

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

IN THE MATTER OF THE CLAIM OF

MATHILDE G. KURZROCK, J. GEORGE MOSS,
AND FIRST NATIONAL STATE BANK OF NEW
JERSEY, EXECUTORS OF THE ESTATE OF
ABRAHAM H. KURZROCK, DECEASED

Claim No. CU -4958

Decision No. CU 4246

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

J. George Moss, Esq.

PROPOSED DECISION

Claimants, MATHILDE G. KURZROCK, J. GEORGE MOSS, AND FIRST NATIONAL STATE BANK OF NEW JERSEY, EXECUTORS OF THE ESTATE OF ABRAHAM H. KURZROCK, DECEASED, who owned First Lien and Refunding bonds issued by the Cuba Railroad Company, assert a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Albert I. Harris (Claim No. CU-2398 which we incorporate herein by reference), we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per \$1,000 bond of \$682.56 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that this decedent, and the beneficial owners of the bonds come within the terms of the Harris decision; that they have been American nationals at the requisite times; that the decedent was the owner of First Lien and Refunding bonds in the face amount of \$26,000 issued by the Cuba Railroad Company, since prior to October 13, 1960; that he suffered a loss in the amount of \$17,746.56 within the meaning of Title V of the Act, and that claimants have succeeded thereto.

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.

Section 507 of the Act provides, as to assignment of claims, that

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

On the basis of evidence of record, the Commission finds that decedent also acquired similar bonds in the face amount of \$20,000 on February 11, 1964 for a consideration of \$615.80.

Under the provisions of Section 504(a) of the Act, a claimant is required to establish that the claim for any loss has been continuously owned by a national or nationals of the United States from the date of loss to the date of filing with the Commission. The loss occurred on October 13, 1960. In similar cases claimants have been unable to obtain information or evidence to establish the nationality of the owner of the securities on the date of loss, and to establish continuous United States ownership of the securities until the date on which claimant acquired them.

Evidence of record before the Commission discloses that securities of the type subject of this claim were almost entirely owned and traded by persons or firms having addresses in the United States. The Commission

has considered whether an inference may be justified that the claimed securities were continuously owned by a national or nationals of the United States from the date of loss to the date on which purchased by the claimant, and, in the absence of evidence to the contrary, has concluded that the securities were continuously so owned. (See Claim of the Executors of the Estate of Julius S. Wikler, Deceased, Claim No. CU-2571.)

The Commission finds that decedent, upon his purchase of the last \$20,000 of bonds, succeeded to the loss sustained by the assignor of the claimed securities, and concludes that he succeeded to and suffered a loss in the total amount of \$615.80 (the price he paid) as a result of the nationalization of the Railroad on October 13, 1960.

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.)

The Commission concludes, however, that the amount of loss sustained by claimants herein shall be increased by interest thereon at the rate of 6% per annum from the dates below, to the date on which provisions are made for the settlement thereof:

<u>FROM</u>	<u>ON</u>
October 13, 1960	\$17,746.56
February 11, 1964	<u>615.80</u>
	\$18,362.36

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CERTIFICATION OF LOSS

The Commission certifies that MATHILDE G. KURZROCK, J. GEORGE MOSS, AND FIRST NATIONAL STATE BANK OF NEW JERSEY, EXECUTORS OF THE ESTATE OF ABRAHAM H. KURZROCK, DECEASED, succeeded to 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 Eighteen Thousand Three Hundred Sixty-two Dollars and Thirty-six Cents (\$18,362.36) with interest at 6% per annum from the aforesaid dates to the date of settlement.

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

NOV 26 1969

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

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 claimants establish retention of the securities for 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 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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