

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

IN THE MATTER OF THE CLAIM OF

SARITA DIZIK GANTZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -2823

Decision No. CU

773

Counsel for claimant:

Galef & Jacobs  
By Gabriel Galef, Esq.

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 \$300,000.00, was presented by SARITA DIZIK GANTZ based upon the asserted loss of improved realty in Cuba. Claimant has been a national of the United States since her naturalization on July 25, 1946.

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).)

This claim is based on the loss of improved real property consisting of a building containing 27 apartments and two stores and described as Villegas 413-415, Havana, Cuba.

In support of this claim, claimant has submitted a copy of a contract dated August 10, 1949 which indicates that the subject property was acquired on that date by the claimant's mother, Mrs. Ana Troyansky. The record further contains a copy of a note dated January 26, 1960, handwritten by Ana Troyansky, claimant's mother, which claimant asserts transferred title to the subject property to her.

By Commission letter dated September 8, 1967, the claimant was informed that the above-mentioned note was considered insufficient to find title had been acquired by the claimant. Accordingly the claimant, SARITA DIZIK GANTZ, was advised to submit evidence establishing her ownership of the property and was further requested to advise the Commission if her mother, Ana Troyansky is a United States national. Claimant was informed that absent the receipt of further evidence within 15 days it might become necessary to determine the claim on the basis of the existing record.

On September 21, 1967, claimant responded, through counsel, and requested an extension of time. An extension was granted until October 26, 1967. On October 18, 1967, claimant's attorneys requested an additional extension until November 10, 1967. This extension was granted. Counsel responded on November 10, 1967, and informed the Commission that Ana Troyansky was not a United States national. No further evidence was submitted.

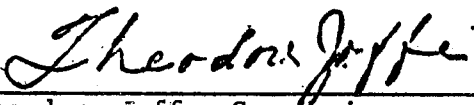
The Commission finds that claimant has not met the burden of proof in that she has failed to establish ownership by a United States national of rights and interest in property which was nationalized, expropriated

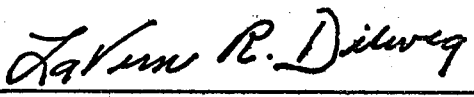
or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

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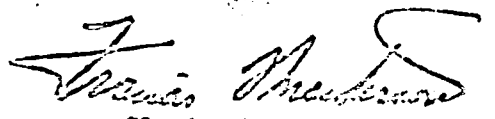
  
Edward D. Re, Chairman

  
Theodore Jaffe, Commissioner

  
LaVern R. Dilweg, Commissioner

CERTIFICATION

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on Jul 11 1967

  
Francis M. ...  
Clerk of the Commission

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).)