

TM 5-300

DEPARTMENT OF THE ARMY TECHNICAL MANUAL

REAL ESTATE OPERATIONS IN OVERSEA COMMANDS



HEADQUARTERS, DEPARTMENT OF THE ARMY

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CHAPTER 1 GENERAL

Section I. PURPOSE, SCOPE, AND DEFINITIONS

1. Purpose

This manual provides a compilation of principles and procedures to assist commanders and their staffs in the acquisition, utilization, administration, and disposal of real estate and related property in oversea commands. It also presents guidance and suggested techniques for personnel responsible for real estate management in oversea areas not a part of the United States or its territories.

2. Scope

This manual describes suggested methods and procedures for the acquisition, management, utilization, and disposal of real estate and related property in oversea areas not a part of the United States or its territories, in accordance with laws, treaties, agreements, and regulations. It describes the composition, responsibilities, and duties of typical real estate organizations and discusses inventory methods, condition surveys, claims processing, and the techniques of record keeping. Typical forms which may be modified by oversea commanders as required are illustrated. The duties and responsibilities of commanders occupying or utilizing real estate also are discussed.

3. Definitions

For the purpose of this manual basic real estate terms are defined as follows:

a. Real Estate. Lands and interests therein; leaseholds; buildings; improvements and appurtenances thereto, including piers, docks,

warehouses, rights-of-way and easements, whether temporary or permanent; and improvements permanently attached thereto.

b. Equipment in Place. Movable personal property consisting of—

- (1) Capital equipment consisting of items with a useful life of more than 1 year and a value of \$100 or more per item.
- (2) Items of supply which do not meet the criteria for capital equipment, but which cannot be classified as expendable and have been fixed in place or attached to real property for special purposes.

c. Alterations. Additions, deletions, modifications, or other changes made to adapt the premises to a specific use. Alterations may add or detract from the value of the premises, depending upon the purpose for which the structure was originally intended or employed or the condition of the premises at the time of taking.

d. Improvements. Additions, deletions, alterations, or other changes which tend to increase the value of the property.

e. Lease. A conveyance of interest in real estate for a term of years, revocable at will or as otherwise provided in the instrument, in consideration of a return of rent.

f. Easement. An acquired privilege or right of use in the land of another, such as rights of passage, rights-of-way for pipelines, electric distribution lines, and other purposes not requiring the execution of a lease agreement.

Section II. RESPONSIBILITY FOR REAL ESTATE

4. Chief of Engineers

The Chief of Engineers, by AR 405-10, as the Department of the Army staff officer responsible for real estate functions, exercises staff supervision over Army real estate activi-

ties in oversea commands. He is responsible for—

a. Providing technical advice and assistance, as directed by the Headquarters, Department of the Army, or as required by oversea commanders.

b. Initiating and maintaining the record and reporting systems necessary to administer his responsibilities in the oversea areas.

c. Issuing instructions and conducting inspections and staff visits to insure that oversea real estate activities are conducted in accordance with applicable directives, policies, and regulations.

d. Reviewing oversea real estate data, including estimates, justifications, records, and reports.

5. Oversea Commanders

Oversea commanders are responsible for—

a. Determining real estate requirements.

b. Planning, executing, and analyzing real estate operations in accordance with pertinent directives, policies and regulations.

c. Preparing budget estimates and justification, as directed.

d. Preparing and submitting real estate reports as directed.

e. Conducting utilization inspections in accordance with instructions and criteria furnished by the Chief of Engineers.

f. Advising the Chief of Engineers concerning utilization problems which require action at Headquarters, Department of the Army level.

g. Furnishing the Chief of Engineers with copies of all intracommand directives pertaining to space utilization.

6. Theater Commander

a. The commander of a theater of operations is responsible for all real estate activities within the theater (FM 110-10). He may delegate his authority to a designated deputy or to the theater Army, Navy, or Air Force commander. Normally, real estate responsibility will be delegated to the commander having the greatest requirement. This responsibility may in turn be redelegated to subordinate commanders.

b. The decision of the theater commander concerning the conduct of real estate operations provides the basis for all real estate planning, organization, and procedure. A single real estate policy for all the military services, Army, Navy, and Air Force, is essential to insure standardization of operations and procedures.

c. The theater commander may either establish a central real estate office to direct and

record all real estate activities or direct that such an office be established by the commander assigned real estate responsibility.

7. Theater Army Commander

If the theater Army commander is assigned responsibility for all real estate operations he may redelegate this responsibility to the communications zone commander, to include such real estate support as may be required by combat commanders. If deemed desirable he may retain control of real estate operations in the combat zone, redelegating responsibility for rear areas only.

8. Theater Engineer, Theater Logistics Officer, and Theater Army Judge Advocate

a. *Theater Logistics Officer.* Staff supervision of real estate operations is a responsibility of the theater logistics officer (J4 or G4), who formulates real estate policies for consideration by the theater commander, disseminates approved policies to the command, and supervises their execution.

b. *Theater Engineer.*

(1) The theater engineer is charged with the operating function. His duties include—

(a) Furnishing technical real estate guidance and advice to the theater commander, his staff, and all echelons of the theater command.

(b) Recommending real estate policies and operational procedures to the theater logistics officer.

(c) After approval by the theater logistics officer, preparing, coordinating, distributing, and exercising staff supervision over the execution of theater real estate directives.

(d) Acquiring, managing, disposing of, paying rents and damages for, handling claims for, and preparing records and reports for real estate used within the theater.

(e) Maintaining the theater real estate office of record.

(f) Preparing long-range real estate plans for the theater.

- (g) Utilizing local real estate facilities to the greatest extent possible, thus minimizing the need for new construction and reducing theater supply requirements.
 - (h) Exercising staff supervision over the real estate operations within the real estate divisions of subordinate commands.
 - (i) Preparing training directives and supervising schools for training real estate personnel.
 - (j) Insuring compliance with international agreements and the laws of land warfare relating to real estate.
- (2) When the theater commander delegates real estate authority to the theater Army commander, the duties enumerated in (1) above are performed by the theater Army engineer. When the commander of another service is responsible for real estate activities, the appropriate duties listed in (1) above are performed for the Army command by the theater Army engineer.

c. Theater Army Judge Advocate. When the Theater Commander delegates real estate authority to the theater army commander, the theater Army judge advocate has the responsibility for the furnishing of all legal advice to the theater Army G4 and theater Army engineer on real estate operations and the assignment of and technical control over all civilian lawyers and legal officers within the real estate operation. When the commander of another

service is responsible for real estate activities, the theater Army judge advocate has the responsibility for the supervision of all legal advice on real estate operations within the Army command and the assignment of and technical control over all civilian lawyers, judge advocates and legal officers dealing with real estate operations within the Army command.

9. Command Engineers

Engineers of commands below the theater Army engineer are responsible for furnishing technical real estate guidance to their commanders, staffs, and subordinate echelons of the commands. They are also responsible for such other real estate duties as may be assigned or subdelegated to them by the theater Army engineer.

10. Army Engineer Real Estate Teams

Army engineer real estate teams (AERE teams) are responsible to the theater Army engineer for conducting real estate operations within their assigned areas in accordance with the directives, instructions, and standing operating procedures issued by higher headquarters. They are charged with—

- a. Acquiring, managing, and disposing of real estate.
- b. Investigating, processing, and settling real estate claims.
- c. Conducting utilization inspections.
- d. Recording, documenting, and preparing reports of real estate used, occupied, or held by the Army within their assigned areas.

Section III. REAL ESTATE POLICIES

11. Objectives of The Real Estate Program

The efficient conduct of real estate activities depends largely upon a command-wide appreciation of the objectives of the Army real estate program in oversea commands. These objectives are:

- a. To acquire and administer real property essential to the mission of the command.
- b. To insure compliance with international agreements and the laws of land warfare relating to real property.
- c. To make recommendations for use, and to acquire existing facilities in order to keep new construction to a minimum.

d. To protect the United States and its allies against unjust and unreasonable claims and charges for using, renting, or leasing real or personal property.

e. To provide reasonable compensation to the appropriate individual or agency for the use of real property, except when such property is located in a combat zone or in enemy territory.

12. Department of the Army Policy

Real estate operations in oversea theaters of operations conform to the following general principles which form the basis of Department of the Army policy:

a. United States forces will adhere to the provisions of the Hague Convention (1907), the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), the Hague Convention Relative to the Protection of Cultural Property in the Event of Armed Conflict (1954), and FM 27-10, the Law of Land Warfare.

b. The real estate program will conform to international agreements, United Nations agreements, and all other agreements affecting the United States, to include, without limitation, treaties, memoranda of understanding, lend-lease, reciprocal aid, military assistance, and civil affairs agreements.

c. When required, a fair and reasonable rental will be paid for real estate used, occupied, and held by the United States Army. Payment for the occupation of lands will not be made to any person or persons who are of enemy nationality and who are hostile to the interests of the United States. Compensation will not be made for any real property located in the combat zone which is lost, damaged, or destroyed as a result of military action.

d. United States forces will give full force and effect, consistent with military requirements, missions, and tactical operations, to—

- (1) The real estate laws of the country.
- (2) The real estate customs of the country, including methods of determining rental, appraisal, and so on.
- (3) The military real estate acquisition and disposal policies and procedures of the

country, particularly when custom provides that military real estate requirements shall be handled by the government, its subdivisions, or agencies.

e. United States forces will utilize existing facilities to the maximum to minimize the need for new construction and conserve time and United States resources and personnel.

f. Real estate acquisitions will be held to an absolute minimum, consistent with military requirements, to prevent disruption of the local economy. Joint utilization of the services will be encouraged and competitive bidding by these services will be prohibited. Unnecessary duplication or overlapping of functions and operating facilities will be avoided. When practicable and economical, the combined real estate requirements of all subordinate commands (for a particular function or a localized area) will be provided by a single subordinate command on either a common or cross-servicing basis.

g. Full use of local governmental agencies will be made, whenever possible, in the acquisition, disposal, collection of data for valuation appraisals, investigation of claims, and preparation of basic real estate records. Acquisition of real estate in an oversea theater of operations will be by lease or rental or both, where the property belongs to an ally and by requisition, confiscation, or seizure where it belongs to the enemy.

Section IV. INTERNATIONAL AGREEMENTS AFFECTING REAL ESTATE

13. Mutual Security Agreements

a. Agreements between the United States and other countries providing for mutual security measures are negotiated by the Department of State, with technical advice and guidance from agencies of the Department of Defense. These agreements may be made between groups of nations joined for mutual defense (as the North Atlantic Treaty Organization (NATO)) or between the United States and individual nations. Regardless of type, all such agreements are devised to insure that due recognition is given to the sovereignty of the

receiving (host) state and that adequate protection is afforded to the United States as a sovereign guest.

b. The provisions of mutual security agreements relating to real estate include such stipulations as the following:

- (1) Land areas and utilities connections, including access roads and rights-of-way, will be provided by the receiving state without cost to the United States. Other expenses will be shared in proportions established by agreement. Unless a specific contract pro-

vides otherwise, the laws of the receiving state will govern all real estate rights and obligations.

- (2) Priorities, rates of consumption, and charges to the United States forces for such services as electric power, sewerage, water supply, communication systems, and freight and personnel transportation by rail will be no more than those established at the date of the agreement for the armed forces and other agencies of the receiving state, including corporations supported by the receiving state.
- (3) The United States forces are authorized to utilize such roads, railways, and areas and to construct, develop, use, and operate such military and supporting facilities as appropriate authorities agree are necessary for mutual security purposes. Permanent structures erected by the United States forces will generally become the property of the receiving state upon proper compensation when the agreement is terminated.
- (4) The United States will retain title to prefabricated buildings and structures, equipment, facilities, materials, and supplies which it determines to be removable and which have been brought into or acquired in the receiving state. This property will be free from all duties, inspections, and other restrictions and from all taxes. The relocation, removal, or disposal of any property by the United States forces will be accomplished in such a way as to avoid damage to the land on which it is situated. When the agreement is terminated the United States will be compensated for the residual value, if any, of installations developed by the United States under the agreement.
- (5) The host state agrees to be responsible for all claims made against the United States Government by a third party in all cases concerning the ownership and utilization of land. Each government waives all its claims against the other for damage to any property owned by it

if the damage was caused by a member of the armed forces or a government employee engaged in the performance of his official duties.

- (6) Agreements with individual nations may include a provision requiring the parties to submit to the International Court of Justice, or to a mutually acceptable arbitrator, questions concerning the interpretation of the agreement which cannot be resolved through the usual channels.

14. United Nations Agreements

When members of the United Nations participate in a military action against an aggressor, an agreement defining real estate responsibilities should be effected with the nation that has been attacked. This agreement includes provisions that establish—

- a. The type and amount of real estate support that will be provided by the nation receiving military assistance from the United Nations and the fundamental policies that will govern real estate operations.

- b. The method of funding payment for the use and occupancy of real estate and for the settlement of claims. Real estate may be provided by the assisted country without cost, or payment may be made by the United Nations executive or agency by proration among all members of the United Nations or by refunds from individual members.

15. Unilateral Policy Statement

The United States may become engaged in hostilities in a friendly country that is not party to any United Nations or United States agreement concerning real estate. To provide for immediate requirements, the commander of the United States forces may issue a statement covering the real estate policies and procedures that will be observed by his command. He then negotiates for a bilateral agreement with the country being assisted. His statement of policy may contain provisions concerning—

- a. Method of processing real estate.
- b. Liability for the use by United States forces of—

- (1) Enemy military-owned, occupied, or requisitioned real estate.

- (2) Real estate owned by the central government and its political subdivisions (equivalent to states, counties, townships, cities, towns, or villages).
- (3) Private property.
- (4) Property owned by foreign nationals (enemy, enemy-allied, United States-allied, neutrals).
- (5) Public utilities and transportation systems, both private and government-owned.
- (6) Schools, churches, hospitals, and similar institutional property.
- (7) Historical monuments or memorials, shrines, or art treasures.

CHAPTER 2 ORGANIZATION AND PERSONNEL

Section I. ORGANIZATION

16. Theater Real Estate Office

a. Upon assignment of real estate responsibility to the theater Army commander, the theater Army engineer establishes a theater real estate office. A guide to the establishment of this office is contained in paragraph 17.

b. Matters of policy and procedure are coordinated among all the services. Unless theater policies prescribe otherwise, the following general principles should apply:

- (1) All acquisition and disposal of real estate within the theater are directed by the theater real estate office.
- (2) The theater real estate officer maintains an office of record for all services. Copies of all acquisition, disposal, utilization, claims, and investigation documents are forwarded to this office.
- (3) Management and utilization of logistical installations and areas remain under the control of the responsible service command.
- (4) Command real estate inspections are made as required to insure compliance with theater real estate policies and directives.
- (5) Proposed releases of property are submitted to the theater real estate office for review and possible reallocation of the property concerned to another service.
- (6) Interservice competition for a particular property which cannot be resolved by the theater real estate office is submitted to the theater logistics officer (J4 or G4) for a decision by the theater commander.

17. Army Engineer Real Estate Division

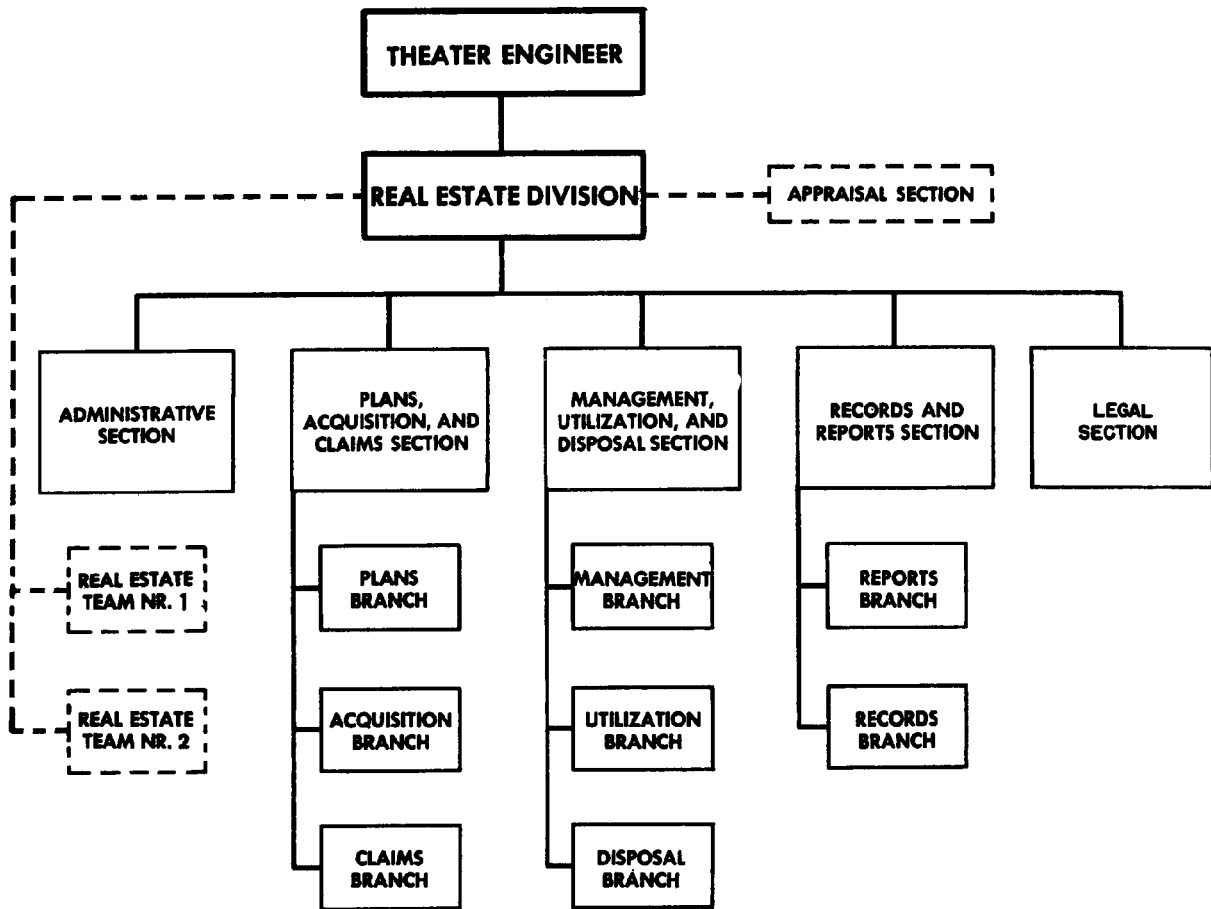
a. The theater Army engineer real estate division should be organized to meet the operational requirements for real estate planning, acquisition, management, utilization, disposal, documentation, reports, and claims. A suggested organization is shown in figure 1.

b. When the theater Army engineer is given responsibility for the real estate operations of all services, the organization shown in figure 1 is expanded as required. This does not require an excessively large increase in personnel. The Navy and Air Force headquarters prepare the necessary documents for their transactions, forwarding the documents to the Army real estate division for approval, acquisition, and processing.

18. Communications Zone Real Estate Office

a. The theater commander may assign responsibility for all theater real estate operations to the commander of the communications zone. When this is done, the commander of the communications zone relieves the combat commander from all real estate duties, handles real estate acquisitions, and supplies such other real estate support within the combat zone as may be requested or required. Responsibility for operations is delegated to the staff engineer of the communications zone. The organization shown in figure 1 is also suitable for the real estate branch of the communications zone engineer's office.

b. Tactical considerations or the forward movement of logistic installations may result in the location of depots, hospitals, and similar facilities in the rear portion of the combat zone. Since this area later will become part of the theater communications zone, theater directives or agreements should authorize the commander of the communications zone to conduct real



--AS REQUIRED

Figure 1. Suggested organization of engineer real estate division for Army and communications zone level.

estate operations in the rear portions of the combat zone. Among the primary duties of real estate personnel operating in combat zone areas is the conduct of reconnaissance to locate and report suitable unit and installation facilities which will be required in a future occupation of the area.

19. Army Engineer Real Estate Team

a. The Army engineer real estate team (AERE team) is responsible for real estate operations within an assigned geographical area, subject to directives and instructions from its parent headquarters. The preparation of basic area real estate records of acquisition, use, and disposal is the primary responsibility of this field unit.

b. The AERE team is a detached unit, lo-

cated within the theater in relation to strategical-logistical real estate requirements. Since teams of all sizes are needed, a basic team is formed that may be expanded to meet work-load requirements by adding military or indigenous personnel. Figure 2 illustrates a suitable organizational structure for an Army real estate team, to be manned according to an appropriate table of distribution.

c. AERE teams are numbered in sequence and identified by the name of the headquarters to which they are assigned, as ".....th (d) Army, THEATER ARMY ENGINEER REAL ESTATE TEAM NR. 6." If there is only one field army in the theater, the headquarters is indicated by the designation of the appropriate corps, division, or other unit.

Section II. PERSONNEL

20. General

a. Qualified officers and enlisted men are made available to the engineer with theater or Army real estate responsibility in order for him to handle his real estate duties properly. An adequate number of competent personnel are assigned to real estate duties at the start of the planning phase and retained in such assignments until the need for real estate specialists no longer exists.

b. In any military operation, the utilization of real estate and property is one of the main points of contact between the armed forces and the civilian community. If too few officers and enlisted men are provided for real estate operations, if they are not qualified, or if close coordination is not maintained with CAMG units, the loss in civilian goodwill may offset any personnel economies that are achieved. Improper handling will result in unwarranted monetary loss to the United States Government, unnecessary friction, bad public relations, and embarrassment to the commander.

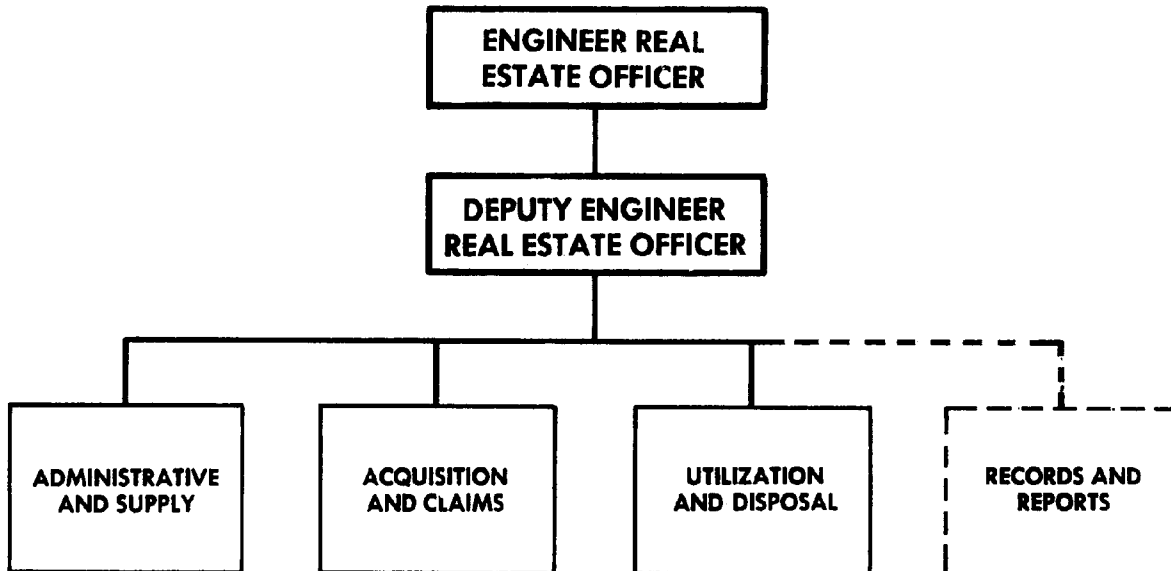
21. Personnel Requirements

a. Personnel requirements for real estate

operations cannot be reduced to a mathematical formula. Conditions in different theaters never will be identical, and experience gained in one theater provides only a general guide for determining the personnel that may be required elsewhere.

b. Personnel requirements in friendly or allied countries are influenced by—

- (1) United Nations or United States agreements which may provide that the host country will furnish necessary real estate.
- (2) The status of central and departmental government within an area to be liberated and the time required to reestablish local government.
- (3) The geographical organization of the government, which may indicate either a large number of small AERE teams or a smaller number of reinforced teams operating within subdivisions of the government.
- (4) The plans of the campaign and the scheduled or phased development of sections (base, intermediate) within



--AS REQUIRED

Figure 2. Suggested organization of Army engineer real estate team.

the communications zone or equivalent command.

- (5) The industrial development of the country.
- (6) The degree of agricultural development and land utilization, compared with the known military requirements for real estate. This will serve as a guide to the extent of negotiations that will be required and the number of personnel necessary to conduct operations.
- (7) Defensive dispersion against enemy mass-destruction weapons.
- (8) The availability of indigenous interpreters, typists, clerks, draftsmen, drivers, and so on, to replace enlisted personnel.

c. In hostile territory, the theater plan for buildup within the communications zone or equivalent command will determine the size of the real estate organization that will be required. Requirements for AERE teams depend upon the size of the area within which freedom from combat can be assumed.

22. Real Estate Officers

a. The general duties of a real estate officer concern the programming, planning, budgeting, and supervision of real estate operations. Specific duties include—

- (1) Securing licenses (trespass rights), easements, leases, or purchase agreements.
- (2) Directing processes for seizure, requisition, or rental of real property in liberated or occupied countries.
- (3) Inspecting and appraising real property to determine valuation for lease rentals, easements, trespass rights, or purchase.
- (4) Examining buildings and structures to determine adequacy for military use, extent of damage, and repairs required.
- (5) Inspecting real property before and after military use to determine the validity and extent of claims.

(6) Supervising the preparation of real estate reports and records.

(7) Preparing estimates of real estate requirements in military operations.

b. In addition to the duties stated above, real estate personnel must also be familiar with—

- (1) Military standards of accommodation.
- (2) Military requirements for property in a theater of operations.
- (3) Civil affairs and military government procedures.
- (4) The laws of land warfare and international agreements affecting real estate within the countries of the theater.

c. Officers without previous real estate experience may be assigned as utilization inspectors or to records and reports sections. When available, qualified Department of the Army civilians may be substituted for military personnel.

23. Enlisted Personnel

a. Enlisted personnel of all grades and services may be assigned to key real estate positions within engineer staffs and to AERE teams. They should possess military or civilian qualifications, experience, and training similar to that required for real estate officers.

b. Enlisted interpreters must be selected carefully, since they serve as the voice of the real estate officer in all negotiations with officials of the country. They should be able to speak English and the appropriate foreign language idiomatically and without an objectionable accent. Whenever possible, interpreters are given a course in real estate operations, to qualify them to fill key real estate positions as outlined in paragraph 22.

c. Competent clerk-typists are a primary personnel requirement because of the large volume of correspondence, directives, and reports processed by real estate agencies. Department of the Army civilians, United States citizens residing in the country, and indigenous personnel may be used to staff the real estate offices and teams. In combat or occupied areas, indigenous personnel are only used when authorized by the theater commander and then only in nonsensitive positions.

24. Indigenous Personnel

English-speaking indigenous personnel may be employed, subject to the restrictions stated in paragraph 23c, to handle an increased workload or to reduce the number of enlisted persons required. With qualified enlisted or Department of the Army civilian supervisors, indigenous employees may be utilized as—

- a. Inventory clerks (real and personal property).
- b. Clerk-typists.
- c. Space surveyors (for space-utilization inspections).
- d. Draftsmen.
- e. Statisticians.
- f. File clerks.
- g. Vehicle drivers.
- h. Interpreters.
- i. Janitors.
- j. Mess and housekeeping personnel.

25. Engineer Real Estate Course

a. The engineer of the command charged with theater or Army real estate responsibility normally establishes an engineer real estate course to train personnel for real estate operations at staff and field levels. This course may be conducted at a location near the theater- or Army real estate office, with personnel of that office serving as instructors in addition to their normal duties, or if the number of trainees is small, on-the-job training within the branches of

the office may be substituted for formal classroom instruction.

b. Instruction is designed to give trainees practical knowledge of theater real estate policy, operations, forms, and methods. Emphasis is placed upon practical problems based upon situations normally met in operations. The following subjects should be covered:

- (1) Basic real property law.
- (2) Laws of land warfare and international law affecting real estate.
- (3) Real estate command structure within the theater.
- (4) Theater real estate policy and operational directives.
- (5) Operations of the real estate staff and AERE teams.
- (6) Real estate laws and customs of countries within the theater.
- (7) Real estate claims procedures.
- (8) Real estate appraisal principles and methods.
- (9) Real estate forms, records, and reports.
- (10) The real estate office of record.
- (11) CAMG relations.

c. Field courses for both military and key indigenous personnel should be conducted at locations accessible to the personnel of AERE teams and other real estate field agencies. Instructors are furnished by the theater or Army real estate office.

CHAPTER 3 REAL ESTATE OPERATIONS IN HOSTILE AREAS

Section I. GENERAL

26. Delineation of Combat Zone

The geographical limits of the combat zone are determined by the theater commander. Carefully marked maps showing the combat zone boundaries are kept on file in the Army or theater real estate office. They are essential in the adjustment of future claims.

27. Property Rights

The property rights of public and private owners in hostile territory are discussed in FM 27-10.

28. Local Law and Customs

So far as consistent with the best interests of the United States Government the local real estate laws and customs of a hostile country are observed. Every effort must be made to protect and hold free from damage all property, real and personal, used by or under the control of the United States forces. Care in this particular will create good will among the civilian population, facilitate the police and control of occupied areas, and save the United States Government vast sums of money for damages.

Section II. PLANNING

29. General

a. Plans for real estate operations conform to—

- (1) Directives or instructions issued to the theater commander by the Joint Chiefs of Staff or by the service commander appointed executive agent for the Joint Chiefs of Staff.
- (2) Policies established by decisions of the theater commander.

b. In addition to formulating plans for real estate operations during actual hostilities, planning agencies also develop tentative plans to be followed during the occupation period when active combat has ceased and for use after a treaty of peace has been concluded.

30. Planning Group

a. Planning for real estate operations must be initiated early in the preparatory phases of a campaign by a planning group that includes representatives of all service commanders, interested technical services, the theater J5 or G5, and the responsible CAMG officer. Planning is directed by the theater J4 or G4 and supervised by the engineer of the service that has been given real estate responsibility by the theater

commander. The agency that will handle theater real estate operations when the campaign begins is organized at this time and should participate in all planning activities.

b. If officers possessing the necessary qualifications to conduct real estate planning are not available, qualified civilians specialists are made available from the Office of the Chief of Engineers on a temporary duty status. Military legal officers and civilian lawyers familiar with the laws of countries within the theater of operations are made available to the planning group for consultation and for technical review of proposed real estate policies and procedures.

c. If time permits the theater commander will organize a real estate allocation board within his headquarters prior to an invasion. The primary mission of this board is to assign locations to the services for logistical installations to be established in the communications zone or similar support area. Under the general supervision of J4, the board may include representatives of J1, J2, J3, J5 (CAMG) and interested technical service officers of the theater staff, as well as appropriate representatives of the Army, Navy, and Air Force. The board allocates areas among the services and develops

a master map. Copies of this map are furnished to each service and used as a guide in the location of support installations.

31. Policy Directive

a. The first mission of the planning group is to formulate a theater real estate policy that incorporates firm principles concerning—

- (1) The utilization of state, municipal, and privately owned real estate within the hostile territory.
- (2) The payment or nonpayment of rental.
- (3) The documentation that will be required for the use and occupancy of real estate.
- (4) The documentation and adjustment of real estate claims.
- (5) The extent to which commanders can delegate their real estate responsibility and authority.
- (6) The real estate responsibilities of the Army, Navy, and Air Force commanders.

b. When the details of real estate policy have been established, they are submitted to the theater logistics officer (J4 or G4) for approval by the theater commander. When approved, the policy is published in a directive issued by the theater headquarters in the form of a letter, standing operating procedure, or command regulation. No standard form is prescribed, but the policy directive usually includes paragraphs containing information about the following:

- (1) References.
- (2) Purpose of the directive.
- (3) Definitions.
- (4) Authority and responsibility of designated subordinate commanders, with the extent of permissible delegation indicated.

- (5) Real estate mission (acquisition, management, utilization, and disposal).
- (6) United States Government policies.
- (7) Applicable real property laws and laws of land warfare.
- (8) Areas of responsibility for real estate operations.
- (9) Relations with CAMG units and local government agencies, to include those local government agencies established by the military governor.
- (10) Claims administration.
- (11) Procedure for obtaining further policy decisions and resolving conflicts.

32. Operations Directive

a. The theater policy directive is implemented by an operations directive that usually is issued as a standing operating procedure. It provides a guide for the actions and responsibilities of real estate officers in lower echelons.

b. The operations directive includes instructions concerning—

- (1) Functions of the theater real estate office.
- (2) Procedures for the acquisition, allocation, utilization, management, and disposal of real estate.
- (3) Required records and reports.
- (4) Claims procedures.
- (5) Personnel administration (acquisition, management, training, utilization of indigenous personnel).
- (6) Operations of field real estate agencies, including AERE teams (responsibilities, attachment, logistical support, channels, and restrictions).
- (7) Coordination with G5 and CAMG units.

Section III. CONDUCT OF OPERATIONS

33. Theater Real Estate Office

a. The theater real estate office should be established, manned, and prepared to direct real estate operations prior to the entry of United States forces into hostile territory. When the first AERE teams begin operating in their areas, the office maintains particularly close liaison with the teams to determine any necessary

corrections and changes in procedures that will facilitate subsequent real estate activities.

b. The theater real estate office of record is an integral part of the theater real estate office. Central filing of all records provides uniformity and convenient reference, as well as insuring that records will be preserved for the settlement of future claims.

34. Acquisition of Property

a. In the active combat zone, real estate required by the United States forces is acquired by seizure or requisition, without formal documentation. Seizure is resorted to only when justified by urgent military necessity and only with the approval of the commander having area responsibility.

b. Normally, property is obtained through requisition, which is a demand upon the owner of the property or his representative. No rent or other compensation is paid for requisitioned or seized property in the combat zone for its use or for damage resulting from acts of war or caused

by ordinary military wear and tear.

c. Outside the active combat zone, property is acquired only by requisition, and all transactions are documented thoroughly under the applicable provisions of theater directives. Large amounts of real estate are required for ports, staging areas, training and maneuver areas, leave centers, supply depots, and headquarters installations. Included is property that is highly developed and of considerable value to the civilian population. Procedures are followed which will provide the property required while insuring that the legal rights of owners are protected.

Section IV. EMPLOYMENT OF ARMY ENGINEER REAL ESTATE TEAMS

35. General

a. The theater real estate policy directive will indicate whether Army engineer real estate teams are to be employed for all services within the theater, or only to handle Army real estate stages of development of a theater of operational control are exercised by the engineer of the command that has been charged with real estate responsibility.

b. AERE teams are essential in the initial stages of development of a theater of operations. The need for these teams diminishes whenever any of the following occur—

- (1) The theater becomes static due to a cease-fire, the cessation of hostilities, or an armistice.
- (2) There is a phased reestablishment of the central, departmental, or local government of the country.
- (3) The gradual withdrawal of United States Army forces from the area takes place.
- (4) Static facilities and areas are established for United States installations, to be used by occupation or security forces.
- (5) A theater, command, or area post engineer structure is established.

c. AERE teams act as field representatives of the real estate office. Each team is assigned an area of responsibility corresponding to an appropriate geographical subdivision of the country. The team is stationed at the seat of the

government for its assigned area.

d. With the approval of the field army commander, AERE teams may occupy their assigned stations in the combat zone, in anticipation of the area becoming a part of the communications zone at an early date. AERE teams operating in forward areas relieve combat commanders from administrative duties relating to real estate and establish effective liaison with civilian agencies.

36. Progressive Phases of Team Operations

The development of real estate operations in a theater and the corresponding effects upon AERE team activities, may be considered as advancing through four general phases, as follows:

a. *Phase I.* In this phase, an advance section of the communications zone has been established, civil government is being reconstituted by CAMG units, and a large-scale logistical buildup is in process to provide for both the immediate needs of the theater and the future requirements of occupation forces. AERE teams handle the majority of real estate transactions conducted within the theater. Teams familiar with base plans should secure sites for contemplated logistical installations. Early acquisition of suitable sites will prevent later disruption of the local population by eviction, relocation, and the piecemeal acquisition of land and buildings.

b. Phase II. At this time, local law and order and civil government are being established with the theater communications zone or equivalent command. Civil government agencies become increasingly capable of conducting real estate operations, relieving the AERE teams of the burden of documentation. The teams are largely occupied with making joint inventories of real estate occupied by United States forces.

c. Phase III. In this phase, local and departmental governments are fully established and are performing their real estate functions. AERE teams are handling the acquisition of easements, rights-of-way, and additional property; utilization inspections; disposals; claims investigations, reports, and negotiations for settlement within the limits of their delegated authority; and the payment of rentals if required. Toward the latter part of this period, theater base planning is approaching completion, and the military population of the theater usually has reached its height. Theater logistical stocks are also at their maximum levels. Preparations are being made for withdrawal, and the locations of the occupation or security forces that will remain are being determined. Indigenous military requirements for real estate may be superimposed upon the requirements of the United States forces, affecting the disposal program and plans for establishing permanent bases.

d. Phase IV. The final phase of real estate development is marked by the establishment of property accountability by theater directive and the establishment of post engineer real estate staffs in all stabilized areas within the theater. AERE teams no longer are necessary where the post engineer organization is functioning. Initially, key members of the teams should be attached temporarily to the post engineer staffs to transfer area real estate records and to advise staff members about real estate directives, procedures, and problems peculiar to the area. Personnel of the AERE teams may be transferred to post engineer staffs to provide a nucleus of trained real estate personnel.

37. Methods of Employing Teams

a. The theater or Army real estate officer may employ the AERE teams in the following ways:

(1) *Partial replacement.* This method

leaves a portion of the displacing team to assist the new team, while the remainder, reinforced by replacement personnel, moves to the new area. In this way, experienced personnel are provided to insure continuity of operations.

(2) *Permanent location.* Teams may be assigned to permanent locations. This is desirable in areas such as base sections, where stable installations are established and real estate operations on a large scale are conducted within a relatively limited area.

b. The partial replacement method is generally most suitable, since it offers the following advantages:

- (1) Provides continuity of policies and procedures.
- (2) Makes possible the most effective use of indigenous or displaced personnel, reducing requirements for military personnel.
- (3) Facilitates the training of replacement personnel.

38. Channels

a. Command.

(1) Theater directives establish the command channels to be used in conducting real estate operations. There should be a clear definition of the authority to be exercised by area commanders over priorities of allocation, resolution of conflicts between services, determination of utilization and joint utilization, and decisions affecting property disposal. Orders assigning an AERE team to an area should advise the area commander as to the command status of the team and the extent of administrative and logistical support that the commander will provide.

(2) All local command conflicts regarding the interpretation of directives, authority, procedures, and policies are referred by the AERE teams to the real estate officer of their parent headquarters.

b. Technical. AERE teams utilize a direct channel to the theater or Army engineer office for all matters dealing with real estate operations.

39. Procurement Authority

The officer in charge of the AERE team should be granted procurement authority within

defined limits. This permits him to arrange for local services, including necessary alterations and repairs, which do not warrant the assignment of United States construction or maintenance personnel. If theater directives require cash payments, he should be authorized to secure funds from the nearest military finance center.

Section V. SPECIFIC OPERATIONS OF AERE TEAMS

40. Initial Actions

Upon arrival at his assigned location, the officer in charge of an AERE team takes the following initial actions:

a. Reports his arrival to his parent headquarters, furnishing the name of a military unit through which he can receive messages.

b. If attached to a military headquarters in the area, reports to it, advising the unit of his location and personnel and establishing liaison with the general staff sections, particularly with G4 personnel responsible for command real estate. The signal officer should be requested to provide telecommunication facilities capable of reaching the parent headquarters of the team. Authority to draw rations should be arranged with the command quartermaster.

c. Visits the local headquarters of the CAMG unit, CIC, CID, and other United States agencies in the area. A close working agreement with the local CAMG unit is essential to insure proper division of responsibilities for real estate. All United States units in the area should be informed of the duties and responsibilities of the team so that their cooperation may be assured in subsequent real estate operations.

41. Local Officials

a. The team commander should visit the head of the local government shortly after arrival in the area and explain the duties, functions, and responsibilities of the team. Local real estate procurement officials should also be briefed concerning their procurement functions for the team.

b. If the area formerly was occupied by enemy military units, local officials are directed to provide a list of the property used by these forces. This list indicates properties that can be utilized for similar purposes by United States military units.

42. Facilities Survey

As soon as practicable after arriving in a new area, the team commander initiates a survey of available real estate that is suitable for the use of United States forces. He submits a report of his findings to the theater real estate office, giving complete information about the area facilities for housing, hospitals, head-quarters, warehouses, supply depots, and special purpose installations. This survey may also include other data requested by higher headquarters, such as an estimate of the local labor and engineer material resources. CAMG agencies also gather information of this character, and access to their records will be of great assistance. Standardized * forms such as the Housing Installations Report format shown in figure 3 may be utilized to transmit this information. The instructions for filling out this form are as follows:

a. Column (1). Reference Number. Number each entry in the report consecutively for each "Township."

b. Column (2). Name of Accommodation. List separately each static installation that will house 100 or more persons, and hutted camps and blocks of houses that will house 200 or more persons. Give street address or name on blocks of houses.

c. Column (3). Map Coordinates. Indicate a six-figure map reference for each installation listed in column (2).

d. Column (4). Town or Nearest Town. Enter the name of the town in which the accommodation is located or the nearest town thereto. Use only those town or place names used on the authorized military maps.

e. Column (5). Type. Indicate the type of

* The type form, appearing in this manual are not necessarily standardized forms but are subject to modification by oversea commanders to be more effective and adequate to their particular needs.

installations listed in column (2) by using the appropriate key listed below:

- (1) *Type A.* Permanent type of military barracks, capacity of 100 or more persons.
- (2) *Type B.* Hotel, school, or similar building suitable as quarters, capacity of 100 or more persons.
- (3) *Type C.* Completely hutted camps, capacity of 200 or more persons.
- (4) *Type D.* Blocks of private houses and other small private installations with a capacity of 200 or more persons.

f. Column (6). Capacity. Indicate the number of persons that camp, installation, etc., will accommodate. Capacities will not be reported separately for officers and enlisted men. Standard scale prescribes a total of 65 square feet per person, which includes sleeping space plus space for kitchen, messhalls, recreation, officers, etc.

g. Column (7). Present Occupants or Use. If installation is used for housing, indicate type of occupants by use of key below; other than housing, indicate present use as factory, warehouse, etc., as case may be:

UST --U.S. troops
PW --Prisoners of war
RAMP --Recovered allied military personnel
DP --Displaced persons
CIV --Civilians

h. Column (8). Condition. Indicate condition as good, average, or poor.

i. Column (9). Utilities. Indicate whether electricity, water, and sewage are available to meet established scales. Indicate availability of water by W; electricity, E; sewage, S.

j. Column (10). Remarks. Enter any additional information of value concerning the accommodations listed, particularly with respect

to rehabilitation that would be necessary to place property in a suitable condition.

43. Displacement

a. When an AERE team displaces to a new location, adequate records and information are furnished to the incoming team or to the unit that is assuming real estate responsibility for the area. A joint reconnaissance of real estate held by United States forces within the area should be made by the old and new commanders.

b. The incoming commander is provided with a comprehensive summary of team activities that includes—

- (1) The names, addresses, and duties of all key civilian officials and of non-official persons (appraisers, lawyers, brokers, etc.), who have proved helpful in real estate matters.
- (2) An overlay of the area of responsibility, showing the location of property under jurisdiction of the team.
- (3) A brief descriptive statement about the real estate situation in general, including the status of activities in process and additional activities which are to be undertaken in the near future.
- (4) Information concerning payment and other details of arrangements made for quarters, civilian employees, etc.
- (5) The status of any outstanding obligations.

c. A complete file of current orders, standing operating procedures, and checklists is furnished.

d. The location and status of all records are explained. A receipt for all records and equipment which he leaves behind is obtained by the outgoing team commander.

Section VI. REAL ESTATE PROCEDURES IN OCCUPIED AREAS

44. Local Government Functions

a. Real Estate Operations. The government officials of an occupied area are required by the laws of land warfare to provide facilities for the occupying military forces. Local government agencies are utilized for the following purposes:

- (1) *Locating suitable facilities.* Since they possess a detailed knowledge of the area, local government officials usually can suggest readily available properties that will meet military requirements. If the suggested property is not suitable, officials are directed to

HOUSING INSTALLATIONS REPORT

(Township)		(County)		(Province)		(Date)		(Principal city or town of township)	
(1) Reference number	(2) Name of accommodation	(3) Map coordinates	(4) Town or nearest town	(5) Type	(6) Capacity	(7) Present occupant or use	(8) Condition	(9) Utilities	(10) Remarks

Figure 3. Sample housing installations report.

provide acceptable facilities promptly. If they fail to do so, property is requisitioned directly from the owners.

- (2) *Eviction.* Local government officials should conduct the eviction of civilians from property requisitioned by the military forces. Only in the most urgent circumstances, or upon refusal of local authorities to act, will eviction be handled by the Army.
- (3) *Inventories.* A representative of the local government should assist in the preparation of all property inventories. The signature of the local official charged with real estate responsibility must be obtained on the initial and release inventories. This requirement is adhered to in order to insure that the United States Government will be protected from unjust claims for loss of or damage to real and/or personal property used by or under the control of United States forces.
- (4) *Records.* Local government real estate personnel should be instructed in the proper maintenance of records to comply with United States forces standards and requirements. It is particularly important that requisitions carry the correct property descriptions, and foreign government personnel check all requisitions against the corresponding entries in their permanent records. If the local records have been destroyed, the local authorities must establish a correct legal identification of the requisitioned property.

b. Official Relations. Firmness and courtesy are the basis for all official contacts between real estate personnel and civilian authorities. Under no circumstances are personal relations to be permitted to influence any official transactions or to create situations detrimental to the best interests of the United States Government.

c. Local Opposition. When local opposition to real estate operations develops, immediate coordination is effected with the G5 or responsible CAMG officer. If the situation cannot be resolved, a full report is sent to the next higher real estate office.

45. Allocation

a. When combat ceases in an area, the real estate held by United States forces usually reflects emergency needs and will not be suitable for the requirements of occupation agencies and installations. It is necessary to establish a program of reallocation and acquisition, based upon prior planning. When operations indicate that an area will change from a combat zone to an occupation zone, the location and extent of large installations or those having special requirements should be determined, whenever possible, prior to the transaction.

b. The theater J4 or G4 is responsible for the allocation of real estate to the using services and agencies. He is guided by the recommendations of the theater real estate officer and the theater J5 or G5, who determine the availability of particular property for military use and the effect of such utilization upon the economy of the country. Competition between services and units for real estate is to be avoided. Where control of real estate has not been assigned to a single theater agency, a joint committee should be appointed by the theater commander to determine property allocations.

c. When time permits, an allocation board should be convened to consider sites for large and special purpose installations. Members of this board include representatives of the using services, engineers (construction and real estate divisions), signal officer, surgeon, transportation officer, quartermaster, and G5 (CAMG). Factors to be considered in evaluating sites include the minimum area essential for the proposed installation, adequacy of water supply and other utilities, accessibility to routes of communications, suitability of terrain, signal communication facilities, supply of local labor and materials, and special requirements of any nature. In the absence of a board, the using service conducts its own reconnaissance and requests the theater J4 or G4 to allocate the property desired.

46. Acquisition

a. All property acquired by the occupation forces is secured through the real estate officer responsible for the area, who prepares the necessary requisitions and conducts all other transactions required by theater regulations. In

emergencies, when no real estate officer is available, units may find it necessary to requisition property directly from the owners. A copy of this requisition is forwarded promptly to the nearest AERE real estate team or other real estate procurement authority, with a memorandum stating the circumstances and describing the condition of the property at the time of taking. This provides a basis for the settlement of claims or for the completion of prescribed rental and requisition documents.

b. Before AERE teams are functioning in an area, real estate is acquired for units by the area engineer on the basis of requests made by the S4 or G4 of the unit. Unit responsibility is established by the signature of the commander or his representative upon an inventory form. When AERE teams are functioning, letter requests are submitted to the team headquarters and the real estate is then requisitioned by the authorized real estate officer. Typical formats for such letter requests are as follows:

(1) *For specific accommodations.*

Zone:

Combat.....

Communications..... Date.....

HEADQUARTERS

(Designation of unit)

APO U.S. Army

SUBJECT: Request for Real Estate Accommodations

TO : Officer in Charge, AERE Team Nr.

1. It is requested that the following property be requisitioned for the use of this organization:

LOCATION

(Give house number and street address, name of building, coordinates or other precise, identifiable location. If necessary, attach an overlay or sketch to identify the property.)

TOWN..... COORDINATES.....

NEAREST LARGE TOWN.....

PROVINCE OR DEPARTMENT..... COUNTRY.....

NAME OF OWNER.....

PROPOSED USE OF PROPERTY.....

(Quartermen of troops, motor pool, etc.)

PROPERTY NOW OCCUPIED BY.....

IS THE ENTIRE PROPERTY, BOTH LAND AND BUILDINGS, LOCATED AT THE ABOVE ADDRESS TO BE USED BY THE UNIT?.....

DESCRIPTION. (If space is insufficient or inadequate, space on reverse of this form may be used)

Type (residence, warehouse, etc.)	BUILDING NR. 1	BUILDING NR. 2	BUILDING NR. 3
Number of rooms occupied or to be occupied by unit.
Total square feet of floor space occupied or to be occupied by unit.
Is the entire building occupied or to be occupied by unit?
Number of square feet or acres used or to be used by unit.		
Type of land (whether orchard, grazing, wood, plowed, etc.)		

.....

.....

.....

.....

.....

.....

.....

.....

.....

2. All the preceding described property will be, or was, occupied by this unit

from

(date)

(If there are several dates of entry for different portions of the property, due notations should be indicated hereon.)

3. The required approval of the proper authority having jurisdiction over accommodations in this area has been, or will be, obtained.

Request submitted by.....
(Name and grade)
.....
(Organization)

The above request for facilities and the allocation thereof to the requesting service is approved.

.....
date

.....
(Signature and grade of proper authority having jurisdiction over accommodations in this area)

(2) For unspecified accommodations.

Zone:

Combat.....
Communications.....

Date.....

HEADQUARTERS

.....
(Designation of unit)

APO.....U.S. Army

SUBJECT: Request for Real Estate or Accommodations.

TO : Officer in Charge, AERE Team Nr.....

1. It is requested that the following described property be acquired for the use of this unit on.....
(date)

a. Desired location.....
(coordinates)

(Attach an overlay from a 1:25,000 map giving exact location of buildings and land)

b. Town

c. Using service..... Proposed use.....

Estimated term of occupancy.....

d. Description:

(1) Open storage.....sq. ft., acres, or other local unit of measure

(2) Covered storage.....sq. ft.

(3) Workshopssq. ft.

(4) Office space.....sq. ft.

(5) Bilets for Officers..... E.M.

(6) Bivouac area.....acres

(7) Special installations.....

(8) Other requirements (list all pertinent data, such as utilities, rail service, power, etc.).....

(2) If the type of facility requested is known to exist, or already has been occupied, fill in the following:

a. Occupied () Exists () (Indicate which)

b. If occupied, attach statement of general condition and inventory.

c. Date of entry (Give date unit moves into property)

d. Type of property.....
(Whether privately owned or public property)

e. Description of property:

<i>Land</i>	<i>Buildings</i>
Number of acres.....	Number and type.....
Present use.....	Number of rooms.....
(Whether orchard, grazing, woods, plowed, kind of crops)	(total)
	Total sq. feet floor space.....

f. Owner's or agent's name (indicate whether owner or agent)

.....
(Name)	(Address)
.....
(Town)	(Nearest large town)

g. Occupant's name if other than owner.....

h. Occupied by.....

3. The required approval of G1 for personnel accommodations and office space and of G4 for hospitals, shops, warehouses, and other supply installations and depot areas has been secured and noted hereon in the space indicated below.

Request submitted by.....

(Name and grade)

(Designation)

(Telephone)

The above request for facilities and the allocation thereof to the requesting service is approved.

(date)

(G1 or G4)

c. Instructions for preparing requests for accommodations prescribe the following:

- (1) All blanks are filled in completely and accurately. Particular care is exercised in describing the precise location of the property requested.
- (2) One copy of the request is delivered to the headquarters of the AERE team, even if the property, due to the exigencies of the situation, may already have been occupied by the requesting unit. If property at more than one address is desired, a separate request is necessary for each different address.
- (3) If, after occupation of the property, any additional space is used or any space is released, the AERE team is advised of that fact.

d. The following types of property are not requisitioned without authorization by the theater real estate officer:

- (1) Educational and cultural institutions.
- (2) Buildings and grounds of shrines, religious institutions, and temples.
- (3) Hospital facilities.

- (4) Bank premises.
- (5) Agricultural areas essential to the national economy.
- (6) Court facilities, including buildings and grounds, and law libraries which are used or occupied by the courts and court officials in the administration of justice, deposit offices, registry offices, and jails or other detention facilities.
- (7) Postal facilities.
- (8) Harbor and dock facilities.
- (9) Rail facilities.
- (10) Telephone and telegraph offices and radio stations.

e. Buildings essential to the civil government, containing important scientific facilities, or set aside for the reception of refugees or displaced persons normally are placed under CAMG control and cannot be requisitioned for the use of troops. The area commander may also establish control, by means of safeguards or off-limits restrictions, over property which has a vital

function in the maintenance of the civilian economy, where the owner or management is unknown or absent.

f. The United States forces do not pay rent or other compensation for the use of requisitioned real estate or for damages incurred through its use or occupancy. Such payment or compensation to individual property owners is the responsibility of the local civil government, subject to United States military authorization and supervision. The monthly rental value of a property is ascertained by the local authorities at the time of requisition and is reviewed by the responsible real estate officer to insure that it is consistent with the prevailing rentals for similar properties in the vicinity. Where detailed appraisal is necessary, the methods and principles described in the Corps of Engineers text, *Real Property Appraiser's Handbook*, will be followed by real estate officers and their civilian advisers. The rental upon approval by the real estate officer, is paid by the local government to the owner of the property. Rentals and fees for facilities should not exceed the local levels that existed prior to the military occupation. Scales should be prepared during the planning period and adjusted to local conditions after consultation with CAMG representatives and local civil authorities.

g. When required for an extended period of time for routine operational functions, easements and rights-of-way are acquired through regular requisitioning procedures.

47. Inventories

a. When real estate is occupied or released, the real estate officer or unit representative, accompanied by the owner or an authorized agent of the civil government is required to—

- (1) Inventory removable installed equipment such as heating, electric lighting, and plumbing fixtures.
- (2) Carefully examine and record the condition of the premises, the structure or structures, and the contents.
- (3) Record all gas, water, and electric meter readings.

b. Inventory and condition reports are shown in figures 4, 5, and 6. The prescribed forms* are signed by an officer of the unit and by the owner or authorized civil official. Copies are

filed with the unit headquarters, the appropriate government agency, and the real estate officer responsible for the area. The completed inventory and condition report provides for accountability by the using unit, protects the United States from invalid claims, and establishes unit responsibility for furnishings and equipment included with the property.

c. Both the original and final inventories note the condition of the property. Since future disagreements may involve the degree of condition, this portion of the inventory form must be completed with particular care. Cleanliness is not considered. The individual preparing the form observes both the structural and interior conditions of the building, and describes the damage caused by such things as fire, explosion, and weather. A damaged roof or wall also may indicate interior damages due to rain or snow. Most damages to property used by military forces may be described as "wear and tear," the ordinary and usual damages resulting from normal use and occupancy. This type of damage is not noted on the final inventory and condition report.

d. When alterations and repairs have been made to a building, they should be recorded on both the final inventory and the release documents. A description, sketches, and plans of the alteration or repair, a bill of materials used in the project, and the manpower and equipment expended on it should be recorded if possible. The estimated increase or decrease in property value should be noted on pertinent real estate records.

e. The original and final inventory and condition reports are retained in the files of the responsible real estate office as a permanent record. If the original report does not exist when the final inventory is made, an estimate of value and condition is agreed upon by the real estate officer and the government representative. This evaluation is noted on the final report.

f. The commander of the using unit or agency is responsible for all equipment, movable fix-

*The type forms appearing in this manual are not necessarily standardized forms but are subject to modifications by oversea commanders to be more effective and adequate to their particular needs.

tures and personal property on the premises and may be held pecuniarily liable if any of this property is removed without the prior written approval of the real estate officer having jurisdiction. If furniture or other movable property is removed for reasons other than storage or safekeeping, the transaction is regarded as a procurement and regularized as such by a purchasing and contracting officer authorized to procure the property. Items of personal property secured from local authorities on a loan or mutual aid basis may not be brought into the premises unless properly marked to indicate that they were not included in the inventory. Each item is marked to indicate the source from which it was obtained.

g. When a final inventory shows shortages in furnishings and equipment enumerated in a previous inventory, action may be taken under theater regulations to make suitable compensation to the owner, either in the form of a money adjustment or by providing equivalent items from United States sources. Theater regulations will prescribe the procedures to be followed whenever differences regarding property inventories arise between the owners and the occupying forces. This will normally direct the appointment of a board of officers to investigate and determine the status of the property involved. A report relative to the disputed inventory is included as a part of the claim when it is submitted to the command claims service or other designated agency.

h. Photographs of requisitioned and released real estate may be filed with inventory reports if future claims are anticipated. Photographs are desirable in that they record the appearance and condition of costly structures, areas before improvement, the condition of timberland and gravel pits, and similar types of property where written reports are supported most effectively by visual evidence.

48. Responsibility and Accountability

a. The commander of an area is responsible for the protection and safeguarding of real estate within his command. This responsibility cannot be transferred or delegated. Commanding officers of occupying units or agencies, however, may be held pecuniarily liable for the loss, damage, or destruction of leased,

requisitioned, or confiscated property and contents, or both.

b. Area commanders are also responsible for the proper assignment and utilization of all property used by United States forces under their jurisdiction. They must insure that accountable property records are maintained by a designated officer. Property accountability extends to movable equipment, furniture, and furnishings inherent in the special purpose for which the facility was leased or requisitioned. It includes the contents of hotels, restaurants, and factories, but not the furnishings of dwellings.

c. The commander of the using unit is responsible for the preservation and proper policing of occupied property. Each commanding officer takes the precautions necessary to prevent damage to premises while they are under his control. This includes the protection of plumbing and heating systems against freezing and of interiors against the elements, as well as safeguarding the premises against looting or depredation.

d. Maintenance of and repairs to structures, and mechanical and electrical equipment, required by the ravages of time and ordinary fair wear and tear are the responsibility of the owner, unless a lease or contract specifically provides otherwise. When performed by the United States forces, the cost of such maintenance and repairs should be recovered by a proportionate reduction in rent. The expense of alterations, painting, and decorating performed solely for the convenience of occupying personnel is borne by the United States.

e. The real estate officer's responsibility for property that he has acquired terminates when he transfers it to the using unit or agency. His responsibility is reestablished when the property is returned to him for release. Transfers between users will not be effected without the knowledge and written consent of the responsible real estate officer.

49. Municipal, Religious, Charitable, Cultural, or Other Protected Properties

a. Municipal, charitable, or cultural properties may be requisitioned by the armed forces, but only in cases of extreme military necessity

(A complete Inventory and Condition Report will be filed with the real estate agency responsible for the area by each unit when occupying and vacating property.)

INVENTORY AND CONDITION REPORT

Headquarters: _____

APO: _____ U.S. Army

(Date)

Type of property _____

Address of property _____

Town _____ Coordinates _____

Date occupied _____ Date vacated _____

Occupying unit _____

APO _____

Responsible officer _____

Read all meters and place reading below:

Electric _____ Gas _____ Water _____

Is civilian telephone used? _____

Describe other services furnished _____

Type and amount of crops, if any _____

(Over)

Figure 4. Sample inventory and condition report.

INVENTORY

(List all furniture, fixtures, and other movable objects included in the property. Show condition as G - Good, F - Fair, and P - Poor.)

No.	Article	Condition	No.	Article	Condition

CONDITIONS

(List all factors which may be a basis for future damage claims against United States forces--structural parts of building already damaged, removed, or alterations effected. Also list any repairs or improvements made by the United States forces. Attach additional sheets if necessary.)

CERTIFICATE

I certify that the above is true and correct, that there have been no omissions, and no damage has been done to the property or its contents except: _____
(If none, so state)

 (Signature of owner, agent, or local civil official)

Surveyed by _____
(Name and rank)

Address: _____
(ASN)

(Organization)

Figure 4.—Continued.

Report is made at time of acquisition and when property is returned to original owners

PHYSICAL CONDITION REPORT AND SURVEY OF REAL ESTATE UTILIZED BY UNITED STATES FORCES.					REPORT DATE				
TO:			FROM: (Name and Address of Responsible Installation)						
I IDENTIFICATION OF REAL ESTATE SURVEYED									
1. FACILITY NO.	2. ENG. FORM 1266 NO.	3. LEASE NO.	4. U.S. BLDG. NO.	5. FLOOR SPACE(Sq.Ft.)					
6. NAME OF INSTALLATION			7. PROPERTY ADDRESS (Town, City, Prefecture and Country)						
8. PRESENT USE			9. ORIGINAL USE						
10. OWNERSHIP			11. TOTAL LAND AREA						
11. CONDITION OF PREMISES AND INSTALLED PROPERTY (Check G-Good, F-Fair, P-Poor, N-None, Explain "Poor" Under Remarks)									
12. BUILDING EXTERIOR AND GROUNDS			13. BUILDING INTERIOR						
ITEM	G	F	P	N	ITEM	G	F	P	N
(1) PAINT					(17) WALLS & PARTITIONS				
(2) WALLS					(18) WALL COVERING				
(3) ENTRANCES					(19) FLOORS				
(4) ROOF					(20) TILE				
(5) PORCHES					(21) LINOLEUM				
(6) WINDOWS					(22) TATAMI (
(7) STORM WINDOWS.					(23) CEILINGS				
(8) SCREENS					(24) DOORS				
(9) DRAINAGE					(25) WINDOWS				
(10) GROUNDS					(26) WOODWORK				
(11) FENCES					(27) STAIRWAYS				
(12) LANDSCAPE					(28) BASEMENT				
(13) DRIVEWAYS					(29) WINDOW SHADES				
(14) UNDER STRUCTURE					(30) GABLES				
(15) ELECTRICAL SYSTEM					(31) HEATING SYSTEM (E.G.W.)				
(16) PLUMBING SYSTEM					(32) RADIATORS ()				
					(33) PIPING				
					(34) ELECTRIC SYSTEM				
					(35) FIXTURES				
					(36) PLUMBING SYSTEM				
					(37) BATHTUBS				
					(38) TOILETS				
					(39) URINALS				
					(40) SINKS				
					(41) LAVATORIES				
					(42) REFRIGERATION				
					(43) ELEVATORS				
					(44)				
					(45)				
					(46)				
					(47)				
					(48)				
11. REMARKS (Explain any item above checked as "Poor". For additional survey data use reverse side of form)									
14. THE STATEMENT ABOVE AND ON THE REVERSE SIDE HEREOF DESCRIBE THE CORRECT CONDITION OF THIS PROPERTY AS OF THE REPORT DATE INDICATED ABOVE.									
49. SIGNATURE OF U. S. REPRESENTATIVE			51. SIGNATURE OF FOREIGN GOVERNMENT REPRESENTATIVE						
50. OFFICIAL TITLE			52. OFFICIAL TITLE						

✓ INSERT TITLE OF THEATER OF OPERATIONS OR COMMAND.

Figure 5. Typical physical condition report and survey.

PROCUREMENT NO. _____

LAND CONDITION REPORT ^{1/}
(IF APPLICABLE)

DATE _____

LAND

ACREAGE _____

TYPE _____

TOTAL AREA UNDER CULTIVATION _____

TYPE OF CROPS PLANTED _____

WERE CROPS HARVESTED PRIOR TO OCCUPANCY _____

STATE WHETHER NATIVES (*INDIGENOUS*) WILL BE ABLE TO WORK THE LAND AFTER OCCUPANCY. IF SO, UNDER WHAT CONDITIONS

ROADS AND TYPE ^{2/} _____

RAILROADS ^{2/} _____

STREAMS OR CANALS TO BE DIVERTED ^{2/} _____

REMARKS: (*DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES, SHRUBBERY AND TYPE OF LANDSCAPING*)

VILLAGES OR BUILDINGS TO BE DESTROYED OR REMOVED ^{2/}

NOTE: (*WHEN A REQUIREMENT EXISTS FOR THE REMOVAL OF ENTIRE VILLAGES OR A GROUP OF HOUSES, THE FOLLOWING INFORMATION WILL BE NECESSARY: A LIST OF OWNER'S NAMES, THE NUMBER OF HOUSES TO BE DESTROYED AND PROVISIONS MADE FOR THE RELOCATION OF CIVILIANS.*)

SIGNATURE _____
(REAL ESTATE OFFICER, UTILIZING ORGN)

^{1/} ALL ITEMS OF INFORMATION WILL BE SHOWN IN BOTH ENGLISH AND THE LANGUAGE OF THE COUNTRY CONCERNED.

^{2/} APPLIES TO AIRFIELDS AND OTHER SUCH TYPE INSTALLATIONS.

Figure 6. Typical land condition report.

and within the Law of Land Warfare (FM 27-10). when this type of real estate is used, it must be secured against all avoidable injury and will be released at the earliest practicable date.

b. Religious buildings, shrines, and consecrated places employed for worship normally are not utilized by the armed forces of the United States. However, if a situation of extreme emergency exists, the Law of Land Warfare (FM 27-10) does permit the use of this type of property for aid stations, medical installations, or the housing of wounded personnel awaiting evacuation.

c. Ancient and valuable properties include structures of historical interest and other structures containing works of art or furnishings of great monetary value. If, in cases of extreme necessity, such property is used for military purposes, commanders must take every precaution to safeguard and preserve the property.

d. The use of protected properties by the armed forces usually creates civil implications; consequently, an official list of protected real estate normally is published by the theater headquarters during the planning phase and expanded during occupation of the area. Authority to approve requests to utilize properties of this type normally is retained at the major command level, and strict regulations concerning safeguarding the property are enforced. Prior to occupancy, the moveable property is inventoried, stored, and secured, with strict precautions taken to prevent fire or pilferage. In all real estate transactions concerning this type of property, the Law of Land Warfare (FM 27-10) will apply and be fully respected.

50. Use of Nonrequisitioned Real Estate for Maneuvers

If a state of war exists, the use of non-requisitioned real estate for maneuver purposes falls within the Law of Land Warfare (FM-27-10) and transactions are subject to command policies and procedures in effect at the time. In peacetime, maneuvers involving the temporary use of land other than that under the direct control of the United States forces normally are a matter of negotiation with the civil government officials having jurisdiction over the required areas and subject to the provisions of previous

agreements with the country concerned. Prior to the conduct of maneuvers, notice is given to the appropriate local government officials indicating the areas to be used and the date of the maneuvers. Notification should include assurance that the rights of private citizens will not be violated and that private property including crops, fences, and livestock will be safeguarded to the maximum practicable extent. Normally, rental is not paid by the United States forces for the temporary use of lands for this purpose. However, damages to property arising from the maneuvers are recorded. After the completion of a maneuver in peacetime, the United States forces will either accept and consider legitimate claims for such damages submitted directly by property owners or negotiate the matter of claims settlement with the government concerned.

51. Release

a. When real estate is to be vacated, a written notice of departure is submitted to the responsible real estate officer. A form such as that shown in figure 7 may be utilized. This notice includes—

- (1) Number and date of requisition.
- (2) Precise location of property (name of building, street, and number, town or nearest town if in a rural area, province, state, map coordinates).
- (3) Date property will be vacated.

b. Accompanying this notice of departure is a completed inventory and condition report noting the deficiencies, value of improvements, repairs, and alterations, and the condition of the property. If United States investment is involved, the report contains the original cost, cost of removal, expense of restoring the property to its original condition, and the salvage value of the United States owned items.

c. A complete and final policing of the property is made prior to the departure of the troops. Unit commanders of all echelons are responsible that their units leave the premises in proper condition when vacated. If for operational reasons a unit cannot police an area adequately before departure, the higher commander normally will designate another of his units to place the vacated property in a satisfactory condition.

d. When real estate is vacated, it may be desirable to retain the property for future use. In this case, the inventory is completed by the departing unit and the real estate officer assumes responsibility for the property. The final inventory is then filed with the original inventory and requisition request. Record of reoccupancy is effected by preparing a new inventory.

e. Before releasing property to civilian owners or government agencies, the real estate officer must insure that no future need for the property exists. Requisitioned property for which no current military requirement exists but which may be required for future military utilization may be released temporarily on sufferance. A written sufferance agreement is executed between the responsible real estate officer and the owner or recipient of the property, who acknowledges that he—

- (1) Understands that possession of the premises is on sufferance only.
- (2) Agrees to vacate the property within a specified time after notice.
- (3) Waives any claim for rent during the period of occupancy.
- (4) Undertakes to be responsible for utilities and maintenance during his occupancy.

f. No United States owned installed equipment is left in a requisitioned facility when it is released unless the theater real estate officer determines that the removal of such equipment could not be justified economically or logistically. Where such a determination has been made, the theater real estate officer gives

written notification of the fact to each supply officer concerned. This notification will serve as authority for the supply officer to drop the item or items from his records.

g. Real estate may be transferred between services within the armed forces or to another agency of the United States Government. Transfers may include, either on a reimbursable or nonreimbursable basis, such United States owned installed equipment or removable property as mutually agreed upon by both participating agencies. After the completion of negotiations, the vacating service derequisitiones the real estate and the receiving agency concurrently requisitions the property and assumes full responsibility and accountability as of the date of transfer.

52. Post-Treaty Conditions

When a treaty of peace is signed, the occupation status of the United States forces ends, with the corresponding loss of special rights and privileges. The enemy country acquires the status of a friendly nation, and real estate operations are conducted as described in chapter 5. Property held by the United States forces is returned to the owners unless other arrangements are effected by mutual agreement. During the occupation period, the theater real estate office should prepare plans for post-treaty operations based upon the known or anticipated employment of United States forces. Particular attention should be given to the acquisition of real estate for bases and installations that will be established under post-treaty agreements.

CERTIFICATE OF RELINQUISHMENT ^{1/}

(DATE)

THE FOLLOWING DESCRIBED PROPERTY WILL BE RELEASED BY _____

_____ TO THE _____ AREA COMMAND ON THE
____ DAY OF _____ 195____

NAME OF PROPERTY _____

LOCATION _____

DESCRIPTION _____

THE ENTIRE AREA HAS BEEN POLICED AND ALL EXCESS OR UNSERVICEABLE PROPERTY HAS BEEN PROPERLY DISPOSED OF. LATRINES, GARBAGE PITS, SUMPS, ETC., HAVE BEEN CLOSED AND MARKED. ANY OTHER CONDITION WHICH MIGHT BE DETRIMENTAL TO HEALTH OR APPEARANCE HAS BEEN ELIMINATED. THE PROPERTY REMAINS IN THE SAME, OR BETTER, CONDITION THAN WHEN ORIGINALLY OCCUPIED BY THIS ORGANIZATION EXCEPT FOR THOSE CHANGES AND ALTERATIONS AS RECORDED ON THE RECORD OF PROPERTY ALTERATION REPORT, REASONABLE WEAR AND TEAR EXCEPTED. ATTACHED INVENTORY OF MOVEABLE PROPERTY, AS OF DATE OF RELEASE IS COMPLETE AND CORRECT.

SIGNATURE _____
(REAL ESTATE OFFICER, UTILIZING ORGN)

THE ABOVE DESCRIBED PROPERTY IS HEREBY RELEASED BY THE _____ ^{2/} TO REVERT TO
THE CONTROL AND DISPOSITION OF THE GOVERNMENT OF _____ ^{2/} ON THE _____ DAY OF
_____, 195____

SIGNATURE _____
(REAL ESTATE OFFICER, AREA COMMAND)

THE UNDERSIGNED DOES HEREBY ACKNOWLEDGE HE IS THE _____ ^{2/} REPRESENTATIVE OF
THE _____ ^{2/} GOVERNMENT AND IS AUTHORIZED TO RECEIPT FOR THE RELINQUISHMENT OF
THE ABOVE DESCRIBED PROPERTY USED BY THE _____ ^{2/} AND DOES FURTHER
ACKNOWLEDGE THAT STATEMENTS MADE HEREIN ABOVE AS TO THE CONDITION OF SAID PROPERTY
ARE TRUE AND CORRECT WITH THE FOLLOWING EXCEPTIONS (NONE) _____

SIGNATURE _____ ^{2/} REPRESENTATIVE OF _____ ^{2/}

^{1/} ALL ITEMS OF INFORMATION WILL BE SHOWN IN BOTH ENGLISH AND THE LANGUAGE OF COUNTRY CONCERNED.

^{2/} INSERT NAME OF APPROPRIATE UNITED STATES COMMAND OR FOREIGN COUNTRY.

Figure 7. Typical certificate of relinquishment.

CHAPTER 4 REAL ESTATE OPERATIONS IN FRIENDLY COUNTRIES DURING HOSTILITIES

Section I. GENERAL

53. Conditions

a. Partial Invasion. In the initial phases of a war, enemy forces may succeed in effecting a partial invasion and occupation of a friendly country. Halting this invasion and repelling the enemy may involve United Nations forces or United States forces acting under a mutual security agreement. Existing treaties and agreements concerning real estate must be modified to provide for the requirements of active hostilities.

b. Total Invasion. When a friendly country is occupied completely by enemy forces, real estate operations are similar to those conducted in hostile territory. If a government-in-exile is formed, it may not possess sufficient authority to make agreements that will be legally binding upon the national government following liberation of the country. When this situation exists, complete documentation of all real estate used by United States forces will be emphasized. An agreement should be effected with the government-in-exile concerning real estate operations within liberated areas over which it may exercise jurisdiction.

c. Support of a Theater Outside the Country. United States forces may be stationed in a friendly country to provide support for other forces engaged in hostilities elsewhere within the theater of operations. In providing real estate, the host country understandably will attempt to avoid subjecting its population to the danger of attacks on military installations by

enemy air, missile, or mass-destruction weapons. Subject to military necessity, efficiency of operation, and security, every effort will be made to utilize areas substantially removed from civilian centers of population. This does not mean that unsuitable areas will be accepted. It is the duty of the real estate officer to bring to the attention of the commander, United States forces, any action by the host government to force acceptance of such areas.

54. Liberated Areas

a. To provide real estate support for the tactical operations necessary to liberate an invaded country, the commander of the United States forces must be granted adequate emergency powers and authority. Troops must have flexibility of movement and deployment, unhampered by restrictions on the use of real estate. In negotiations with the national government, the commander of United States forces must obtain the broadest degree of real estate authority consistent with the proper functions of government agencies.

b. Liberation of an area does not necessarily restore authority to the government. The theater commander, as civil administrator, determines when the area can be returned to government control. Until this decision has been announced, real estate operations are conducted in the same manner as in the occupied portions of enemy countries.

Section II. REAL ESTATE OPERATIONS IN INVADED COUNTRIES

55. General

a. Real estate policies and procedures within a friendly country during hostilities are similar to those described in chapter 3, modified by any agreements effected between the United States and the government concerned.

b. In those instances where the advance of the United States forces will permit the liberated

area(s) to be returned to the control of the national government shortly after recapture, the use of real estate is of such brief duration that documentation is unnecessary. When the advance is halted, the commander responsible for real estate operations may recommend one of the following actions:

- (1) Moving the rear boundary of the

combat zone forward and returning the area released to civil government jurisdiction if existing agreements so provide.

- (2) Establishing real estate documentation in specified portions of the combat zone, such as areas in rear of division or corps boundaries or those in which local government agencies are considered to be capable of assuming responsibility for real estate operations.

c. When the destruction or removal of structures becomes necessary because of tactical requirements, accurate and detailed descriptions of property are placed on file at the central real estate office of record.

56. Organization

Hostilities within a friendly country may require a real estate Organization adapted both to procedures that follow a peacetime pattern and those required in active combat areas. In rear areas, real estate operations are based upon the original agreement with the national government, while in forward areas not under government control, conditions require operations similar to those conducted in enemy territory. As a result, three types of real estate organizations may be required:

a. *Theater Real Estate Office.* If real estate operations are being conducted in several countries, a central theater real estate office is necessary.

b. *Country Real Estate Office.* A separate real estate office for a country may be established if the seat of the national government is located a considerable distance from the theater headquarters.

c. *Field Real Estate Organization.* AERE field teams capable of surveying, documenting, and administering real estate operations are established.

57. Documentation

If the United States forces were stationed in the friendly country before hostilities, documentation in the liberated areas follows the peacetime procedures provided in the governing agreement. Otherwise, a requisition receipt is used. When other forms of documentation are agreed upon, existing requisitions are amended to comply with the new requirements.

58. Acquisition

a. *Urgent Need for Real Estate.* Hostilities within a friendly country create an urgent need for real estate in rear areas to accommodate large and dispersed logistical installations. If United States forces were stationed in the country before hostilities began, the existing real estate procedure usually will be too detailed and time consuming to be continued, and agreements must be amended to expedite the acquisition of new property.

b. *Procurement by Host Government Military Force.* The national government may authorize its military forces to procure real estate for the United States command, with a joint liaison committee determining matters of policy and operations. This arrangement insures that real estate will be procured for the United States forces by personnel familiar with military requirements. Since the United States forces lose control over real estate valuation, agreements should establish a sound basis for appraising the value of property and the determination of equitable rents. War damage inflates the value of usable property unless controls are established and enforced by the national government.

c. *Direct Procurement.* If a suitable agreement can be effected with the national government, direct procurement may be the most expeditious method of securing real estate. The agreement should provide that required real estate will be furnished for the United States forces without cost as a contribution to the joint defense effort. Property is acquired through local government agencies or through liaison officers of the country attached to the United States forces headquarters. Under this procedure, the United States forces can acquire new real estate promptly to meet tactical or logistical requirements. In a major emergency, such as attacks by guerrillas, airborne forces, or mass-destruction weapons, facilities could be relocated rapidly.

d. *Need for Bilateral Agreement.*

- (1) If a bilateral real estate agreement is not made with the national government, the result will be chaos during hostilities and a great many exorbitant claims when hostilities cease. A unilateral statement of real estate policy

by the United States forces will not be binding upon the friendly government without adequate evidence of its acceptance. Every effort should be made through the Department of State to secure a bilateral agreement, a minute of understanding, or some other form of written instrument in which the foreign government con-firms its acceptance of United States real estate policy and procedures.

- (2) Before the formal concurrence of the national government has been obtained, real estate activities should be conducted in such a manner that the government will assert no objections. Wherever possible, the command responsible for real estate operations should obtain official copies of documents and other evidences of confirming action which indicate the approval of United States forces real estate activities by the national government.
- (3) When a bilateral agreement is negotiated, it should ratify the prior real estate activities of the United States forces from the beginning of hostilities. A report of all such transactions is prepared by the United States forces

real estate office and transmitted to the national government agency concerned.

59. Post-Liberation Conditions

a. Total liberation of a friendly country, while ending active hostilities within the country, may not permit the complete resumption of peacetime real estate policies and procedures. If the liberated country serves as a base for United States forces advancing into enemy territory, the commander must retain some of his emergency authority over real estate operations. Logistical support installations may require additional real estate for expansion, both in rear areas and in areas closer to the national boundaries as installations are moved forward to shorten lines of communication. Before relinquishing any of his authority, the commander must consider the present and future deployment of his command, the attitude of the people toward the United States forces, and the stability of the national government and its sub-divisions.

b. The real estate field agency that may be required after liberation depends upon the extent of the post engineer Organization that is established. As post engineers assume responsibility for real estate, AERE teams are disbanded and their personnel usually are transferred to post engineer staffs.

CHAPTER 5

PEACETIME REAL ESTATE OPERATIONS IN FRIENDLY COUNTRIES

60. Development of Policies

a. The commander of the United States forces in a friendly country is responsible for establishing real estate policies and procedures, subject to the terms of the governing agreement and directives he receives from the Joint Chiefs of Staff. His authority over operations usually is delegated to the subordinate commander having the greatest responsibility for real estate, who establishes a central real estate office.

b. General policies and procedures are prescribed in directives similar to those discussed in paragraphs 31 and 82. Detailed policies are developed through the day-to-day solution of particular problems. For example, the basic agreement does not contain a specific reference to the method of securing easements. Real estate officers, however, after negotiating several individual easements with their counterparts in the civil government, will evolve a mutually acceptable policy which will form a precedent for all future transactions involving easements. Similarly, policies are developed concerning new acquisitions, water rights, air rights, rights-of-way, joint usage of installations, and so on. Annotated decisions on particular problems of policy and procedure are disseminated to all echelons of command having responsibility for real estate.

61. Negotiating Agency

a. Real estate negotiations between the commander of the United States forces and the central government usually are conducted by a joint committee or similar agency composed of a representative (co-chairman) of each party to the agreement. Each co-chairman has one or more deputies and a staff. The co-chairman should be of equal rank and should alternate at meetings to insure equal representation. Since the theater J4 or G4 is responsible to the commander for real estate policy and its imple-

mentation, he may be appointed co-chairman for the United States forces.

b. The joint committee determines its own procedures and arranges for such auxiliary agencies and administrative services as may be required. The foreign government appoints representatives of the appropriate government departments. Similarly, the commander of the United States forces designates qualified representatives of the headquarters and services concerned. The committee is so organized that it can meet immediately at any time upon the request of either co-chairman.

c. The joint committee acts upon the recommendations of subcommittees and upon such other matters as it may consider appropriate. Recommendations from subcommittees are considered and either approved, amended, or rejected. Problems considered directly by the joint committee are negotiated, resolved, and approved. Approval, in either case, is noted by the signatures of the two chairmen. Minutes of all proceedings are kept, approved by the chairmen, and distributed as required to members of the joint committee, subcommittee chairmen, and appropriate echelons of the foreign government and of the United States forces. Because these procedures are time consuming, steps to acquire real estate facilities should be initiated as early as possible when a need is anticipated.

d. If the joint committee is unable to resolve any matter, the problem is referred to the respective governments for further consideration.

62. Subcommittees

a. Technical problems concerning real estate operations are assigned by the joint committee to various subcommittees for negotiation. These subcommittees follow the same principles of Organization and procedure that guide the joint committee. As many subcommittees as are

necessary may be established, each specializing in a particular field of interest, such as facilities, telecommunications, labor, roads, aviation, roadsteads, harbors and docks, and so on. When required, panels staffed with technical personnel may be formed to resolve special problems.

b. The recommendations of a subcommittee are submitted to the joint committee in writing, signed by the cochairmen. Minutes of all proceedings are kept, approved by both chairmen, and distributed to interested agencies.

c. The facilities subcommittee is concerned with the acquisition and management of real estate. In view of its importance, the G4 of the command responsible for real estate may be designated as chairman for the United States forces. Military members should include the real estate officers of the theater J4 or G4 section, subordinate commands, and the Army, Navy, and Air Force commands. The extent of the workload may require a secretariat to provide the theater J4 or G4 with command supervision over the facilities occupied within the country and to advise the subcommittee chairman of matters that require negotiation.

63. United States Forces Secretariat

a. All negotiations with the foreign government should be conducted at the highest command level. A secretariat or similar staff organization is established at this level to provide administrative services and to serve as an office of record for all agreements made by the United States forces with the government. If the theater embraces more than one country, a secretariat may be provided for each country.

b. The minutes of all meetings conducted by negotiating agencies should be reproduced and distributed by the secretariat. In addition, the secretariat should issue, preferably in standard looseleaf form, copies of all agreements that make, modify, or affirm real estate policy. These should be codified so as to provide a reference by subject, number, and date for each agreement.

64. Operations Directive

Real estate procedures are prescribed in the operations directive (par. 32) issued by the commander of the United States forces. This directive should be fully coordinated with the

appropriate officials of the national government. Agreement should be reached concerning routine procedures and the preparation, processing, and distribution of real estate documents.

65. Organization

a. Peacetime real estate operations in friendly countries require an engineer real estate organization similar to that discussed in chapter 2, modified to meet the requirements imposed by the status and employment of the United States forces. The organization shown in figure 1 generally is suitable.

b. The nature of the field organization required will depend upon whether or not a post engineer organization exists and has assumed accountability for real estate. If no post engineer organization is functioning, field real estate operations are conducted by AERE teams assigned on an area basis.

66. Post Engineer Procedures

a. United States forces and installations in a friendly country during peacetime usually are limited to specific post areas provided by the host nation. The real estate functions of the post commander are delegated to his staff engineer, who is responsible for the acquisition, management, utilization, and disposal of real estate within the post area.

b. The staff of the post engineer includes a real estate officer who handles all real estate transactions. He maintains the only office of record for real estate operations within the area of responsibility, regardless of whether the facilities were acquired for the Army, Navy, or Air Force. Additional officers at subposts may be appointed to assist the post real estate officer. The office of record for property accountability is maintained by the officer responsible for post repairs and utilities.

c. At the time of acquisition of property, the post real estate officer, accompanied by the owner or an authorized representative of the civil authority, prepares an inventory and condition report and other prescribed acquisition documents. A set of these forms is transmitted through the post commander to the repairs and utilities officer concerned to establish accountability for the property.

d. The post commander, or his designated representative, signs the acquisition documents to acknowledge assumption of command responsibility and designates the post agency that will have user responsibility for the property. The using agency assumes this responsibility upon completion of a joint inventory taken at the time of transfer.

67. Joint Use of Installations

a. The joint use of installations by agencies of the United States (such as by Army or Air Force) or by United States agencies and those of another country, requires an agreement approved by the major commanders concerned. This agreement should clearly define the authority, obligations, and responsibilities of each party. A joint use agreement should include—

- (1) Official designation of the parties to the agreement.
- (2) Purpose of the agreement.
- (3) Specific references to, and description of, the real estate to be used by the tenant agency, including a detailed plot plan.
- (4) Statement of the use to be made of the real estate by the tenant agency.
- (5) Date the agreement becomes effective and the period it extends.
- (6) Provisions concerning such personnel and administrative matters as the following:
 - (a) Primary responsibility and command jurisdiction.
 - (b) Number and status of personnel involved and logistical support, including housing to be provided for them.
 - (c) Recreational, morale, and welfare facilities, to include theaters, clubs, special service facilities, and so on.
 - (d) Employment processing and general administration of United States and indigenous personnel required by the tenant agency.
 - (e) Medical and dental facilities and services.
 - (f) Transportation facilities and services.

- (7) Provision for coordinating and resolving minor problems not covered specifically by the agreement.
- (8) Provision concerning new construction or alterations sponsored by the tenant agency, including the ultimate disposition of the property.
- (9) Provision delineating responsibilities for the use, care, and protection of property supplied by the host agency.
- (10) Provision concerning repairs and utilities support to be furnished by the host agency and reimbursement therefor, including --
 - (a) Fire prevention and protection.
 - (b) Electricity.
 - (c) Heat or fuel, or both.
 - (d) Building repair and general maintenance.
 - (e) Sewage disposal.
 - (f) Water.
- (11) Provision concerning communications facilities and services to be provided by the host agency.
- (12) Provision for subsequent amendment or termination of the agreement.

b. Joint use agreements may be amended or terminated only after approval has been granted by the authorities originally approving the agreement, unless the agreement provides otherwise.

68. Additional Acquisitions

a. The acquisition of additional real estate not provided under the basic agreement may be negotiated with authorized representatives of the host nation by the United States members of the joint committee or similar agency or by the commander charged with real estate responsibility for the country. When the latter is the Army commander, he may establish a central negotiating agency with the secretariat as a part of his staff under the supervision of G4 or the real estate officer.

b. Requests for the acquisition of new real estate are initiated and processed according to the requirements of the operations directive. A written request containing justification for the acquisition of the property and describing it in sufficient detail to permit accurate identifica-

tion, is submitted to the negotiating agency. When the request has been approved by the negotiating agency, the requesting unit and the appropriate foreign government official are notified. Their representatives and the owner or, in the case of government-owned real estate, the responsible government officials, will then make a detailed survey of the property.

c. After the survey, a formal request is submitted in prescribed form. The following detailed information is required:

- (1) Description of the area or facility, including size of the land area, number of buildings, total floor area, type of construction, and general condition of structures. A schedule of facilities, attached as an inclosure, describes the construction of individual buildings and gives their floor areas.
- (2) Location: address, map coordinates, identification on local tax or property registers.
- (3) Ownership:
 - (a) Name, nationality, and address of owner.
 - (b) Annual rental value.
 - (c) Estimate of initial cost of occupancy, including the cost of required alterations and repairs.
 - (d) The reason that premises are not considered suitable in their present condition. (The selection or leasing of properties requiring extensive alterations or repairs to put them in a satisfactory condition must be avoided whenever possible.)
- (4) The purpose for which the property is required and justification, including factual data indicating that the acquisition is part of an approved program.
- (5) Identification of any properties which may be released as a result of the new acquisition, including all types of real estate interests (leases, easements, licenses).
- (6) Estimated term of occupancy.
- (7) Date on which facilities must be available.

- (8) Number of civilians to be evicted, roads to be relocated or closed, railroads to be relocated, crops to be removed or destroyed, and similar major actions changing the present nature of the property.

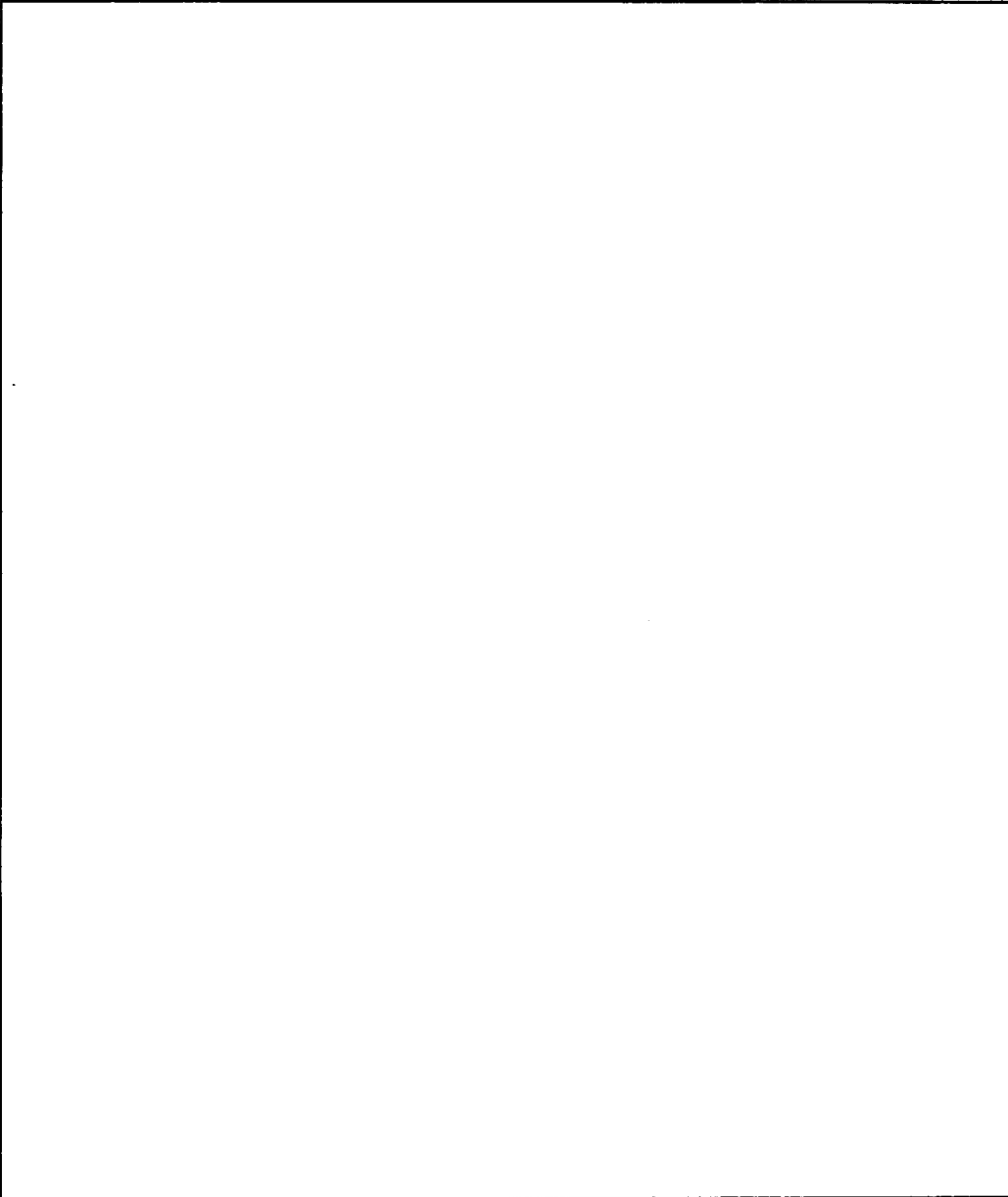
- (9) Overlays or plot plans in the number of copies required. These should show boundaries, existing structures, improvements, cultivated areas, utilities, wells, and other essential features. Forms such as the one illustrated in figure 8 may be prescribed.

d. The request is reviewed by the real estate office. This review includes consideration of—

- (1) The completeness and accuracy of the submitted data.
- (2) Clarity and readability of the plot plan or overlay.
- (3) Comparison of the size of the property with the space requirements of the requesting unit.
- (4) Whether the unit can be accommodated in existing installations that are not being fully utilized.
- (5) Whether plans contemplate other uses for the requested property.

e. After review by the real estate office, the request is transmitted to the negotiating agency for consideration. When an agreement approving the acquisition has been reached, the request and copies of the agreement are returned to the real estate office for documentation. The approved request is then transmitted to the requesting unit.

f. Upon receipt of the approved request, representatives of the unit and the responsible government agency make a careful survey of the property, ascertaining its boundaries as finally authorized. An inventory of removable property also is prepared. Complete agreement must be reached regarding the boundaries, the schedule of facilities, the inventory, and the physical condition of the property. When agreement has been reached on all these details, the host government will be requested to make the facilities available. If the host government finds that it cannot grant the request the matter will be referred to the proper committee for renegotiation.

PLOT PLAN	PROCUREMENT NO.	DATE
<p>THE PLOT PLAN SHOWN BELOW WILL BE AS ACCURATE AS POSSIBLE AND TO THE MOST APPROPRIATE SCALE, DEPENDING UPON THE SIZE OF THE AREA. BUILDINGS SHOWN ON THE PLOT PLAN WILL BE IDENTIFIED SO AS TO CORRESPOND WITH THOSE SHOWN ON THE CONDITION AND INVENTORY REPORTS. PLOT PLAN WILL BE REVISED WHEN ADDITIONAL IMPROVEMENTS ARE CONSTRUCTED, ADDITIONAL PROPERTY ACQUIRED, OR PORTIONS OF PROPERTY RELEASED.</p>		
		

ALL ITEMS OF INFORMATION WILL BE SHOWN IN BOTH ENGLISH AND THE LANGUAGE OF THE COUNTRY CONCERNED

Figure 8. Typical form for plot plan.

69. Utilization

The real estate office is responsible for insuring that all property held by the United States forces is utilized to the maximum extent consistent with health and efficiency standards. This objective may be achieved by—

a. Review of Requests. Requests for additional real estate are based upon an essential requirement that is imposed by the mission of the requesting agency. The real estate office reviews all such requests to determine that they represent an actual need, that the requested facility or area will be adequate for its intended purpose, and that no other suitable property already assigned to the United States forces is available.

b. Utilization Inspections.

- (1) Periodic utilization inspections (AR 40570) are essential to insure that real property is being used efficiently for its assigned purpose and that the using agencies do not retain property that is no longer necessary for their present or anticipated needs. The real estate office must conduct continuing inspections of all facilities and areas to insure that the space utilization criteria of the command (AR 41531) are not exceeded without justification.
- (2) All surplus real estate must be released promptly to save the United States Government from unwarranted expenses arising from rentals, utilities, maintenance, and security. Further, the retention of surplus property may impose a hardship upon citizens of the host nation, thereby creating reactions unfavorable to the United States Government.
- (3) Accurate utilization surveys make it possible for higher headquarters to fill the real estate needs of subordinate commands by the reallocation of surplus property.

c. Utilization of Installations Report. The Utilization of Installations Report is prepared from the real estate records maintained by post engineers or AERE teams. This consolidated report shows the gross capacities of installations occupied by United States forces and is used by

higher echelons of command to approve requests for construction and for additional facilities. Because of its importance in real estate planning, this report is prepared with great care and contains the most accurate data available.

70. Management

The internal management of assigned facilities and areas is a command responsibility of the occupying unit. General policy is determined and announced by the commander of United States forces. All transactions directly affecting the property, such as those involving outgrants, should be conducted by the central real estate office.

71. Major Alterations

a. Major alterations which will appreciably affect the original purpose or design of a property are approved by the central real estate office before the work is begun. Proposed changes should be coordinated with appropriate authorities of the host government, even though their official concurrence is not required by any agreement.

b. Real estate officers should review each proposed alteration project to determine whether it will represent a liability when the property is released. If a liability would result, that aspect of the request must be brought to the attention of the commander responsible for United States forces real estate. Real estate officers do not, however, disapprove command requirements for alteration or modification of existing facilities without the concurrence of the commander responsible for United States forces real estate.

c. Trees and shrubs within the confines of a military installation will not be cut or removed without the written approval of the responsible real estate officer. Except in the case of military emergency, the real estate officer obtains concurrence from an authorized agent or agency of the host government before any trees are cut or wooded areas cleared. Concurrence of the host or local government, whichever is applicable, is required before excavating construction materials, such as sand and gravel. This is a particular requirement when the proposed excavation may cause a major change in the topo-

graphic features of an area or may affect its future use. Whenever practicable, excavation sites should be selected with a view to disturbing the future use and appearance of an area as little as possible.

72. Outgrants

a. An *outgrant* is a license or lease giving permission to occupy facilities and installations controlled by the United States forces for private nonmilitary purposes. Approval of the joint committee or similar negotiating agency is required before an outgrant can be issued.

b. A *license* is a bare authority to do a specified act or series of acts upon land under the control of the United States forces. The principal effect of a license is to authorize acts which otherwise would constitute a trespass. A license is issued for a limited period and is granted by installation commanders only when it will result in a direct benefit to the United States forces or to the installation. It may be terminated at any time at the discretion of the commander who issues it. Normally, no money consideration is involved, although there may be provisions concerning maintenance and repair obligations and the payment of utilities charges. Since a license is personal in nature, the licensee cannot assign or sublet the property to another and cannot use it for any purpose not expressed in the license. Figure 9 illustrates a type license form. Licenses customarily are issued to authorize the use of land and facilities for such installation services as—

- (1) Transportation (parking lots, passenger shelters, and dispatch booths for buses and taxis).
- (2) Military banking facilities.
- (3) Red Cross facilities.
- (4) Telephone and telegraph facilities.

c. *Leases* granted by the United States forces provide for the maintenance, repair, or restoration of the property concerned. Leases ordinarily provide that the tenant will keep the property in good repair and return the premises in as good condition as they were at the time of entering, except for reasonable wear and tear, unavoidable damage by the elements, or other circumstances over which the tenant had no control.

d. Periodic inspections are made by repre-

sentatives of the commander responsible for United States forces real estate operations and by local installation commanders to insure that holders of outgrants are complying with the conditions of the grants.

e. Outgrant instruments (contracts) usually provide that requests to renew or extend them must be initiated according to the procedures required to secure the original outgrant and submitted in sufficient time to permit the completion of action before the outgrant expires.

73. Quarters for Indigenous Personnel

a. Family type quarters may be provided for indigenous personnel employed on a United States forces installation as a result of --

- (1) Inadequate public transportation to off-post housing areas.
- (2) Shortage of housing facilities within a reasonable distance of the installation.
- (3) Requirements for emergency, standby technical, utility, or supervisory employees.

b. There are usually many complex civil relations problems involved in approving outgrants for this type of real estate. Consequently, commanders normally will restrict such authorizations to an absolute minimum number and where possible will make the local government officials a party to the outgrant document. Licenses to occupy family type quarters usually are granted for a one-year period only, and the usage is restricted to immediate members of the licensee's family. Reimbursement is required for utilities and similar services, but rent is not charged unless the facilities are constructed by or at a cost to the United States Government.

74. Eviction of Civilians

a. In the process of acquiring real estate, the eviction of civilians may be necessary. All evictions should be handled by officials of the host government, without interference or assistance from the United States forces. Plans should allow sufficient time to permit an orderly relocation of the persons who are displaced. Wherever practicable, proposed facilities and installations should be sited in locations that require minimum disruption of the civilian community.

b. Except in tactical emergencies or at the termination of an outgrant, all requests involving the eviction of civilians must be submitted through the central real estate office for approval by the commander responsible for United States forces real estate.

75. Razing of Structures

a. Authorization must be secured from the central real estate office before a foreign-owned structure may be razed. This may be necessary to dispose of—

- (1) Buildings or improvements which cannot be kept in repair at a reasonable cost.
- (2) Buildings or improvements which are dangerous to life; are likely to damage adjoining structures; have become hazards or nuisances; must be removed to provide proper security for an installation, to create a fire break, or to permit new construction to proceed.
- (3) Temporary buildings or improvements which have served the purpose for which they were constructed.
- (4) Buildings or improvements which have deteriorated or are damaged to such a degree as to render them unsuitable for further service.

b. The following supporting information should be included with all requests to raze a structure:

- (1) Statement indicating ownership of property.
- (2) Reason structure(s) must be razed (new construction, elimination of sanitary hazards, etc.).
- (3) Estimated value of structure at time of original occupancy.
- (4) Estimated present value of structure.
- (5) Salvage value of materials.
- (6) Copy of report of survey or board of officers report prepared in connection with damage or destruction of property.
- (7) Cost of razing or removing and availability of funds if to be performed by United States forces.

(8) Statement from appropriate government agency that the foreign government will accept full responsibility for razing and removing, if it is to be done by the government or a private owner.

(9) Statement from the government agency concerned that the structure has been examined, and that the government consents to the razing.

(10) Proposed disposition of salvage materials. (Salvable United States owned materials or equipment resulting from the razing of a structure, if not to be reused immediately, are shipped to the nearest engineer depot or turned in to an authorized storage or stockage point for reissue.)

76. Requests for Return

If an owner petitions for the release of property occupied by the United States forces and his petition is approved by the appropriate government agency, the request is submitted to the joint negotiating agency for consideration.

77. Release

a. Each proposed release also should be considered in the light of possible future emergency requirements. Airfields and landing strips should not be released without the stipulation that they may be used for emergency service by aircraft of the United States forces. Property released to the host government should, whenever possible, be accompanied by a recapture provision that will permit immediate re-acquisition in the event of an emergency.

b. Requests to release excess real estate usually are submitted to the central real estate office for approval on a prescribed form similar to that shown in figure 10. Supporting information will include—

- (1) Plot plans that clearly identify the property to be released.
- (2) Value of improvements made by the United States forces, estimated cost of removal, time required for removal, and any damage to the building that would result from removal.

c. When release of the property has been approved, advance notice in writing of the

intention to return the property must be given to the appropriate government agency. Advance notice of the return must conform to procedures set forth in applicable local laws or in agreements made by the negotiating agency.

d. Equipment which was installed in or on a building or structure at the time the United States forces assumed control will not be removed prior to its being released. United States Government property installed after the United States forces assumed control is removed unless—

- (1) The acquisition agreement specifically states that such property will remain as part of the building or structure.
- (2) The removal of such property would damage the building or structure rendering it unfit for use or occupancy.
- (3) The cost of removing the equipment and putting the building or structure in its original condition would exceed the

monetary or logistical value of the property.

- (4) The accepting individual or agency is amenable to the property remaining in the building or structure.
- (5) The accepting individual or agency desires the property to remain in the building or structure and agrees to pay the United States Government a fair price for the equipment.

e. Duds and other explosive ammunition must be removed or detonated prior to the release of maneuver areas, target ranges, bombing ranges, and impact areas. In cases where other military operational requirements preclude fulfillment of this requirement, the area in question must be clearly marked with warning signs and, normally, special arrangements made to have the area cleared. When other military forces are not available to accomplish the task, it may prove practicable to assist in the training of local nationals to clear such areas.

REQUEST FOR APPROVAL TO DISPOSE OF REAL PROPERTY UTILIZED BY UNITED STATES FORCES, _____ ✓						REQUEST DATE
TO:				FROM: (Name and address of Responsible Installation)		
I. IDENTIFICATION OF PROPERTY FOR DISPOSAL						
1. ENG. FORM 1266 NO.		2. IPNR NO.		3. FACILITY NO.		4. LEASE NO.
5. NAME OF INSTALLATION				6. PROPERTY ADDRESS (Town, City, Prefecture and Country)		
7. PARTIAL OR TOTAL DISPOSAL OF				8. TOTAL SQUARE FEET FOR RELEASE		9. NO. BLDGS FOR RELEASE
	1266	FAC	JPNR	LEASE	LAND	FLOOR SPACE
PARTIAL						
TOTAL						
10. A. LIST STRUCTURES TO BE RELEASED AS REPORTED ON PARTS A AND B, ENG. FORM 1266. INCLUDE ITEM, LINE, AND BUILDING NOS. AS APPLICABLE						
10. B. BRIEF DESCRIPTION (Type construction, use, condition, etc.):						
EXPRESS IN US DOLLARS			16. PROPOSED DISPOSITION OF SALVAGE MATERIALS (Return to Stock, Released to Foreign Government, etc.)			
11. VALUE AT ACQUISITION						
\$						
12. PRESENT VALUE						
\$						
13. SALVAGE VALUE						
\$						
14. COST OF RAZING						
\$						
18. FUNDS AVAILABLE?			17. APPROVAL OF GOVERNMENT HAVING JURISDICTION ATTACHED			
<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> YES <input type="checkbox"/> NOT REQUIRED (If "Yes", attach approval as inclosure)			

✓ INSERT TITLE OF THEATER OF OPERATIONS OR COMMAND.

Figure 10. Typical request for approval to dispose of real property.

18. LIST OF BLDGS AND STRUCTURES PROCURED AT NO COST TO U.S. (Include hardstands, roads, etc.)					
BLDG. NO.	COST(US Dollars)	TYPE FUNDS	CONVERSION RATE	SQ. FT.(Note 1)	SQ. FT.(Note 2)
TOTAL VALUE IN(US Dollars)					
(Note 1: List additions to original structures)			(Note 2: List structures added in entirety since acquisition)		
19. CONSTRUCTION AUTHORITY					
20. REASON FOR DISPOSAL AND REMARKS:					
II RECOMMENDED FOR DISPOSAL					
TYPED NAME, RANK AND TITLE OF RESPONSIBLE OFFICER			SIGNATURE		
TYPED NAME, RANK AND TITLE OF APPROPRIATE OFFICER(See Note)			SIGNATURE		
TYPED NAME, RANK AND TITLE OF INSTALLATION COMMANDER			SIGNATURE		
III ACTION BY AGENCY AUTHORIZED FINAL DISPOSITION					
(Check applicable box)		A. PROPERTY WILL BE			
<input type="checkbox"/> APPROVED					
<input type="checkbox"/> DISAPPROVED					
		B. OTHER			
DATE APPROVED		NAME AND RANK OF INDIVIDUAL		SIGNATURE	

NOTE:(Use in cases of taxing, sanitary nuisances, safety hazards, etc., and will be signed by the medical officer, the safety officer, the fire marshal etc., as applicable.)

Figure 10.—Continued.

CHAPTER 6

RECORDS AND REPORTS

Section I. RECORDS

78. Purpose

The compilation of complete records covering the use and occupancy of a parcel of real estate, from its first noncombat acquisition to final disposal, is an essential function of all real estate organizations. These records form the basis of reports or data used by—

a. All echelons of command, including the Department of Defense and the Department of the Army, for the following purposes:

- (1) Determining the capacity of facilities and installations within a particular theater, command, or area.
- (2) Establishment of construction requirements for the theater, command; or area.
- (3) Planning the theater logistical buildup, troop movements, housing, or theater or command relocation when withdrawal or a major reduction in strength takes place.
- (4) Developing base plans for the theater during combat, after combat and before a treaty or cease-fire, after a treaty is effected, and for the establishment of security forces in friendly or allied countries.
- (5) Insuring complete all-service utilization of installations, facilities, and areas.

b. Engineer personnel, to provide data for construction plans, recommendations concerning base development, and theater or command capacity studies.

c. Real estate personnel to—

- (1) Prepare reports of real estate utilization (percentage use of housing, storage facilities, and so on).
- (2) Furnish command staffs with the facts and background necessary for decisions

concerning specific installations or areas.

- (3) Establish fiscal requirements when rental payments are required.
- (4) Negotiate, adjust, and settle claims for the use and occupancy of real estate.
- (5) Protect United States interests and property when final disposition of an installation or area is made.
- (6) Insure full utilization of all property held by the United States forces.

79. Basic Real Estate Records

The records of each parcel of real estate held by United States forces should contain the following data:

a. Complete description of the property, including—

- (1) Exact metes and bounds, as recorded in the applicable property register of the local government or as determined by a survey made at the direction of the United States forces.
- (2) Any aerial and ground photographs available to furnish evidence of adequate condition of property at the time of the first noncombat acquisition and the time of release.
- (3) Inventory of improvements acquired with the property, such as buildings, roads, utilities systems, wharves, fences, and so on.
- (4) Inventory of equipment and furnishings acquired with all types of properties.
- (5) Accurate information about trespass rights, rights-of-way, and easements, documented or undocumented.
- (6) Terms of service or benefits enjoyed

(as, chimneys swept twice a year, garbage removed three times a week, cesspool cleaned once a year, and so on).

b. Where properties have been released temporarily to nationals of an occupied territory on sufferance, the records of each parcel so released are to contain, in addition to the information specified in a, above, copies of the agreements covering the release and additional data showing—

- (1) The specific date that the property was released.
- (2) Responsibilities of the party to whom released.
- (3) Responsibilities of the United States forces that may result from or come into being during the period of sufferance occupancy.
- (4) The actual date on which the property will be returned to the United States forces.
- (5) The number of days notice required to accomplish complete return of the property.

80. Field Real Estate Records

AERE teams and similar field real estate agencies must maintain a complete record of all real estate occupied within their area of responsibility by the United States forces. A standardized field record system will be established by the theater real estate office. It may include such supplemental files as the following:

a. *Available Accommodations.* Various lists will be requested from government officials indicating available houses, hotels, billets, garages, public buildings, warehouses, bivouac areas, and so on. The results of surveys of available accommodations made by the team also are filed. Similar lists of available real estate are maintained by local CAMG agencies.

b. *Pending File.* Real estate requests awaiting the completion of acquisition procedures.

c. *Requisition File.*

- (1) As each parcel of property is requisitioned, all documents relative to it, such as the original requisition, inventory and condition report, overlays, correspondence, and so on, are filed as a unit. The number assigned by the

AERE team to that particular transaction is placed on the upper right hand corner of each document. All requisitions and related documents are filed in numerical order.

- (2) Duplicate and triplicate copies of requisitions are similarly numbered, and each has filed with it copies of any necessary overlays or other explanatory material. Normally the duplicate is served op. the responsible local government official and the triplicate is retained by the requisitioning officer.
- (3) When notice is received that a property has been vacated, the fact is noted on the original and on the triplicate copy. The final inventory and condition report is filed with the original requisition and other related documents.

d. *Reference Book.*

- (1) This is a ledger with the pages ruled in six vertical columns headed respectively:
 - (a) *File number.* The number assigned to the transaction by the field agency.
 - (b) *Type of property.* For example, office building, private dwelling, store, school, barracks, and so on.
 - (c) *Location.* Exact location of property. For farm land, the district, plan number, and the number of acres are added. For urban property, the house and street number usually are sufficient.
 - (d) *Owner.* Name of owner, if known.
 - (e) *Date of entry.*
 - (f) *Date vacated.*

- (2) As each parcel of property is requisitioned, the relevant information is entered in the reference book. In the back of the ledger, an alphabetical index is compiled by the branch or service of the units requesting property. For example, all engineer units are listed on a page, with the name of the unit, its APO address, and the office file number assigned to the requisition.

e. *Card Index File.* A standard index card (approximately 3 x 5) is prepared for each

parcel of real estate that is requisitioned. The card contains the office file number, requisition number, location of the property, type of land or building, date of entry into premises, and date premises were vacated.

81. Transfer of Records

When an AERE team or other real estate field agency is relieved, all records are transferred immediately to the succeeding team or agency and a receipt is obtained. A certified true copy of the receipt should be forwarded to the parent headquarters for file. If there is no succeeding agency, all records are forwarded to the theater real estate office.

82. Installation Record File

A current file of maps, plans, and drawings of an installation, as prescribed in Department of the Army directives, must be maintained by the installation commander. All property records covering real and installed property, including maps, drawings, specifications, and property record cards, will be retained at the installation and will be transferred to the Chief of Engineers if the installation is declared excess (AR 210-10).

Section II. REPORTS

83. Utilization of Installations Report

a. The Housing Capacities and Utilization of Installations (reports control symbol CSGLD-71 (R3)) provides information concerning the utilization and status of all installations under the control of the Department of the Army. The report is compiled by the Department of the Army from information furnished quarterly by major commands responsible for real estate.

b. The complete report consists of four parts: Part I—Command Installations Under the Control of the Army; Part II—Industrial Installations Under the Control of the Army; Part III—Housing Capacities and Utilization of Installations (DA Form 1709); and Part IV—Excess Installations Which Are No Longer Under the Control of the Army. Detailed instructions for preparing the report are contained in AR 210-18.

84. Inventory of Military Real Property

a. A central inventory of Army military real property is maintained by the Chief of Engineers. It provides the basic source of information on status, cost, capacity, condition, present use, maintenance, and management for the Department of Defense and other government agencies.

b. The required inventory report for installations (reports control symbol ENG-75 (R1)) is

prepared by the commander of each Army installation. It consists of five parts: DA Form 5-19 (Inventory of Military Real Property—Army Installations, Parts I and II) Part I—General Information and Part II—Data on Leases; DA Form 5-20 (Inventory of Military Real Property—Army Installations) Part III—Land, Buildings and Facilities; Part IV—Location Map or Plat; and Part V—Building and Facilities List. Leaseholdings in foreign countries separate from installations are reported on DA Form 2014-R (Report of Army Lease-holdings, Separate from Installations) by over-sea commands under reports control symbol ENG-76. Detailed instructions for the preparation of these reports are contained in AR 405-45.

85. Operational Reports

The reports required by headquarters responsible for real estate operations will reflect the policies and procedures established within the theater. Activity reports covering the real estate operations of AERE teams and similar agencies are submitted as directed by the theater real estate officer. Copies of this report usually are distributed to the engineer with real estate responsibility, the real estate office of record, the G4's of interested commands, the CAMG agencies within the area concerned. There is no standard form for this report. One type is shown in figure 11.

AERE Team No. _____

SUBJECT: Weekly report for week ending _____

TO : _____

1. Changes in military personnel since last report: (Give name, rank, SN, whether relieved or assigned, date. If no changes occurred, enter "None.")

2. Total civilians employed:

Civilian administrative personnel _____	Clerks and other office help _____
Interpreters _____	Quarters or mess employees _____
	Others _____

3. Real estate:

	1 End of last week	During week	End of week
a. 2 Requisitions (Total 1 and 2)			
(1) Terminated			
(2) Outstanding (Total (a) thru (d))			
(a) State owned			
(b) Municipal			
(c) Privately owned			
(d) Others			
b. 3 Turnover			
c. Billets			

4. Visitors at AERE team office during week _____

5. TOE equipment:

a. Typewriters: Portable _____ (Number)	Nonportable _____ (Number)
b. Vehicles: 1/4-ton _____ (USA Nr.)	Others _____

6. Supplies needed: (Type and quantity)

7. Remarks: (Include distinguished visitors, conferences, existing or expected problems.)

Officer in charge: _____ (Name and grade)

- 1 Start with zero when entering a new area. When relieving another team, include the total of requisitions made by the previous team. All real estate which has been requisitioned must be accounted for in these reports.
- 2 Each parcel of real estate or property requisitioned counts as a single requisition.
- 3 Properties previously requisitioned in which new units have been located.

Figure 11. Sample weekly activities report.

CHAPTER 7

CLAIMS

86. General

a. Real estate claims are written demands upon the United States for the payment of a specified sum of money as compensation for alleged damages to the property of the claimant. The latter may be an individual, partnership, association, corporation, country, or political subdivision, but not the United States Government or any of its instrumentalities.

b. Small claims are defined as those which may be settled for \$100 or less. Real estate officers may be granted authority to settle such claims without prior approval from higher headquarters.

c. In determining the compensation due on claims, consideration is given to the provisions of the law in the country concerned, since they determine the liability of the national government under similar circumstances.

87. Responsibilities of Staff Judge Advocate

a. Every staff judge advocate is responsible within the command to which he is assigned for—

- (1) Supervision and administration of claims activities.
- (2) Training of claims adjustment personnel and the continuing inspection of their activities.
- (3) Implementation of claims policies as announced by higher headquarters.

b. The staff judge advocate designates a commissioned officer or qualified civilian of his staff to be in immediate charge of claims activities. Direct communication with respect to claims activities is authorized.

c. A claims service is established in each theater under the supervision of the staff judge advocate. Branch offices are established where required. The claims service is charged with responsibility for investigation, processing, and disposition of claims arising from service-connected accidents or incidents and such other

claims as may be assigned by higher authority. Unit claims officers are employed to the fullest extent permitted by the military situation in the conduct of operations. By mutual agreement, claims concerning real estate may be handled by the engineers.

88. U.S. Claims Legislation

Real estate claims arising in foreign countries should be settled according to the provisions of United States statutes, as listed in AR 25-20.

89. Occupied Areas

a. In an occupied area, claims are not allowed for—

- (1) Damages arising from operations during the time that the area was a combat area.
- (2) The normal deterioration of a building, such as requirements for interior decorating, painting and varnishing, or minor repairs to mechanical and electrical equipment.
- (3) Loss or damage arising from the non-fulfillment or breach of a contract, as for a lease that existed prior to occupation.
- (4) Loss of or damage to property which arises from the execution of reparation or restitution measures, insofar as such loss or damage is suffered by the owner of the property.
- (5) Loss of or damage to property which arises from the execution of authorized measures taken for the liquidation of war potential insofar as such loss or damage is suffered by the owners of the property.
- (6) Loss of or damage to property or loss or damage arising from the requisition or use of property to the enemy government or its agencies, prescribed

political parties, or paramilitary organizations.

b. Claims may be submitted for—

- (1) Rental.
- (2) Utilities charges for water, gas, and electricity.
- (3) Damages over and above fair wear and tear arising from the use and occupancy of lands, bivouac areas, and buildings.

c. Procedures for handling real estate claims are prescribed in theater directives.

- (1) The act or omission upon which a claim can be based must have been such that the claimant would have been entitled to compensation under local laws in effect prior to the occupation.
- (2) Applications for damage claims must be filed within a stipulated period after the act or incident causing the alleged damages has taken place, usually within 90 days, at the designated occupations costs office or similar agency of the central government. In the case of requisitioned property, the date of the act or omission, where not otherwise ascertainable, will be the date that the property was de-requisitioned. In the case of irregular seizure of movables not subsequently requisitioned, and of loss or damage to such movables, the date is when they were first seized.
- (3) Government authorities screen and evaluate the claims, indicate their findings and recommendations, and forward the completed applications to the post or other real estate officer having responsibility for the area. The claims are reviewed by the real estate officer, who determines that the property was utilized by United States forces at the time of the act upon which the claim is based. AR 25-20 governs claims investigation procedures and requirements. The real estate officer retains those claims that are within his authority for settlement and forwards the others to the appropriate area

agency or to the nearest claims service office for processing.

- (4) Responsibility for claims investigation and processing may be assigned to services by the theater commander as follows:
 - (a) Furniture and furnishings: quartermaster.
 - (b) Plumbing, heating, and lighting fixtures, and permanently installed property: engineer.
 - (c) Rental of real estate, charges for public utilities, damage to structures or land: engineer.
 - (d) Machinery and equipment: using service.
 - (e) Claims for loss, damage, or destruction of items not the subject of procurement by any United States forces supply service: judge advocate division claims section.

90. Friendly Countries

a. In friendly and allied countries, local laws govern the rights of claimants. Requirements and procedures for handling claims usually are established by the security agreement or treaty. This may provide for each party to waive all claims against the other for damage to any of its property, if the damage was caused by a civilian employee or a member of the armed forces in the performance of official duties.

b. Usually, valid claims against the United States resulting from the use of foreign-owned real estate are settled and paid by the host government in accordance with local laws and regulations. The cost normally is shared by the two governments on terms mutually agreed upon. Periodically, the host government submits a statement of all claims approved or disapproved, the amounts paid, and the sum requested from the United States as reimbursement. Settlement of the gross costs normally becomes a matter of negotiations between the two countries concerned.

c. Each party to such an agreement has a primary right to determine whether its personnel were engaged in the performance of official duty. Such determination should be made as

soon as possible after the claim concerned arises. When the other party disagrees with the result of such determination, the matter is brought before the joint committee or similar negotiating agency for decision. No claims for

damage to or destruction of real estate or other property will be accepted when it is determined that such claims exceed the fair market value of the property prior to the beginning of hostilities.

APPENDIX REFERENCES

1. Army Regulations

AR 10-5	Organization and Functions: Department of the Army
AR 25-20	Investigating and Processing of Claims
AR 25-25	Claims Under the Military Claims Act
DA 25-30	Claims Cognizable Under Federal Tort Claims Act
AR 25-50	Claims Under NATO
AR 25-80	Claims Under the Uniform Code of Military Justice, Article 139
AR 25-90	Claims Under the Foreign Claims Act
AR 25-405	Real Estate Claims for Rent, Damage, and Other Payments
AR 37-103	Financial Administration: Finance and Accounting For Installations, Disbursing Operations
AR 210-10	Installations: Administration
AR 210-17	Installations: Inactivation of Command Installations and Utilization of Installations
AR 210-18	Installations: Housing Capacities
AR 210-20	Installations: Master Planning
AR 320-50	Authorized Abbreviations
AR 405-5	Real Estate: Army and Air Force Basic Real Estate Agreements
AR 405-10	Real Estate: Acquisitions of Real Estate and Interests Therein
AR 405-45	Real Estate: Inventory of Military Real Property
AR 405-47	Real Estate: Department of the Army Real Estate Administration and Real Estate Payment Cost and Performance Report
AR 405-70	Real Estate: Utilization Inspections
AR 405-80	Real Estate: Granting Temporary Use of Real Estate
AR 405-90	Real Estate: Disposal of Real Estate
AR 415-31	Construction: Basic Housing and Space Allocations at Permanent Installations
AR 415-36	Construction: Peacetime Construction in Oversea Areas Garrisoned on Temporary Basis
AR 420-70	Repairs and Utilities: Buildings and Structures
AR 420-71	Repairs and Utilities: Leased Premises
AR 725-5	Preparation, Processing and documentation for Requisitioning, Shipping, and Receiving
AR 735-26	Property Accountability: Equipment in place
AR 780-62	Storage Space Utilization and occupancy report
AR 785-5	Acquisition, Establishment, expansion, and use of storage and warehousing facilities
AR 785-10	Acquisition Expansion and Utilization, and Allocation of supply and storage space

2. Special Regulations

SR 320-5-1	Dictionary of United States Army Terms
SR 735-7-3	Property Accountability: Accounting for Real Property

3. Field Manuals

FM 5-5	Engineer Troop Units
FM 5-6	Operations of Engineer Troop Units
FM 5-35	Engineer Reference and Logistical Data
FM 27-5	United States Army and Navy Manual of Civil Affairs and Military Government
FM 27-10	The Law of Land Warfare
FM 41-10	Civil Affairs and Military Government Operations
FM 41-15	Civil Affairs Military Government Units
FM 100-5	Field Service Regulation, operations
FM 100-10	Field Service Administration
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FM 110-10	Joint Logistics Policy and Guidance (U)

4. Department of the Army Pamphlets

DA Pam 27-1	Treaties Governing Land Warfare
DA Pam 310-1	Index of Administrative Publications
DA Pam 310-2	Index of Blank Forms
DA Pam 310-3	Index of Training Publications
DA Pam 310-4	Index of Technical Manuals, Technical Bulletins, Lubrication Orders, and Modification Work Orders
DA Pam 310-7	Index of Tables of Organization and Equipment, Tables of Organization, Type Tables of Distribution, and Tables of Allowances
DA Pam 320-1	Dictionary of United States Military Terms for Joint Usage

5. Other References

Real Property Appraiser's Handbook, U.S. Army Corps of Engineers

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By Order of *Wilber M. Brucker*, Secretary of the Army:

MAXWELL D. TAYLOR,
General, United States Army,
Chief of Staff.

Official:

R. V. LEE,
Major General, United States Army,
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For explanation of abbreviations used, see AR 320-50.

TM 5-300 REAL ESTATE OPERATIONS IN OVERSEA COMMANDS — 1958