

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

IN THE MATTER OF THE CLAIM OF

CATHERINE E. MALLINSON  
and  
THE CHASE NATIONAL BANK  
OF THE CITY OF NEW YORK,  
Executors and Trustees  
of the  
ESTATE of HIRAM R. MALLINSON, Deceased

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for Claimant:

Claim No. CU -0762

Decision No. CU

4215

Landis, Cohen and Singman  
By B. Michael Rauh, Esq.

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 CATHERINE E. MALLINSON and THE CHASE NATIONAL BANK OF THE CITY OF NEW YORK, Executors and Trustees of the ESTATE of HIRAM R. MALLINSON, Deceased, for \$45,000.00 based upon the asserted ownership and loss of building lots in Havana, Cuba. Decedent HIRAM R. MALLINSON has been a national of the United States since his birth on July 5, 1912.

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 evidence of record includes a copy of the Deed of Sale to decedent's mother, dated September 5, 1934; a report from abroad dated March 11, 1963; a copy of the Final Account of the Executor of the Estate of decedent's mother, Linda Mallinson; a certified copy of the Will of Hiram R. Mallinson, decedent herein; and copies of correspondence containing offers to purchase the subject property and value estimations from 1948 through 1959.

Based upon the entire record, the Commission finds that Linda V. Mallinson purchased on September 5, 1934 three building lots measuring 3,500 square meters and described as Section 3, Lots 81, 82 and 83, Southern District of Marianao, Havana, Folio 185, Volume 48 of El Cano, registration No. 1256. Linda V. Mallinson died testate in New York on December 16, 1960 and by her Will, duly probated, the subject property was devised to her son, HIRAM R. MALLINSON. The said HIRAM R. MALLINSON died testate on December 3, 1961 and by his Will duly probated in Washington, D. C. on March 26, 1962, the subject property was placed in trust for his wife, CATHERINE ELLIOTT MALLINSON, a national of the United States at all pertinent times under the statute. The said CATHERINE ELLIOTT MALLINSON and THE CHASE NATIONAL BANK OF THE CITY OF NEW YORK were appointed Executors and Trustees under the Will of HIRAM M. MALLINSON.

The aforementioned report from abroad of March 11, 1963 set out that as of that date the entire area where these lots were located had been intervened and was in the process of confiscation by the State. In the absence of evidence to the contrary, the Commission finds that the building lots were intervened and taken by the Government of Cuba on March 11, 1963.

In determining the value of the unimproved real property, the Commission considered the estimated value made by real estate brokers in Cuba of from \$8,750 to \$10,500 as contained in a letter of January 16, 1948; and the offers to purchase for \$20,000 and \$32,366.21 as contained in the letters of May 6, 1957 and August 18, 1958, respectively. Claimant asserts that at the time of loss the lots had a value of \$45,000.00, which assertedly reflects the sharp incline of \$12,000.00 in the value of the property within one year of the two aforementioned offers of purchase. The Commission finds that the valuation most appropriate to the property and equitable to the claimant is the value of the property as set forth in the offer of purchase dated August 18, 1958, namely \$32,366.21. The Commission concludes that claimant sustained a loss in that amount within the meaning of Title V of the Act.

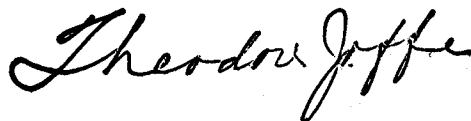
The Commission has decided that in the certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (See the Claim of Lisle Corporation, FCSC Claim No. CU-0644.)

CERTIFICATION OF LOSS

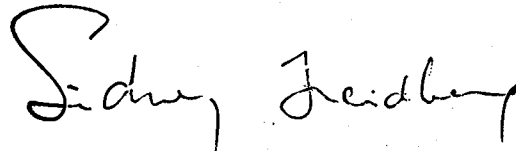
The Commission certifies that CATHERINE E. MALLINSON and THE CHASE NATIONAL BANK OF THE CITY OF NEW YORK, Executors and Trustees of the ESTATE of HIRAM R. MALLINSON, Deceased, suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-Two Thousand Three Hundred Sixty-Six Dollars and Twenty-One Cents (\$32,366.21) with interest thereon at 6% per annum from March 11, 1963 to the date of settlement.

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

NOV 26 1969



Theodore Jaffe, Commissioner



Sidney Freidberg, 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).)

CU-0762