

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

IN THE MATTER OF THE CLAIM OF

STANLEY L. COTTRILL
SALLY D. COTTRILL

Claim No. CU - 1087

Decision No. CU

358

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 \$6,660.00 was presented by STANLEY L. COTTRILL and SALLY D. COTTRILL based upon the asserted ownership and loss of interests in land. Claimants, STANLEY L. COTTRILL and SALLY D. COTTRILL, have been nationals of the United States since their birth on November 5, 1918 and August 2, 1917, respectively.

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 502(1) of the Act defines the term "national of the United States" as "(A) a natural person who is a citizen of the United States." The term does not include aliens.

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.

Claimants contend that they have lost investments in unimproved real property in Cuba valued at \$6,660.00. They have submitted a copy of a contract of purchase and sale, dated December 28, 1957 and recorded on February 3, 1958, between Mathew Edwin Cottrill y Person and Jess Cottrill, as the sellers, and STANLEY LORNE COTTRILL and SALLY DOROTHY COTTRILL, the claimants herein, as the purchasers. According to the aforesaid contract, the sellers sold the western one-half of Lot No. 60 of the "Punta Brava" or "Arroyo Palmar" farm, Sierra de Casas District, Isle of Pines, Cuba, to the claimants for an agreed purchase price of 500 pesos. Claimants assert that the subject land sold in 1910 for \$810.00 gold and that they were offered \$500.00 an acre for said land shortly after their purchase of it; however, apart from their assertions, they have submitted no additional evidence having any bearing upon value.

On the basis of the entire record and the state of Cuban law at the time of the transaction, the Commission finds that claimants, STANLEY L. COTTRILL and SALLY D. COTTRILL, became the owners in equal parts of the western one-half of Lot No. 60 of the "Punta Brava" or "Arroyo Palmar" farm, Sierra de Casas District, 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.

As the record shows, in December 1961, claimants were residents 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.

Based on the entire record the Commission finds that the subject land had a total value of \$500.00 at the time of loss, and concludes that claimants, STANLEY L. COTTRILL and SALLY D. COTTRILL, each suffered a loss in the amount of \$250.00, within the meaning of Title V of the Act.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed 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 claimants 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 STANLEY L. COTTRILL 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 Two Hundred Fifty Dollars (\$250.00) with interest thereon at 6% per annum from December 6, 1961, to the date of settlement; and

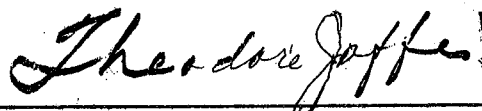
the Commission certifies that SALLY D. COTTRILL suffered a loss as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Fifty Dollars (\$250.00) with interest thereon at 6% per annum from December 6, 1961, to the date of settlement.

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

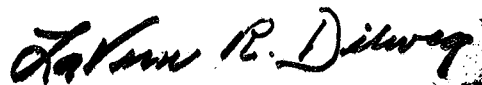
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Edward D. Re, Chairman



Theodore Jaffe, Commissioner

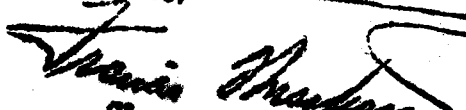


LaVern R. Dilweg, Commissioner

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-1087

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on — 6 NOV 1967


Francis Thompson
Clerk of the Commission