

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

IN THE MATTER OF THE CLAIM OF

PHYLLIS R. JONES
VEDA A. JONES
FRANCES EVANS
UNA CUNNINGHAM

Claim No. CU -8709

Decision No. CU 5086

Under the International Claims Settlement
Act of 1949, as amended

Represented by Cia. Azucarera Atlantica del Golfo, for the stock interest
of that Company.

Counsel for Cia. Azucarera Atlantica del Golfo:

Dewey, Ballantine, Bushby, Palmer & Wood - By William C. Bush, Esq.

Counsel for claimant:

E. Llewellyn Overholt, Jr., Esq.

PROPOSED DECISION

PHYLLIS R. JONES filed this claim as an heir of Emma V. Gillespie who owned a stock interest in the Central Violeta Sugar Company, S.A., and in Atlantica del Golfo Sugar Company. The claim was filed under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Companies.

Emma V. Gillespie died intestate on November 28, 1967, subsequent to the opening of claim by Atlantica del Golfo Sugar Company, leaving her surviving, four daughters, the said PHYLLIS R. JONES, VEDA A. JONES, FRANCES EVANS and UNA CUNNINGHAM. The latter three are added as claimants in this matter. (Emma V. Gillespie was also known as Elma Gillespie.)

In our decisions entitled the Claim of Huntley E. Cox (Claim No. CU-2944) and Claim of Helen M. Drye (Claim No. CU-0807) which we incorporate herein by reference, we held that the properties of Central Violeta and Atlantica del Golfo were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and August 6, 1960, respectively, 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 Central Violeta as \$30.4318; and the value per share of Atlantica del Golfo as \$34.056.

On the basis of evidence in the record in the instant case, the Commission finds that this decedent came within the terms of the Cox and Drye decisions; that she was an American national at the requisite times; that she had been the owner of two shares of stock in the Central Violeta Sugar Company, S.A. since prior to October 13, 1960; and the owner of 60 shares of Atlantica del Golfo since prior to August 6, 1960; and that she suffered a loss in the aggregate amount of \$2,104.22 within the meaning of Title V of the Act. Upon her death, as aforesaid, claimants herein succeeded to the loss. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960 on \$60.86 and from August 6, 1960 on \$2,043.36, to the date on which provisions are made for the settlement thereof. (See Cox and Drye, supra.)

CERTIFICATIONS OF LOSS

The Commission certifies that PHYLLIS R. JONES 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 Five Hundred Twenty-six Dollars and Five Cents (\$526.05) with interest at 6% per annum from the aforesaid dates to the date of settlement;

The Commission certifies that VEDA A. JONES 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 Five Hundred Twenty-six Dollars and Five Cents (\$526.05) with interest at 6% per annum from the aforesaid dates to the date of settlement;

The Commission certifies that FRANCES EVANS 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 Five Hundred Twenty-six Dollars and Six Cents (\$526.06) with interest at 6% per annum from the aforesaid dates to the date of settlement; and


The Commission certifies that UNA CUNNINGHAM 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 Five Hundred Twenty-six Dollars and Six Cents (\$526.06) 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

JUN 30 1970


Lytle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

ICE 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.

ICE: 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. 101.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)