

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ARMANDO F. VALDES

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0980

Decision No. CU 4370

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by ARMANDO F. VALDES for \$33,900.00 based upon the asserted ownership and loss of real and personal property in Cuba. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimant describes his loss as follows:

Lot in Havana, Cuba	\$ 7,200.00
Residence in the Apolo Section of Havana	18,700.00
1959 Chevrolet Impala	4,000.00
Household furnishings, clothes and jewelry	<u>4,000.00</u>
	\$33,900.00

Based upon the entire record, including an original copy of an affidavit prepared by claimant on November 5, 1965, and a report from abroad, the Commission finds that claimant owned a fractional interest in the aforesaid lot and a one-half interest in the house and personalty.

On December 6, 1961, the Cuban Government published its Law 989 which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country. Claimant states that when he left Cuba for the United States on December 29, 1966, the Cuban Government took the real and personal property subject of this claim.

Based on the evidence of record, the Commission finds that the Cuban Government confiscated claimant's real and personal property on December 29, 1966.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

The record includes, in support of the claimed values, the aforementioned affidavit prepared by claimant on November 5, 1965, an appraisal prepared by a Civil Engineer in Havana, Cuba on October 29, 1965, a report

from abroad, and an affidavit of an itemized list prepared by claimant on November 8, 1968 of the personal effects, including cost and dates of acquisition.

In arriving at the value of the residence in question, the Commission has considered its description as a one-story house built of concrete blocks with garage, living room, dining room, kitchen, 3 bedrooms and 2 baths located in the Apolo Section of Havana on a plot of 300 square meters. Based on the entire record and evidence of the value of similar properties available to the Commission, the Commission finds that on the date of loss the value of the house including land was \$17,395.00. However, the record reflects that the property was encumbered with a mortgage of \$11,200.00, subsequently reduced to \$6,593.03. Reducing the value of the property by the encumbrance leaves an equity in the property of \$10,801.97 and the value of claimant's one-half interest therein as \$5,400.98.

Based on the entire record, the Commission finds that claimant's interest in the lot in question had a value on the date of loss of \$500.00 and that his one-half interest in the personalty including the automobile, after appropriate depreciation to December 29, 1966, had an aggregate value of \$2,510.00 on the date of loss.

Accordingly, the Commission concludes that claimant suffered a loss in the total amount of \$8,410.98 within the meaning of Title V of the Act as a result of the taking of the property in question by the Government of Cuba on December 29, 1966.

In claimant's affidavit of November 8, 1968 listing the items of his claim, he includes an item of \$3,250.00 not previously referred to, representing a cash deposit in the Trust Company of Cuba. No documents or other evidence have been submitted to support this item of claim. The Commission is therefore constrained to hold that claimant has not established this portion of his claim, and accordingly it is denied.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act

of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that ARMANDO F. VALDES suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Eight Thousand Four Hundred Ten Dollars and Ninety-eight Cents (\$8,410.98) with interest thereon at 6% per annum from December 29, 1966 to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

**JAN 1970**

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Feidberg*

Sidney Feidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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