

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

IN THE MATTER OF THE CLAIM OF

MARIA C. MILLER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2330

Decision No. CU 4602

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 MARIA C. MILLER for \$25,800.00 based upon the asserted loss of real and personal property in Cuba. Claimant, MARIA C. MILLER, 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.

The claim in part is based upon improved real property situated in Havana, Cuba, as follows:

- (1) 1/2 interest in No. 305 Milagros Street;
- (2) 1/8 interest in No. 954 Calzada de Infanta Street;
- (3) 1/8 interest in Nos. 607, 609, 611, 613, and 615 Hospital Street;
- (4) 3/10 interest in No. 624 Hospital Street;
- (5) 7.5% interest in a building at Santa Brigida Street in Marianao; and
- (6) 1/2 interest in Nos. 27 and 29 Diana Street.

A further portion of the claim is based upon the loss of an air conditioner, a 1/2 interest in an MG automobile, and an 18 mm Eumig movie camera.

On the basis of evidence of record, including information received from abroad, the Commission finds that the claimant owned the interests in the properties as stated above.

The Commission holds that the real property was within the purview of the Cuban Urban Reform Law, published in the Cuban Official Gazette on October 14, 1960. In the absence of evidence to the contrary, the Commission finds that claimant's interests in such property were taken by the Government of Cuba on October 14, 1960. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39.)

On December 6, 1961, the Government of Cuba published Law 989 in its Official Gazette, which effected a confiscation of all goods and chattels, and other property rights, of persons who left Cuba. The claimant had left Cuba before that date and the Commission finds that this law applied to her personal property in Havana, and that it was taken on December 6, 1961,

by the Government of Cuba. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

In arriving at the value of the property in question, consideration was given to all of the evidence of record, including detailed descriptions, evidence of purchase prices, reports from abroad, and an affidavit of two Cuban lawyers, as well as the National Automobile Dealers Official Used Car Guide.

The Commission finds that at the time of the respective dates of loss the property in question had the following values:

<u>Real property</u>	<u>Value of entire fee</u>	<u>Claimant's interest</u>	<u>Value thereof</u>
No. 305 Milagros St., a two-story house	\$10,500.00	1/2	\$5,250.00
No. 954 Calzada de Infanta St., two houses of undetermined size	15,000.00	1/8	1,875.00
Nos. 607, 609, 611, 613, and 615 Hospital St., a one-story house	40,000.00	1/8	5,000.00
No. 624 Hospital St., a two-story house	16,000.00	3/10	4,800.00
Improved real property at Santa Brigida St.	80,000.00	75/1000	6,000.00
Nos. 27 and 29 Diana St. a two-story house	4,000.00	1/2	2,000.00
<u>Personal property</u>			
Air conditioner	100.00	1/1	100.00
MG Magnette automobile	800.00	1/2	400.00
18 mm Eumig movie camera	100.00	1/1	<u>100.00</u>
			\$25,525.00

Accordingly the Commission concludes that the claimant suffered a loss in the amount of \$25,525.00 within the meaning of Title V of the Act as the result of the taking of her property by the Government of Cuba.

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 as follows:

<u>FROM</u>	<u>ON</u>
October 14, 1960	\$24,925.00
December 6, 1961	<u>600.00</u>
	\$25,525.00


CERTIFICATION OF LOSS


The Commission certifies that MARIA C. MILLER 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-Five Thousand Five Hundred Twenty-Five Dollars (\$25,525.00) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

4 MAR 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, 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).)