

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

IN THE MATTER OF THE CLAIM OF

ROBERT VALENTINE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0618

Decision No. CU_845

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 \$6,668.97 was presented by ROBERT VALENTINE and is based upon the asserted loss of real property in Cuba. Claimant has been a national of the United States since birth.

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 asserts that, prior to and during November 1958, he purchased two adjoining parcels of land located on the Isle of Pines, in Cuba. Claimant states that he paid \$6,000.00 for the land itself, and that additional expenses totalling \$668.97 were incurred for costs associated with the transaction.

The record reflects and the Commission finds that claimant was the owner of the land known as Parcels 661 and 662 of Lot 5, West McKinley, District of Santa Barbara, Isle of Pines, Cuba. The evidence further reflects that the land was free of mortgages and other recorded liens.

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 1961, claimant was resident in the United States. 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.

The Commission has considered claimant's description of the property as being approximately 20 acres in area; a copy of a receipt, signed by David Flanagan on November 14, 1958, acknowledging the receipt from ROBERT VALENTINE of \$400.00 as deposit on Tracts 661 and 662, West McKinley, having a full purchase price of \$6,000.00; and a copy of a letter of November 18, 1958 from claimant to Mr. Flanagan forwarding his check for \$5,600.00. Accompanying this letter is a photographic copy of receipt No. 500715 of the First National Bank of Centerville, Iowa, showing that a draft for \$5,600.00 had been purchased by claimant on November 18, 1958 and made payable to David Flanagan.

The amount claimed herein includes \$668.97, described by claimant as costs associated with the purchase of the land. However, the record does not establish that more than \$231.40 was expended in this connection, evidenced by the forwarding of a check in that amount by the abovementioned letter of November 18, 1958.

Based on the entire record the Commission finds that the land had a value of \$6,000.00 and concludes that claimant suffered a loss in the amount of \$6,231.40 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 the Claim of Lisle Corporation, FCSC Claim No. CU-0064).

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.

CERTIFICATION OF LOSS

The Commission certifies that ROBERT VALENTINE 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 Six Thousand Two Hundred Thirty-One Dollars and Forty Cents (\$6,231.40), 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

20 DEC 1967

CERTIFICATION

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

James M. ...
Clerk of the Commission

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

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).)