

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

IN THE MATTER OF THE CLAIM OF

ALBERT K. DARLING-MCNAB

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0031

Decision No. CU

**1550**

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 \$2,000.00, was presented by ALBERT K. DARLING-MCNAB and is based upon the asserted loss of an unimproved lot in the Mountain View Estates, Isle of Pines, Cuba. Claimant has been a national of the United States since his birth in the United States.

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 contends that he has lost an investment in real property in Cuba and has submitted a Deed, dated July 27, 1959, between the Pearson Realty Company, as grantor, and claimant herein, as grantee. The grantor conveys, for an agreed purchase price of \$599.00, lot 11, Block A, Santa Barbara District, Mountain View Estates, Isle of Pines, Cuba. Claimant asserts that his investment in the aforementioned realty included the transfer taxes, fees and closing costs and there was no interest or carrying charges involved in the purchase of the above described real property.

The record includes the aforesaid Deed, showing claimant as the grantee, and correspondence from the claimant and the Pearson Realty Company concerning the sale of the lot to claimant in 1959. Additionally, claimant has submitted a contract of sale concerning the lot and receipts showing payments made under such contract. The record includes a statement in a letter dated June 5, 1967, by Edward S. Pearson, of the Pearson Realty Company, stating that claimant became the owner of the lot in question.

On the basis of the entire record and the controlling Cuban law at the time of the sales transaction in question, the Commission finds that claimant, ALBERT K. DARLING-MCNAB, became the owner of lot 11, Block A, Santa Barbara District, Mountain View Estates, Isle of Pines, Cuba.

On December 6, 1961 the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which 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 December 6, 1961 pursuant to the provisions of Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109.)

Based on the entire record, including correspondence, Deed and the Contract of Sale, the Commission finds that the subject land had a total value of \$599.00 at the time of loss, and concludes that claimant suffered a loss in that amount within the meaning of Title V of the Act.

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.)

Accordingly, the Commission concludes that the amount of loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date of loss, to the date on which provisions are made for settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that ALBERT K. DARLING-MCNAB 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 Ninety-Nine Dollars (\$599.00) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

APR 10 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision of the Commission which was entered as the final decision on MAY 17 1968

*Francis H. ...*

Clerk of the Commission

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).)