full settlement of his claim against USRA.

X 308 (Claims)
X 264 (Lease)

Burton E. Palmer

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Will you be good enough to give the necessary instructions for the issuance of the check and have it, together with the attached letter, returned to this office for transmittal.

Attachment

cc: Teller/gb

cc: Milton W. Bissler

F. L. Farnell