

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

IN THE MATTER OF THE CLAIM OF

ADELA TORRENCE MORE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2902

Decision No. CU-6127

Counsel for claimant:

Curtis, Mallet-Prevost, Colt,
& Mosle
By Albert J. Parreno, Esq.

Appeal and objections from a Proposed Decision entered March 24, 1971;
No hearing requested.

Hearing on the record held September 15, 1971.

FINAL DECISION

The claim, for \$185,805.00, was based upon the asserted loss of a residence, the personal furnishings and fixtures therein and a checking account. The Commission denied this claim on March 24, 1971 as the evidence of record was not persuasive in establishing the claim.

In his objections to the Proposed Decision counsel on April 8, 1971 requested the Commission's assistance in obtaining evidence from abroad as to claimant's ownership of the subject real property. The record discloses that on March 15, 1968 forms for requesting the Commission's assistance in this matter were forwarded to counsel, and on April 16, 1971 such forms were again sent to him for completion and he was advised there could be no certainty any report would be forthcoming. He was accorded sixty days in which to submit any evidence. He indicated that he would submit evidence in support of the personal property claim at a later date.

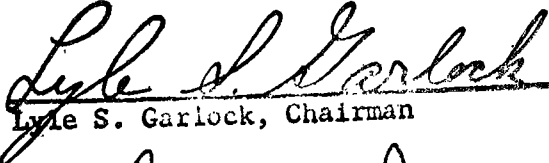
No forms or evidence have since been submitted. The Commission finds that the burden of proof has not been met. Accordingly, the Proposed Decision

is affirmed and entered as the Final Decision on this claim.

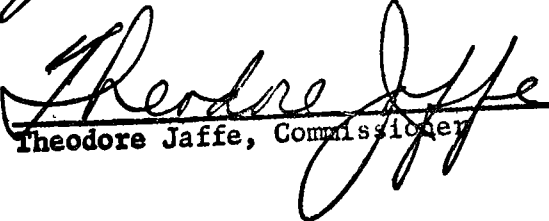
It may be noted that if probative evidence is received in sufficient time to permit consideration thereof before the close of the program on June 30, 1972, the Commission will reopen the claim. Such evidence should be received on or before May 1, 1972 in order to permit adequate consideration thereof.

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

SEP 15 1971



Lyle S. Garlock, Chairman



Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$185,805.00, was presented by ADELA TORRENCE MORE and is based upon the asserted loss of improved real property with certain furniture and household effects therein. 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 give 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.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1970).)

Claimant asserts she owned a residence at No. 710 18th Street, Miramar, Havana, Cuba with the furniture and fixtures therein, valued at \$180,850.00. In addition she asserts she had \$5,000 in a checking account.

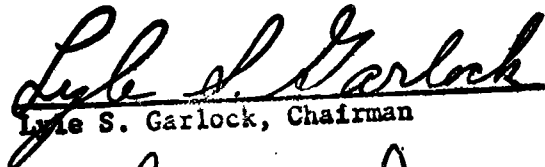
When the claim was filed on April 28, 1967 claimant enclosed her affidavit and the affidavit of her mother as proof of her claim. By Commission letter of March 15, 1968, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of September 2, 1970, the Commission made additional suggestions to claimant, through counsel, concerning the submission of supporting evidence in this matter. However, no evidence in response to this correspondence has been received to date.

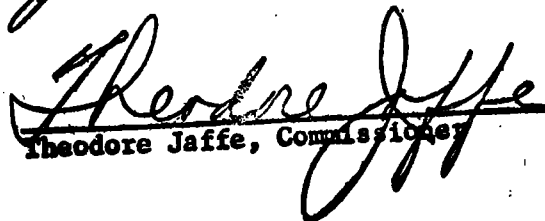
On November 6, 1970, counsel was invited to submit any evidence available to him within 30 days from that date, and he was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. None of the suggested evidence has been submitted.

The Commission has considered the affidavits submitted and finds they are not persuasive in establishing ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. The Commission finds that claimant has not met the burden of proof. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

MAR 24 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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 (1970).)