

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

IN THE MATTER OF THE CLAIM OF

RUTH F. STEWARD

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1519

Decision No. CU **5933**

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was originally presented by RUTH F. STEWARD and Ernest A. Steward, now deceased, in the amount of \$187,300, based upon the asserted ownership and loss of real and personal property in Cuba.

RUTH F. STEWARD and her husband Ernest A. Steward were nationals of the United States at all times pertinent to this claim. Ernest A. Steward died on February 15, 1968. Letters Testamentary issued to his spouse. However, estate proceedings having been closed, RUTH F. STEWARD, as the sole heir, is now the sole claimant in this matter, and has thus succeeded to any interests which were formerly subject to the community property law of Cuba.

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.

The claim was originally described as follows:

Land	\$15,000	
Building, with air conditioning and water reserve	50,000	
Personalty	<u>127,300</u>	\$187,300

Improved Real Property

The Commission finds, on the basis of a copy of a deed with pertinent translations, that claimant was the owner of a house at No. 34 16th Street, Reparto Miramar, Marianao, Havana.

This property was taken from claimant and her husband on September 5, 1961, by armed militia of the Cuban Government.

The house is described as having a porch, hall, living room, dining room, library, sun parlor, pantry kitchen with a closet, servant's quarters, marble stairs, four bedrooms, several baths, sitting room, and all usual appurtenances, being equipped as well with air conditioning and an extra water reserve. The record also includes a photograph of this mansion type property.

On the basis of the record the Commission finds that this improved real property had a value of \$65,000 on the date of loss and concludes that claimant and her late husband suffered a loss in that amount within the scope of Title V of the Act.

Personal Property

Although claim was originally made in the amount of \$127,300 for personalty, no itemized list substantiating this amount was submitted. The record in this matter and various communications between the Commission and claimant elicited the information that much personal property, including silver, jade and quartz, and furniture, was in storage in a private depository. However, the Commission finds that claimant and her late husband owned certain personal property which was taken by the Government of Cuba, on September 5, 1961. This included the following, with depreciated values (where applicable) shown as of the time of loss:

12 foot x 18 foot tapestry	\$2,500
1 4-door frigidaire	400
1 10-foot frigidaire	157
1 small frigidaire in pantry	100
10' x 20' wall mirror	500
Paintings, undescribed	200
Tables	100
Stove	315
Bar	135
Garden furniture	250
1 1960 Cadillac	4,080
1 1960 Chevrolet	1,485
(These automobiles being valued according to National Automobile Dealers Association)	<u>\$10,222</u>

Accordingly, although claimant and her husband obviously owned considerable personalty in Cuba, they suffered a loss as a result of the taking by Cuba in the amount of \$10,222.

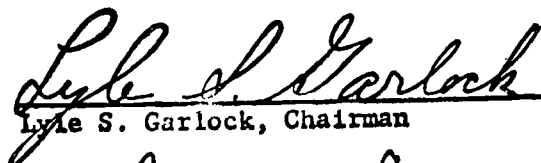
The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see the Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

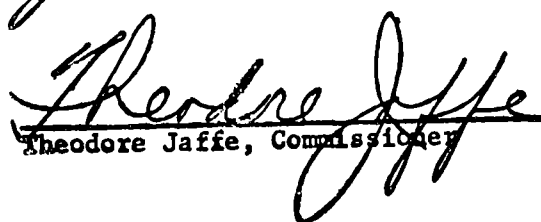
CERTIFICATION OF LOSS

The Commission certifies that RUTH F. STEWARD 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 Seventy-Five Thousand Two Hundred Twenty-Two Dollars (\$75,222) with interest thereon at 6% per annum from September 5, 1961 to the date of settlement.

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

NOV 4 1970


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, 32 Fed. Reg. 412-13 (1967).)

CU-1519