

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

IN THE MATTER OF THE CLAIM OF

GERTRUDE GREENFIELD
LAWRENCE ZOLLER and
DOROTHY GROSWIRTH

Claim No. CU - 1952

Decision No. CU - 4523

Under the International Claims Settlement
Act of 1949, as amended

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 claimants, GERTRUDE GREENFIELD, LAWRENCE ZOLLER and DOROTHY GROSWIRTH, for \$90,800.33, based upon stock interests in two Cuban entities and a debt due from one of the entities. Claimants have been nationals of the United States at all pertinent times.

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.

On the basis of the evidence of record and evidence in the related Claim of Jeannette Schechter, Claim No. CU-1458, the Commission finds that claimants' parents, John Zoller and Marcelle Zoller, nationals of the United States at all pertinent times, owned a one-third interest in a Cuban partnership known as A. S. Levy & Cia., and a one-third interest in a Cuban corporation known as Colonia Paso Real, S.A. Upon the death of claimants' parents on January 5, 1959 and June 27, 1962, respectively, claimants inherited their interests as follows:

GERTRUDE GREENFIELD	30%
LAWRENCE ZOLLER	40%
DOROTHY GROSWIRTH	30%

In the Schechter claim, the Commission found that the two entities, Levy and Colonia, were taken by the Government of Cuba on July 15, 1961. The Commission further found that one-third interests in Levy and Colonia, respectively, had the values of \$16,287.40 and \$67,924.53 on the date of loss, or the aggregate value of \$84,211.93. Accordingly, the claimants sustained losses in the following amounts:

GERTRUDE GREENFIELD	\$25,263.58
LAWRENCE ZOLLER	33,684.77
DOROTHY GROSWIRTH	<u>25,263.58</u>
Total	<u>\$84,211.93</u>

It further appears from the evidence of record that claimants inherited similar interests in a debt which Colonia had originally owed to their late father. The evidence includes a copy of a balance sheet for Colonia as of December 31, 1959 which shows that the debt due claimants' father was \$20,513.35. The Commission, therefore, finds that claimants

sustained further losses on July 15, 1961 in the following amounts:

GERTRUDE GREENFIELD	\$ 6,154.00
LAWRENCE ZOLLER	8,205.34
DOROTHY GROSWIRTH	<u>6,154.01</u>
	<u>\$20,513.35</u>

Accordingly, claimants losses within the meaning of Title V of the Act aggregated \$104,725.28 as follows:

GERTRUDE GREENFIELD	\$ 31,417.58
LAWRENCE ZOLLER	41,890.11
DOROTHY GROSWIRTH	<u>31,417.59</u>
Total	<u>\$104,725.28</u>

It will be noted that the total amount of the losses found herein is in excess of the amount asserted by claimants. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimants as the extent thereof.

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.

CERTIFICATIONS OF LOSS

The Commission certifies that GERTRUDE GREENFIELD succeeded to and 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 Thirty-One Thousand Four Hundred Seventeen Dollars and Fifty-Eight Cents (\$31,417.58) with interest at 6% per annum from July 15, 1961 to the date of settlement; and

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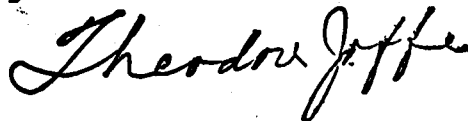
The Commission certifies that LAWRENCE ZOLLER succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Forty-One Thousand Eight Hundred Ninety Dollars and Eleven Cents (41,890.11) with interest at 6% per annum from July 15, 1961 to the date of settlement; and

The Commission certifies that DOROTHY GROSWIRTH succeeded to and 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 Thirty-One Thousand Four Hundred Seventeen Dollars and Fifty-Nine Cents (\$31,417.59) with interest at 6% per annum from July 15, 1961 to the date of settlement.

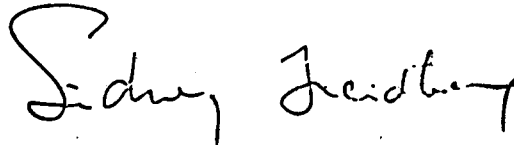
Dated at Washington, D.C.,
and entered as the Proposed
Decision of the Commission

MAR 4 1970


Lyle S. Carlock, Chairman



Theodore Jaffe, Commissioner



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).)