

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

IN THE MATTER OF THE CLAIM OF

MURIEL TELLEZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1411

Decision No. CU -4164

FINAL DECISION

Under date of November 7, 1969, the Commission issued a Proposed Decision on this claim, certifying that claimant had sustained a loss in the principal amount of \$20,253.99; and denying a portion of the claim based on garage space.

Claimant has advised that her contentions were incorrectly stated in the Proposed Decision. In fact, claimant contended that she lost an apartment and garage space in the City of Havana, and 4 unimproved parcels of land measuring 480 square meters and 486.60 square meters in Mariel, Pinar del Rio, 910 square meters in Arroyo Arenas Marianao, Havana, and 554.70 square "varas", in Guanabacao, Havana.


No evidence has been submitted to warrant any other changes in the Proposed Decision. Claimant has been informed that upon receipt of such evidence, she may petition the Commission to reopen the claim, provided such petition is submitted on or before May 1, 1972, in order to permit adequate consideration thereof.

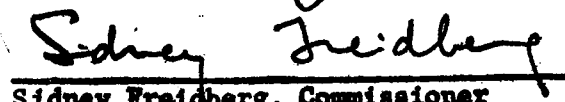
Accordingly, the Proposed Decision, as amended herein, is hereby entered as the Final Decision in this claim.

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

AUG 19 1970

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freiberg, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for over \$15,323.85 was presented by MURIEL TELLEZ based upon the asserted loss of realty in Pinar del Rio and Havana, 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 she lost an apartment and garage space in Mariel, Pinar del Rio, and 4 unimproved parcels of land measuring 480 square meters and 486.60 square meters in Mariel, Pinar del Rio, 910 square meters in Marianao, Havana, and 554.70 square "varas", in Guanabacao, Havana.

Based on the record, which includes reports from abroad, the Commission finds that claimant owned the real properties in question.

On December 6, 1961, the Cuban Government published its Law 989 which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

Based upon the evidence of record, the Commission finds that claimant's real property in Cuba was taken by the Government of Cuba, and in the absence of evidence to the contrary, that the taking occurred on December 6, 1961, after claimant left Cuba.

Accordingly, the Commission concludes that claimant suffered a loss within the meaning of Title V of the Act.

In determining the value of the property taken, the Commission has considered the purchase price paid for the four properties, the

values asserted by claimant, and information contained in the reports from abroad. On the basis of the entire record, the Commission finds that at the time of loss, the value of the apartment was \$22,100.00 and that the aggregate value of the four improved lots was \$4,930.14.

The Commission further finds that at the time of loss a balance of \$6,776.15 was still due and owing on a mortgage secured by the apartment in question, and that therefore the value of that property must be reduced by said amount. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$15,323.85 for the apartment, and \$4,930.14 for the four unimproved lots, within the meaning of Title V of the Act, as the result of the taking of her property by the Government of Cuba on December 6, 1961.

The Commission finds it not established however, that claimant lost a garage space having an asserted value of \$1,500.00. Accordingly, this item must be and is denied.

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 MURIEL TELLEZ 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 Twenty Thousand Two Hundred Fifty-three Dollars and Ninety-nine Cents (\$20,253.99) 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

NOV 7 1969

*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).)

CU-1411