

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

IN THE MATTER OF THE CLAIM OF

WILLIAM H. WOOD, JR. AS CO-EXECUTOR OF
THE ESTATE OF ALBERT R. KEITH, DECEASED

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0736

Decision No. CU 808

Counsel for claimant:

Hoppin, Carey & Powell

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 WILLIAM H. WOOD, JR. as Co-Executor of the Estate of Albert R. Keith, Deceased, for \$1,500.00 based upon the asserted ownership and loss of an interest in land. Albert R. Keith was a national of the United States from his birth in the United States until his death on December 16, 1965. The beneficiaries of this claim have been nationals 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 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 503 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.

This claim is based upon the loss of ten acres of land located on the Isle of Pines, Cuba. The record contains a deed dated October 29, 1912, which shows that the late Albert R. Keith acquired ten acres of land known as tract 822 of West McKinley, Santa Barbara estate, Isle of Pines, Cuba. The record further contains correspondence to the late Albert R. Keith from real estate developers which indicate that as late as 1956 the subject property was still registered in Dr. Keith's name.

On the basis of the entire record the Commission finds that Albert R. Keith owned ten acres on the 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.

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As the record shows, in March 1961, Albert R. Keith was a resident of Connecticut. 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.

Claimant has submitted a deed reflecting a 1912 purchase price for the property of \$13.00 an acre; a 1954 letter from a land developer in Cuba stating that land in that area was selling for between \$5.00 and \$25.00 an acre; and in 1956 the executor of the late Dr. Keith's estate was shown a letter from the President of Banco Continental Cubano stating that in 1956, he felt that land owned by Dr. Keith had a value of between \$150.00 and \$250.00 per acre. Other evidence available to the Commission indicates that the decedent's land at the time of loss had a value of \$150.00 an acre. Based on the entire record the Commission finds that ten acres had a value of \$1,500.00, and accordingly the Commission concludes that the 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 the Claim of Lisle Corporation, FCSC Claim No. CU-0644).

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 WILLIAM H. WOOD, JR. AS CO-EXECUTOR OF THE ESTATE OF ALBERT R. KEITH, DECEASED, 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 Dollars (\$1,500.00), 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

14 DEC 1967

CERTIFICATION

Edward D. Re

Edward D. Re, Chairman

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

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner
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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