

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

IN THE MATTER OF THE CLAIM OF

GEER BLAINE CHUBB, JR.

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 1309

Decision No. CU **841**

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 GEER BLAINE CHUBB, JR., for \$540.00 based upon the asserted ownership and loss of an interest in land on the Isle of Pines, Cuba.

Claimant has been a national of the United States since 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 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 contends that he has lost an investment in real property in Cuba valued at \$540.00. He has submitted a document entitled "Contract of Purchase" dated October 14, 1958, between Milton H. Davis, Jr., Vice President of Ranchos Grandes Davis, S.A., described as owners of "Cuchilla Alta", Isle of Pines, Cuba, as sellers, and claimant herein, the buyer. The document provides that as soon as the buyer has paid the total sale price and other obligations under the terms of the contract, the company will authorize the conveyance to the buyer of lot No. 8 block No.10 Ranchos Grandes Davis subdivision. The buyer agreed to pay \$15.00 each month until \$1,288.00 would be paid in full, and also agreed to pay all taxes to be imposed after October 14, 1958.

Claimant has submitted also 36 receipts for installments paid by him of \$15.00 beginning on October 14, 1958, and indicating the last installment paid by him of \$15.00 dated September 21, 1961.

The record also contains copy of a letter dated October 17, 1961 to claimant from E. C. Williams of Ranchos Grandes Davis, S.A. This letter states in part:

Commencing this date, a moratorium is herewith granted to all Ranchos Grandes Davis, S.A. accounts and all installment payments are suspended until such time as diplomatic relations are re-established between the United States of America and Cuba. This moratorium is given because you individually have been denied the physical use of your property "

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 an interest in lot No. 8, block No. 10 of "Cuchilla Alta" Ranchos Grandes Davis, S.A., subdivision in the Isle of Pines, a province of 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 May of 1961, claimant was a Florida resident. 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 land had a value of \$1,288.00 but that claimant owed the seller a total of \$748.00, which latter amount in fact is not claimed. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$540.00 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 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 GEER BLAINE CHUBB, JR., 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 Five Hundred and Forty Dollars (\$540.00), 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

20 DEC 1967

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

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THIS IS A TRUE AND CORRECT COPY OF THE DECISION OF THE COMMISSION WHICH WAS ENTERED AS THE PROPOSED DECISION ON 12/22/67

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).)