

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

IN THE MATTER OF THE CLAIM OF

RALPH GINZBURG

Claim No. CU-1071

Decision No. CU - 1890

Under the International Claims Settlement  
Act of 1949, as amended

AMENDED PROPOSED DECISION

By Proposed Decision of May 22, 1968, the Commission certified a loss to claimant in the amount of \$4,895.75, based upon the loss of an interest in real property situated in Cuba. The Commission found that claimant had made twenty-five payments on each of two installment contracts, and the certified amount represents the total of such payments.

Claimant objected to the amount certified, stating that the Commission failed to include the amount of his down payment on each installment contract. Claimant submitted additional information in support of this contention.

Upon consideration of all of the evidence of record, the Commission finds that the total amount paid on both contracts as of June 19, 1961, the date of loss, was \$7,977.42. Accordingly, it is

ORDERED that the Proposed Decision be, and it is hereby, amended as follows. The certification of loss as restated below will be entered, and the remainder of the Proposed Decision is affirmed.

CERTIFICATION OF LOSS

The Commission certifies that RALPH GINZBURG 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 Seven Thousand Nine Hundred Seventy-Seven Dollars and Forty-Two Cents (\$7,977.42) with interest thereon at the rate of 6% per annum from June 19, 1961 to the date of settlement.

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

25 JUN 1968

*Leonard v. B. Sutton*  
Leonard v. B. Sutton, Chairman

*Theodore Jaffe*  
Theodore Jaffe, Commissioner

*Sidney Freidberg*  
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 Amended 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-1071

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

IN THE MATTER OF THE CLAIM OF

RALPH GINZBURG

Claim No. CU-1071

Decision No. CU **1890**

Under the International Claims Settlement  
Act of 1949, as amended

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 \$11,600.00, was presented by RALPH GINZBURG and is based upon an asserted loss sustained in connection with the purchase of Cuban land on installment contracts. The claimant has been a national of the United States since his 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 interest 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.

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.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Evidence of record establishes that claimant had contracted with the Havana firm of Gorrin, Manas, Macia Y Alamilla, as agents, for the purchase of two parcels of land located in Residencial Alamar, Havana. Claimant entered into two contracts, No. 3/449 calling for a monthly installment of \$79.29, and No. 3/414, which required a monthly payment of \$120.14. Claimant asserts that he paid a total of \$11,600.00 on the contracts.

The record contains copies of a receipt, No. 12343, bearing the letterhead of Residencial Alamar and signed by Gorrin, Manas, Macia Y Alamilla acknowledging the twenty-fifth installment on contract 3/449, in the amount of \$79.29. The record contains a similar receipt acknowledging payment of the twenty-fifth installment on contract 3/414, amounting to \$120.14. Each receipt names claimant as payor. There is no evidence of record showing whether claimant made any additional payments.

Under Cuban law, a sale is consummated and becomes binding on the purchaser and seller if there has been a meeting of the minds on the object and price, even though neither the thing nor the price has been delivered (Lanzas, A Statement of the Laws of Cuba, 78 (1958)). Registration is not necessary for the transfer of ownership or rights in rem between the parties concerned, but it is required if the transaction is to be binding on third parties (Lanzas, supra, 277).

On the basis of the entire record and the state of Cuban Law at the time of the transaction, the Commission finds that claimant became the owner of lot 11, Block 12-A and lot 14, Block 11-A, Residencial Alamar, Havana, Cuba.

Evidence available to the Commission establishes that the properties of Residencial Alamar were confiscated by the Government of Cuba under Resolution 3152, decreed by the Ministry of Economy on June 19, 1961.

In the absence of additional or contrary evidence, the Commission finds that claimant suffered a loss as a result of the actions of the Government of Cuba on June 19, 1961, in the amount of \$4,985.75, which is the total paid by claimant on the two contracts of purchase and sale. Inasmuch as claimant has failed to prove the payment of additional amounts, the Commission is constrained to deny the remainder of the claim.

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 Claim of Lisle Corporation, 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 June 19, 1961 to the date on which provision is made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that RALPH GINZBURG 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 Four Thousand Nine Hundred Eighty-Five Dollars and Seventy-Five Cents (\$4,985.75) with interest thereon at 6% per annum from June 19, 1961 to the date of settlement.

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

**MAY 22 1968**

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

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