

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

IN THE MATTER OF THE CLAIM OF

ALICIA LOZADA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -4440

Decision No. CU- 6006

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was opened by the Commission on behalf of ALICIA LOZADA while absent from the United States. Thereafter she adopted this action and presented claim for \$35,909.35 based upon the asserted ownership and loss of certain real and personal property in Cuba. Claimant has been a national of the United States since her naturalization in 1955.

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 her loss as follows:

(1) A parcel of land in Puente Nuevo, Havana	\$ 1,200.00
(2) A house in Reparto Carolina, Havana	26,000.00
(3) Personalty.	<u>8,709.35</u>
	\$35,909.35

Parcel of Land

Based upon the entire record, including a report from abroad, the Commission finds that claimant and pursuant to the Community Property Law of Cuba, her husband, Edmundo Lozada, who is said to be a Peruvian citizen, each owned a 1/2 interest in the parcel of land, item (1) of this claim.

On December 6, 1961, the Cuban Government published its Law 989 which effectively confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on March 6, 1967 pursuant to the provisions of Law 989 (see Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]), even though claimant remained in possession for a time thereafter.

Based on the entire record, including the aforementioned report from abroad relating to this property, the Commission finds that on March 6, 1967, the date of loss, the value of this unimproved realty was \$1,247.20 and that claimant's 1/2 interest therein had a value of \$623.60.

House in Reparto Carolina

With regard to the house subject of this claim (Item 2) she says that her sister Gloria in Cuba, knowing of her desire to own a house in Cuba, gave her the land which the sister had purchased in Reparto Carolina and which was registered in the name of her daughter Gloria Duran (niece of claimant). Thereafter, claimant states that she sent her sister

payments to start construction and thereafter to complete the construction in 1963. A report from abroad reflects that the parcel of land in question was registered in the name of Gloria Duran, the daughter of claimant's sister, and that on November 26, 1963 the authorities gave claimant a permit to occupy the house that had been completed.

Under these circumstances the Commission finds that in fact claimant owned the house in question, and further finds that title thereto was also taken by the Government of Cuba of March 6, 1967.

The report from abroad includes an architect's certificate verifying construction by claimant and certifying the value as \$23,000. On the basis of this record, the Commission concludes that claimant suffered a loss of \$11,500 as a result of the loss of this house.

Personalty

With regard to the personalty subject of this claim, claimant has submitted a detailed list which includes the cost price and estimated depreciated value on date of loss totalling \$8,274.44. Most of the items were purchased between 1962 and 1965.

The Commission finds that claimant did own a half interest in the personalty and that title thereto was taken by the Government of Cuba also on March 6, 1967.

The list has been examined and in comparison with similar properties the Commission finds claimant's figures fair and reasonable and concludes that she suffered a loss in the amount of \$4,137.22 for her one-half interest.

Recapitulation

Claimant's losses within the scope of Title V of the Act are summarized as follows:

<u>Item</u>	<u>Value of 1/2 Interest</u>
(1) Plot in Puente Nuevo	\$ 623.60
(2) House	11,500.00
(3) Personalty	<u>4,137.22</u>
	\$16,260.82

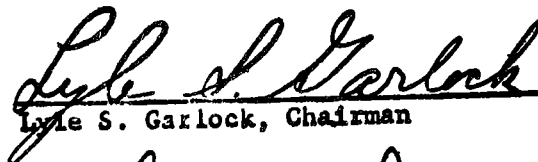
The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

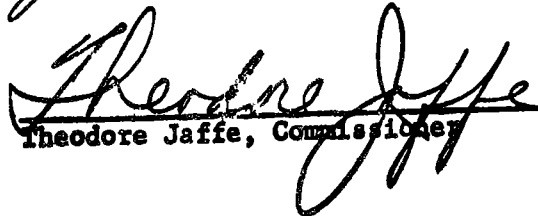
CERTIFICATION OF LOSS

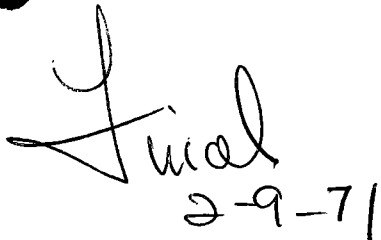
The Commission certifies that ALICIA LOZADA suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Sixteen Thousand Two Hundred Sixty Dollars and Eighty-Two Cents (\$16,260.82) with interest at 6% per annum from March 6, 1967 to the date of settlement.

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

JAN 6 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


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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. 53 (e) and (g), as amended (1970).)