

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

IN THE MATTER OF THE CLAIM OF

MARY PAULINE SEAL

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-059

Decision No. CU 125

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$1,635.46 was presented by MARY PAULINE SEAL, based upon the asserted ownership and loss of an interest in land. Claimant has been a national of the United States since her 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 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 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States." The term does not include aliens.

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 she has lost an investment of \$1,635.46 in real property located in Cuba. She has submitted a document entitled "Purchase Request", dated June 15, 1956, between Isle of Pines Land Sales Company, described as owners of Santa Barbara Estates Municipality of Isle of Pines, and claimant regarding the purchase of lot 5 and 6 Block 31 of Santa Barbara Estates. The document stipulates that the price of each lot is \$350.00 which is payable at \$15.00 down payment and \$10.00 monthly. Claimant states that she has paid the purchase price in full and submitted a copy of a deed to said real property which reflects that it was recorded on April 5, 1960.

Claimant has also submitted a document entitled "Contract of Bargain and Sale of Rural Parcel of Land, with Pact of Reserved Fee", dated July 7, 1956, between Parcelacion Americana Isle de Pinos, S.A. as the Seller and claimant herein, the Buyer. The document provides that if the Buyer first makes payments and performs covenants, the Seller agrees to convey to the Buyer by deed of conveyance Lot A and Lot B, Section of Queen Amalia Colony in Reparto Rio de las Casas, otherwise referred to as Lot 19, Block 5 Brazo Fuerte subdivision. The Buyer agreed to pay \$10.00 cash in hand and \$10.00 each month until \$799.00 would be paid in full. Claimant asserts that the purchase monies for this property were paid in full and

has submitted a letter from United Realty Company of Opa-Locka, Florida, dated November 19, 1963, in which receipt of claimant's final payment made on April 16, 1962, is acknowledged. Claimant was further advised that this letter was to suffice as claimant's proof of ownership of this parcel of land until such time as a Cuban deed may be drawn. Claimant states that she has never received a deed to this property. Claimant has further stated that she incurred and paid closing costs for the purchase of these properties in the amount of \$86.46.

On the basis of the entire record, the Commission finds that claimant was the owner of Lots 5 and 6, Block 31 of Santa Barbara Estates and Lots A and B Section of Queen Amalia Colony, otherwise known as Lot 19, Block 5, Brazo Fuerte Subdivision Rio de las Casas Estates, all located in the Isle of Pines, a province of 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.

As the record shows, in March 1961, claimant was a resident in Florida. 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.

Based on the entire record the Commission finds that the land, had a value of \$1,499.00, the Commission concludes that claimant suffered a loss in that amount plus closing costs of \$86.46 within the meaning of Title V of the Act.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed at the rate of 6% per annum from the date of loss to the date of settlement (See the Claim of American Cast Iron Pipe Company, FCSC Claim No. CU-0249).

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

A portion of this claim in the amount of \$50.00 is based upon translation fees and other expenses incurred in the preparation of this claim. No specific provision is made in the statute for the inclusion in the certification of loss of expenses incurred by the claimant in the filing of said claim. After consideration of the statute and the legislative history of the Act, the Commission finds that expenses incurred in the filing of a claim under Title V of the International Claims Settlement Act of 1949, as amended, were not intended by Congress to constitute a loss resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against property of nationals of the United States by the Government of Cuba within the meaning of Section 502(3) of the Act. Accordingly, this portion of the claim is denied.

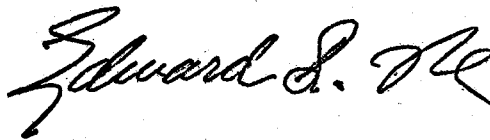
CERTIFICATION OF LOSS

The Commission certifies that MARY PAULINE SEAL 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 One Thousand Five Hundred Eighty-Five Dollars and Forty-Six Cents (\$1,585.46), with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

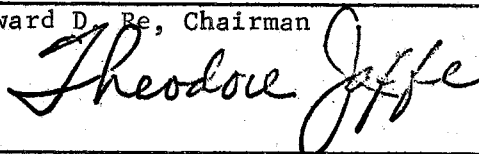
Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

23 AUG 1967

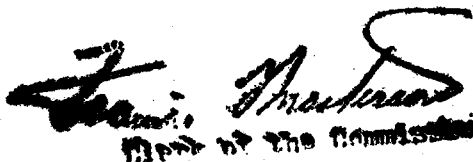
This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on -----SEP 25 1967-----



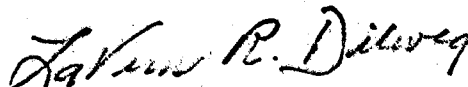
Edward D. Re, Chairman



Theodore Jaffe, Commissioner



Vern R. Dilweg, Commissioner



Vern R. Dilweg, Commissioner

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).)