

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

IN THE MATTER OF THE CLAIM OF

LOUIS ECHENIQUE

**Under the International Claims Settlement
Act of 1949, as amended**

Claim No. CU -2004

Decision No. CU -4604

AMENDED PROPOSED DECISION

By Proposed Decision dated March 11, 1970, the Commission certified a loss to LOUIS ECHENIQUE in the amount of \$20,000.00 for his one-half interest in real and personal property taken by Cuba.

Thereafter additional evidence was received in this claim and the record now establishes that his wife, Marcelle Eugenie Echenique, the owner of the other half of the property in question had died on March 2, 1951. Accordingly, it is

ORDERED that the Proposed Decision be and the same is hereby amended to read as follows:

On the basis of the evidence of record, the Commission finds that claimant, LOUIS ECHENIQUE, is and since prior to February 27, 1962, the date of loss, had been the sole owner of the real and personal property described in said Proposed Decision.

Accordingly, the certification of loss as restated below will be entered, and in all other respects the Proposed Decision is affirmed.

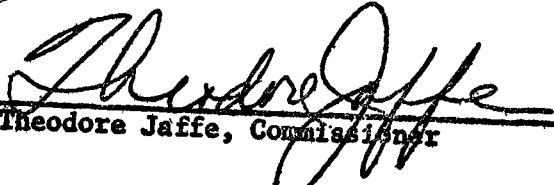
CERTIFICATION OF LOSS

The Commission certifies that LOUIS ECHENIQUE 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 Forty Thousand Dollars (\$40,000.00) with interest at 6% per annum from February 27, 1962 to the date of settlement.

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

MAY 20 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

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 Amended Proposed Decision, the decision will be entered as the Final Decision or 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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IN THE MATTER OF THE CLAIM OF

LOUIS ECHENIQUE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2004

Decision No. CU 4604

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 LOUIS ECHENIQUE for \$40,000.00 based upon the asserted ownership and loss of real and personal property in Cuba. Claimant has been a national of the United States since his naturalization in 1936.

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:

Residence including land at No. 55 98th Street, Miramar, Havana, Cuba	\$35,000.00
Household furnishings in residence	<u>5,000.00</u>
	\$40,000.00

Based upon the entire record, including a copy of the deed to the property, a copy of a building permit, a copy of an inspection report by the Board of Health and of a certificate of habitability, and considering the community property laws of Cuba, the Commission finds that claimant owned a one-half interest in the real and personal property in question.

Claimant states that he left Cuba in September 1961 with permission to return by February 27, 1962, and that on the latter date the servants he had left in the house were required to leave and his residence and its contents were taken by the Cuban Government.

On December 6, 1961, the Cuban Government published its Law 989 which confiscated all property of persons who left the country and did not return.

Based on the foregoing and the evidence of record, the Commission finds that claimant's home, including the household furnishings, in Miramar, Havana, was taken by the Government of Cuba on February 27, 1962 pursuant to Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 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 a photocopy of a photograph of the residence and its description as a one-story building built in 1949, with basement, having about 7 rooms, a garage and usual facilities. Claimant has supplied a complete list of the expenses incurred in building his home and a list of the estimated costs of the household furnishings and appliances, including 3 air conditioners and darkroom photography equipment.

Based on the entire record, the Commission finds that the value of the residence on the date of loss was \$35,000.00 and that the value of the household furnishings and appliances therein was \$5,000.00.

The Commission therefore concludes, that claimant suffered a total loss of \$20,000.00 within the meaning of Title V of the Act as a result of the taking by the Government of Cuba of his one-half interest in subject real and personal property on February 27, 1962.

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.

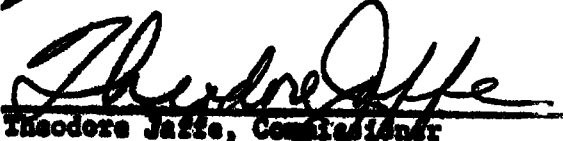
CERTIFICATION OF LOSS

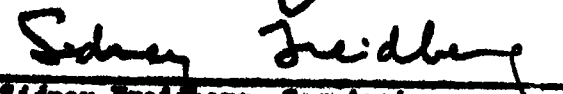
The Commission certifies that LUIS ECHENIQUE suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Twenty Thousand Dollars (\$20,000.00) with interest thereon at 6% per annum from February 27, 1962 to the date of settlement.

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

11 MAR 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freiberg, Commissioner

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