

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

IN THE MATTER OF THE CLAIM OF

FRANK MANFREDA, SR.

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0448

Decision No. CU 1357

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by FRANK MANFREDA, SR., for \$1,600.00 based upon the asserted ownership and loss of an interest in land. Claimant has been a national of the United States since his naturalization in 1933.

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. That section 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(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 asserts that he lost an investment in real property in Cuba which he acquired at a cost of \$1,600.00.

In support of his claim, claimant has submitted a copy of a document entitled "Segregation and Sales Contract No. 29," dated January 29, 1958, by which document claimant acquired Parcels 1 and 2 of Block C, Lot 5, Section 12, Santa Rosalia Heights subdivision, Sierra de Caballos, Isle of Pines, Cuba, said realty measuring 7,608.96 sq. meters. In addition, claimant has submitted copies of tax receipts for this property for the year 1960.

Accordingly the Commission finds that claimant was the owner of real property in Cuba, said property being located in the Barrio of Sierra de Caballos on the Isle of Pines and designated as Parcels 1 and 2, Block C, Lot 5, Section 12, Santa Rosalia Heights subdivision.

On December 6, 1961 the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p.23705) which confiscated all real and personal property of persons who had left the country. This included non-resident landowners such as claimant. (See the Claim of Wallace and Catherine Tabor, FCSC Claim No. CU-0109).

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As the record shows, claimant purchased the subject realty in 1958 while on a vacation trip to Cuba. Claimant states that at that time, and since then, he has resided in the United States. The Commission finds, in the absence of evidence to the contrary, that the subject realty was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Claimant asserts that he paid \$1,600.00 for the property. In support of his assertion claimant has submitted a copy of a cancelled check dated January 27, 1958 in the amount of \$1,540.00, the designated payee being R. L. Howard, the vendor of the subject realty.

Based on the entire record, the Commission finds that the subject realty had a value of \$1,540.00 and that claimant suffered a loss in that amount within the meaning of Title V of the Act as a result of the taking of his realty by the Government of Cuba on December 6, 1961.

The Commission has decided that in certifying 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 the Claim of Lisle Corporation, FCSC 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 on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that FRANK MANFREDA, SR. suffered a loss as a result of the 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 Forty Dollars (\$1,540.00), 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

FEB 28 1968

*Edward S. Re*

Edward S. Re, 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 28 1968

*Francis Hester*

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).)

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