

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

IN THE MATTER OF THE CLAIM OF

VIRGINIA MARY SCOTT

**Under the International Claims Settlement
Act of 1949, as amended**

Claim No. CU - 1139

Decision No. CU - 3779

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$38,000.00, was presented by VIRGINIA MARY SCOTT and is based upon the asserted ownership and loss of real property in Cuba. Claimant derived nationality of the United States through her father on May 24, 1949.

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.

This claim is based upon the asserted ownership of rights and interests in certain real property assertedly nationalized by the Government of Cuba. The record contains photocopies of a Description of Work No. 373 dated October 15, 1941, two letters from The Trust Company of Cuba dated October 22, 1956 and April 29, 1957 respectively, a confirmation of lease dated October 18, 1957, and an estimate of repairs, information concerning tax payments and the like, as well as a photograph of the house.

On the basis of the entire record, the Commission finds that claimant, VIRGINIA MARY SCOTT, was the owner of a parcel of land approximately 302 square meters in size, described as Lots 6, 7, and 8, Block 538 (also described as Calle 12 No. 6814 Esq. Avenue 5a), Reparto Ampliacion de Almendares, Marianao, Havana, Cuba, and improved with a two-story brick dwelling house with 7 rooms, 2 baths, hall, closets, garage, terrace, and garden.

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 were not resident in Cuba. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]).

As the record shows, claimant resided outside of Cuba at that time. Accordingly, 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.

It appears from the aforementioned Description of Work that the declared value of the subject improved real property on October 15, 1941 was \$7,500.00. As of October 18, 1957, the subject premises were renting for 135 pesos per month. Although claimant has stated

that the subject land was worth \$8,000.00 and the improvements \$30,000.00, claimant has not submitted evidence to substantiate these contentions.

Based on the entire record, the Commission finds that the subject land, including improvements, had a total value of \$17,500.00 at the time of loss, and concludes that 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 Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that VIRGINIA MARY SCOTT 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 Seventeen Thousand Five Hundred Dollars (\$17,500.00) 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

30 JUL 1962

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 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).)