

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

IN THE MATTER OF THE CLAIM OF

HORWATH AND HORWATH

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0390

Decision No. CU 298

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for \$4,178.89, was presented by the partnership of HORWATH AND HORWATH based upon debts assertedly due from an enterprise nationalized by the Government of Cuba. The members of the partnership have been citizens of the United States at all times pertinent to this claim.

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.

The claim is based on accounting services rendered the Hotel Capri in Havana, Cuba which was operated by Compania Hotelera Shepard, S.A., a Cuban corporation. Claimant contends that it performed accounting and auditing services for which the Hotel Capri was billed \$8,436.76 as of April 1, 1959, and that it had received payments on account in the amount of \$4,257.87, leaving a balance of \$4,178.89 due as of May 11, 1960. The record includes a copy of an extract from the Hotel Capri's financial report which reflects an accounts payable entry in favor of claimant as of the end of April 1960 in the amount of \$4,178.89. Cia. Hotelera Shepard, S.A., a Cuban corporation and the operator of Hotel Capri, was nationalized by the Government of Cuba by Resolution 3 of October 24, 1960 (pursuant to Law 851, Official Gazette, July 7, 1960).

Accordingly, the Commission finds that claimant suffered a loss in the amount of \$4,178.89 within the meaning of Title V of the Act as a result of the nationalization of Cia. Hotelera Shepard, S.A. by the Government of Cuba as of October 24, 1960. (See the Claim of Kramer, Marx, Greenlee & Backus, FCSC Claim No. CU-0105).

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 Lisle Corporation, FCSC Claim No. CU-0644).

Therefore, the Commission concludes that the amount of the loss sustained by claimant shall be increased thereon at the rate of 6% per annum on \$4,178.89 from October 24, 1960 to the date on which provision is made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that HORWATH AND HORWATH 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 Four Thousand One Hundred Seventy-Eight Dollars and Eighty-Nine Cents (\$4,178.89) with interest thereon at 6% per annum from the date of loss to the date of settlement.

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

SEP 20 1967

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern 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).)

CU-0390

CERTIFICATION

This is a true and correct copy of the decision
of the Commission entered as the final
decision on 20 OCT 1967

William M. ...

Member of the Commission