

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

IN THE MATTER OF THE CLAIM OF

MONTE STEWART MANEE,
Executor of the Estate of
ISABEL AGRAMONTE BECK,
Deceased

Claim No. CU-1109

Decision No. CU 6067

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

William A. Patty, 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 ISABEL AGRAMONTE BECK for \$209,000.00 based upon the asserted ownership and loss of certain improved real property in Cuba. ISABEL AGRAMONTE BECK, a national of the United States since birth, died in January, 1969, and MONTE STEWART MANEE, Executor of her Estate, has been substituted as claimant herein.

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's loss has been described as follows:

- | | |
|--|------------------|
| (1) 1/2 interest in three buildings
in Vedado | \$ 95,000.00 |
| (2) 1/2 interest in property at
No. 3, 22nd Street, Miramar | 44,000.00 |
| (3) Improved property at 208 First
Avenue, Miramar | <u>70,000.00</u> |
| | \$209,000.00 |

Realty

On the basis of the record in this claim and a related claim of Gladys Agramonte Manee (Claim No. CU-1108) as discussed in the decision thereon, the Commission finds that claimant herein owned a 61/135 interest in improved realty in item (1) herein; a 16/45 interest in item (2) herein, and all of the property at 208 First Avenue, Miramar.

The Commission has found in Claim No. CU-1108 (supra) that the properties in Vedado and at No. 3, 22nd Street, Miramar, were taken pursuant to the Urban Reform Law, on October 14, 1960 and January 15, 1962, respectively. Further, the Commission finds that the property at 208 First Avenue, Miramar, was taken on October 14, 1960 also pursuant to the Urban Reform Law. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39.)

(1) Buildings at Vedado

The Commission has found in Claim No. CU-1108, on the basis of the record therein described, that the three improvements, together with the land, had an aggregate value of \$190,000.00.

(2) No. 3, 22nd Street, Miramar

On the basis of all evidence of record, the Commission found in Claim No. CU-1108 that at the time of loss this property had a value of \$88,000.00.

(3) 208 First Avenue, Miramar

This property is described as improved by a 2-story residence adapted for separate occupancy with an outer staircase for the upper floor. The ground floor had an apartment of about 11 rooms, garage, and quarters for a chauffeur. The upper floor consisted of about 9 rooms, a garage, quarters for the household help and quarters for the chauffeur. The building lot measured 1,000 square meters. This property, including the land, was appraised in 1953 at \$64,249.60 and by another appraiser in 1967 with valuation as of October, 1960 at \$70,000.00.

Based on all the evidence of record including evidence available to the Commission as to the value of similar properties in Miramar, the Commission has found in CU-1108 that the value of the improved property at No. 3, 22nd Street was \$88,000.00 and now finds the value of the property at 208 First Avenue was \$70,000.00 on the dates of loss.

Recapitulation

<u>Item</u>	<u>Date of Loss</u>	<u>Value</u>	<u>Amount of Loss</u>
61/135 interest in Vedado properties	October 14, 1960	\$190,000.00	\$ 85,851.85
16/45 interest in No. 3, 22nd Street	January 15, 1962	88,000.00	31,288.89
100% interest in 208 First Avenue	October 14, 1960	70,000.00	<u>70,000.00</u>
			\$187,140.74

The Commission has decided that in certifications of loss 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), and in the instant case it is so ordered as follows:

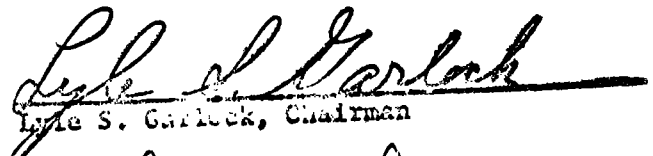
<u>FROM</u>	<u>ON</u>
October 14, 1960	\$155,851.85
January 15, 1962	<u>31,288.89</u>
	\$187,140.74

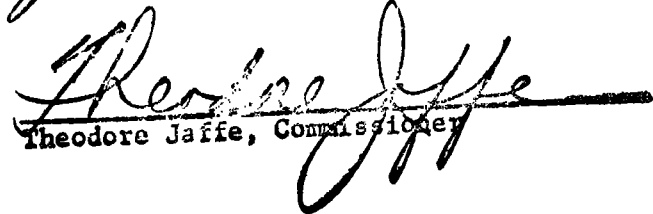
CERTIFICATION OF LOSS

The Commission certifies that MONTE STEWART MANEE, Executor of the Estate of ISABEL AGRAMONTE BECK, Deceased, succeeded to and 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 Hundred Eighty-seven Thousand One Hundred Forty Dollars and Seventy-four Cents (\$187,140.74) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

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

FEB 9 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, 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 (1970).)

CU-1109