

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

IN THE MATTER OF THE CLAIM OF

JAMES W. HOLMQUIST and  
THE OMAHA NATIONAL BANK,  
EXECUTORS OF THE ESTATE OF  
EDGAR B. ZABRISKIE, DECEASED

Claim No. **CU** -8076

Decision No. **CU** -5162

Under the International Claims Settlement  
Act of 1949, as amended

Represented by Cia. Azucarera Atlantica del Golfo

Counsel for Cia. Azucarera Atlantica del Golfo: Dewey, Ballantine, Bushby,  
Palmer & Wood  
By William C. Bush, Esq.

AMENDED PROPOSED DECISION

By Proposed Decision dated July 22, 1970, the Commission certified that EDGAR B. ZABRISKIE suffered a loss in the amount of Two Thousand Nine Hundred Ninety-Six Dollars and Ninety-Three Cents (\$2,996.93) with interest thereon at 6% per annum from August 6, 1960 to the date of settlement based on his ownership interest in stock issued by the Cia. Azucarera Atlantica del Golfo which was nationalized by the Government of Cuba on August 6, 1960. (See Claim of Helen M. Drye (Claim No. CU-0807).) Thereafter, evidence was submitted to the Commission to establish that the claimant, EDGAR B. ZABRISKIE, died on July 16, 1968, subsequent to filing this claim with the Commission and that JAMES W. HOLMQUIST and THE OMAHA NATIONAL BANK were appointed as the Executors of his estate. Upon consideration of this matter, it is

ORDERED that the Proposed Decision be and it is hereby amended as follows:

On the basis of the evidence of record, the Commission finds that EDGAR B. ZABRISKIE, the former claimant herein, died on July 16, 1968, and that JAMES W. HOLMQUIST and THE OMAHA NATIONAL BANK were appointed as the Executors of his estate and in this capacity succeeded to the claim of EDGAR B. ZABRISKIE, deceased, and accordingly, are substituted as claimants in this matter.

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 JAMES W. HOLMQUIST and THE OMAHA NATIONAL BANK, EXECUTORS OF THE ESTATE OF EDGAR B. ZABRISKIE, DECEASED, succeeded to and 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 Two Thousand Nine Hundred Ninety-Six Dollars and Ninety-Three Cents (\$2,996.93) with interest thereon at 6% per annum from August 6, 1960 to the date of settlement.

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

OCT 7 1970

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, 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 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).)

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

IN THE MATTER OF THE CLAIM OF

EDGAR B. ZABRISKIE

Claim No. CU - 8076

Decision No. CU 5162

Under the International Claims Settlement  
Act of 1949, as amended

Represented by Cia. Azucarera Atlantica del Golfo

Counsel for Cia. Azucarera Atlantica del Golfo: Dewey, Ballantine, Bushby,  
Palmer & Wood  
By William C. Bush, Esq.

PROPOSED DECISION

Claimant, EDGAR B. ZABRISKIE, who owned a stock interest in the Cia. Azucarera Atlantica del Golfo, asserts 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 Helen M. Drye (Claim No. CU-0807 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 6, 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 share of \$34.056.


On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Drye decision; that he was an American national at the requisite times; that he has been the owner of 88 shares of stock in the Cia. Azucarera Atlantica del Golfo since prior to August 6, 1960; and that he suffered a loss in the amount of \$ 2,996.93 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof.  
(See Drye, supra.)


CERTIFICATION OF LOSS

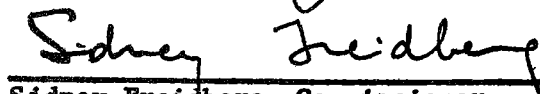
The Commission certifies that EDGAR B. ZABRISKIE suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Thousand Nine Hundred Ninety-six Dollars and Ninety-three Cents (\$2,996.93) with interest at 6% per annum from August 6, 1960 to the date of settlement.

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

JUL 22 1970

  
Lytle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freidberg, Commissioner

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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. 412-23 (1967).)