

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

IN THE MATTER OF THE CLAIM OF

THE DETROIT BANK & TRUST CO.  
ACTING AS EXECUTOR OF THE  
ESTATE OF RAY L. LIST, DECEASED

Claim No. CU-2482

Decision No. CU - 4358

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$5,402.50, was presented by RAY L. LIST based upon the asserted loss of stock interests in Central Violeta Sugar Co. and Vertientes-Camaguey Sugar Co. Claimant had been a national of the United States since birth.

The Commission has been informed that RAY L. LIST died on September 26, 1967 and that THE DETROIT BANK & TRUST CO. is acting as Executor of the Estate. Accordingly, it is substituted as claimant herein.

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.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

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).)

RAY L. LIST, now said to be deceased, filed claim for loss sustained on 77 shares of Central Violeta Sugar Co. and 302 shares of Vertientes-Camaguey Sugar Co. By Commission letter of November 17, 1967 the Commission sought to advise claimant as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of December 20, 1967, the Commission made additional suggestions concerning the submission of supporting evidence in this matter.

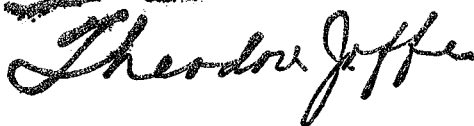
By letter of December 29, 1967 THE DETROIT BANK & TRUST CO. informed the Commission of the death of RAY L. LIST on September 26, 1967; that it was acting as Executor of his Estate; and that the above described stock was the subject of a search.

On January 24, 1968 and August 2, 1968 the Bank was invited to submit any evidence available and it was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

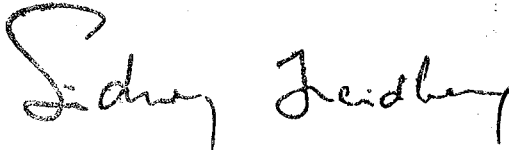
The Commission finds that claimant has not met the burden of proof in that it has failed to establish ownership of rights and interest in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby 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

7 JAN 1970



Theodore Jaffe, Commissioner



Sidney Fraiberg, Commissioner

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-2482