

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

IN THE MATTER OF THE CLAIM OF

MARIE PADRON

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

Claim No. CU -1880

Decision No. CU 5094

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 MARIE PADRON for \$15,000.00 based upon the asserted ownership and loss of certain property in Cuba. Claimant has been a national of the United States since her naturalization in 1945.

Under Title V of the International Claims Settlement Act of 1949 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. (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 Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant asserts that upon the death of her father on May 6, 1938, she inherited 5 apartments in Santiago de las Vegas, Havana. She states that her father died intestate and that his heirs included three sons who before his death had agreed with their father that she alone should inherit the apartments.

The record includes two affidavits from one of her brothers, Aristo Perez, which he states that after his father's death in 1938 his two brothers died in 1954 and 1955; that his sister, the claimant, owned the property subject of his claim, which consisted of 2 duplexes and another house, each of 3 or 4 rooms, and that there were no mortgages or other liens on these properties. Claimant submits her own affidavit and also submits copies of two deeds, three receipts, four receipts for water bills, two copies of letters from tenants regarding these properties and three copies of property identification. The copies are all in the Spanish language. The receipts bear the name Rafael M. Gonzalez, Hds. de Rafael M. Gonzalez, Antonio Perez, and Antonio Perez Borges.

Claimant states that Rafael M. Gonzalez was her maternal grandfather, now deceased; that "Hds." before his name means "heir of", and that Antonio Perez Borges was her father. She says that the heirs of Rafael M. Gonzalez were three cousins and that her father purchased their share. She also states that she was only 3 years old when she came to the United States; that she never returned; and that therefore her knowledge of these properties is limited.

On September 9, 1968 it was suggested that claimant have her brother, Aristo Perez, explain how she solely inherited the properties claimed since her father died intestate, and it was also suggested she submit death certificates of her two deceased brothers, and that this evidence be forwarded

within 30 days. On April 1, 1970 she was reminded that she had not responded to Commission letter of September 9, 1968 or to letters of January 23, 1969 and October 24, 1969 regarding the submission of a translation of a report received from abroad. This report does not reflect property recorded in claimant's name. By letter of April 25, 1970 she said she had not replied because she had no further proof.

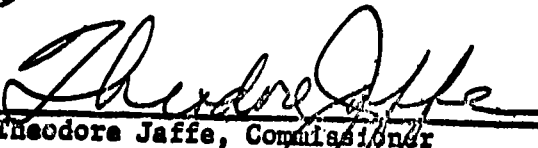
In the absence of evidence on which to base an affirmative decision, the Commission has no alternative but to deny this claim for lack of proof.

The Commission finds that claimant has not met the burden of proof in that she has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

JUN 30 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

TICE: 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., C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)