

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

IN THE MATTER OF THE CLAIM OF

ESPERANZA ORTA PETERS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1739

Decision No. CU 3251

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, for \$11,000.00 was presented by ESPERANZA ORTA PETERS, and is based upon an asserted loss sustained in connection with an interest in improved real property in 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 initially contended that she lost a one-half interest in improved real property situated on B 418 Street, Lawton, Havana, Cuba. She subsequently amended her claim to a one-third interest. Claimant has submitted a tax receipt dated December 2, 1960, plans of the house sketched by claimant, and photocopies of rent receipts. The record also includes information available to the Commission concerning the property.

On the basis of the entire record, the Commission finds that claimant owned a one-third interest in improved real property situated on B 418 Street, Lawton, Havana, Cuba.

Claimant states that she continued to receive rent from the property until the advent of the present Cuban Government. She further states in her claim application that the claim arose in January 1960. Accordingly, in the absence of evidence to the contrary, the Commission finds that claimant's interest in the aforementioned property was taken by the Government of Cuba on January 1, 1960. (See Claim of Jack Moss, Claim No. CU-0225, 25 FCSC Semiann. Rep. 52 [July-Dec. 1966].)

In arriving at the value of the claimant's interest in the above-named real property, the Commission gave consideration to the complete record including a report received from sources in Cuba, claimant's plans and her statement to the effect that she had previously been receiving a monthly rent of \$125.00 from the tenant. The Commission finds that the value of the improved real property at the time of loss amounted to \$12,000.00.

Accordingly, in the instant claim, the Commission finds that claimant, ESPERANZA ORTA PETERS, suffered a loss in the amount of \$4,000.00 for her one-third interest within the meaning of Title V of the Act, as a result of the taking of the improved real property on January 1, 1960.

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 ESPERANZA ORTA PETERS 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 Four Thousand Dollars (\$4,000.00) with interest thereon at 6% per annum from January 1, 1960 to the date of settlement.

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

OCT 30 1968

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).)