

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

IN THE MATTER OF THE CLAIM OF

BERNICE SCHREIBER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2179

Decision No. CU 3569

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 BERNICE SCHREIBER for \$14,000.00, based upon the asserted ownership and loss of 50 acres of land, certain buildings, and a bank account, all on the Isle of Pines, Cuba. Subsequently, the claim was amended to include an additional tract of land for which no value was stated. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949, as amended [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 evidence of record includes contracts of purchase, detailed descriptions of the property, and a report of a Notary Public on the Isle of Pines, Cuba, who searched the land records and made inquiry of the National Bank of Cuba regarding the bank account. On the basis of all of the evidence, the Commission finds that claimant and her late husband, Nathan Schreiber, were joint owners of (1) a 10-acre tract of land located in Hacienda Los Almacigos, Santa Fe, improved with a one-story cement house of 30 by 30 feet with a well and modern plumbing, a separate cement storage building of 30 by 20 feet, and fruit trees; (2) a 40-acre tract of land adjoining the tract described above, improved with a one-story cement house with four rooms and a porch, a well, pump house and pump, and modern plumbing; (3) an unimproved tract of land located in Finca San Rafael, La Ceiba, Santa Fe; and (4) bank account number 107 in Banco de Fomento Comercial with a balance of \$298.65.

The Commission finds that all of the above-described property was taken by the Government of Cuba on December 6, 1961 pursuant to Law 989 (Official Gazette XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country. The Commission further finds that claimant's husband, Nathan Schreiber, died intestate in California on October 22, 1962, and that his portion of the claim for the loss of property in Cuba was inherited by the claimant herein.

On the basis of the entire record, the Commission finds that at the time of loss the items of property had values as follows:

10 acres, Los Almacigos	\$ 1,200.00
Structures thereon	4,500.00
40 acres, Los Almacigos	4,000.00
House thereon	4,000.00
Tract in La Ceiba	500.00
Bank account	<u>298.65</u>
Total	\$14,498.65

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$14,498.65 on December 6, 1961 within the meaning of Title V of the Act.

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

The Commission has decided that in certification 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, FCSC Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that BERNICE SCHREIBER 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 Fourteen Thousand Four Hundred Ninety-eight Dollars and Sixty-five Cents (\$14,498.65) 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

**MAR 26 1969**

*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).)