

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

IN THE MATTER OF THE CLAIM OF

R. GLENN ASHWILL  
JOY SANDERS  
and  
GLENNNA JOY COBLE

Claim No. CU-2938

Decision No. CU -2275

Under the International Claims Settlement  
Act of 1949, as amended

AMENDED PROPOSED DECISION

Under date of July 24, 1968, the Commission issued its Proposed Decision denying this claim for lack of proof. The claim, based upon certain inherited real and personal property in Cuba, was filed originally by R. GLENN ASHWILL. Subsequently, it appeared that his sister, JOY SANDERS, and GLENNNA JOY COBLE, the child and sole survivor of the original claimant's other sister, had interests in the claim. Accordingly, they have been added as party claimants. The claimants have been nationals of the United States since birth.

Following the denial of the claim, the original claimant submitted supporting evidence.

On the basis of the evidence of record, the Commission now finds that Roy Ashwill, father of R. GLENNNA ASHWILL and JOY SANDERS, and grandfather of GLENNNA JOY COBLE, owned certain real and personal property in the vicinity of Santa Fe, Isle of Pines, Cuba. The record shows that Roy Ashwill, who was predeceased by his wife, died on January 30, 1956. He was survived by three children who inherited his property in equal shares. The Commission therefore finds that the three claimants each owned a 1/3 interest in the properties herein.

Claimants state that the properties were taken by Cuba in 1960. It appears that the property consisted of several parcels of land on which the late Roy Ashwill constructed a 2-bedroom house and other structures. The land included citrus and mahogany trees, and parts of the land were devoted to raising crops. In addition, farm equipment including a cultivator, tractor, etc were situated on the property.

Based upon the evidence of record in this and other claims before the Commission and in the absence of evidence to the contrary, the Commission finds that the properties were taken by the Government of Cuba on October 14, 1960.

Claimants assert a valuation of \$29,900.00 for all of the properties taken by Cuba. They state that their valuation is based upon estimates of the costs of the properties. It appears from claimants' statements that the properties included 184 acres of land which had been cleared and cultivated by the late Roy Ashwill.

Upon consideration of the entire record, the Commission finds that claimants' valuation is fair and reasonable. Accordingly, the Commission finds that the aggregate value of the properties on October 14, 1960, the date of loss, was \$29,900.00. Therefore, R. GLENN ASHWILL, JOY SANDERS and GLENNA JOY COBLE sustained or succeeded to losses in the amounts of \$9,966.67, \$9,966.67 and \$9,966.66, respectively.

The Commission has decided that in certifications 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 Claim of Lisle Corporation, Claim No. CU-0644) and in the instant case it is so ordered.

Accordingly, the following Certifications of Loss will be entered and in all other respects the Proposed Decision as amended herein is affirmed.

CERTIFICATIONS OF LOSS

The Commission certifies that R. GLENN ASHWILL 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 Nine Thousand Nine Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$9,966.67) with interest thereon at 6% per annum from October 14, 1960 to the date of settlement;

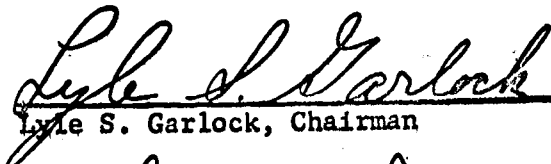
The Commission certifies that JOY SANDERS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Nine Thousand Nine Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$9,966.67)

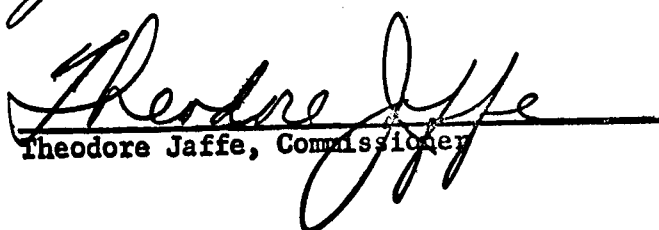
with interest thereon at 6% per annum from October 14, 1960 to the date of settlement; and

The Commission certifies that GLENNA JOY COBLE 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 Nine Thousand Nine Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$9,966.67) with interest thereon at 6% per annum from October 14, 1960 to the date of settlement.

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

AUG 11 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, 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 Amended 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 (1970).)

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

IN THE MATTER OF THE CLAIM OF

ROY GLENN ASHWILL

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. **CU-2938**

Decision No. **CU**  
**2275**

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 \$29,900.00, was presented by ROY GLENN ASHWILL and is based upon the asserted loss of real and personal property in Cuba. Claimant stated that he has been a national of the United States since birth.

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).)

Claimant asserted that he and a sister had inherited land, buildings and personalty in 1953 in Cuba from claimant's Father which was taken by the Government of Cuba in 1960. According to documents submitted with the claim, however, it would appear that claimant's Father may have been survived by additional persons who may have had interests in the property claimed. No other evidence in support of this claim was submitted. By Commission letter of April 17, 1968, claimant was advised, as to the type of evidence proper for submission to establish this claim under the Act.

On May 22, 1968, claimant was invited to submit any evidence available to him within 45 days from that date, and he was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No response to this correspondence has been received to date.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership by a national of the United States 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

**JUL 24 1968**

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

Sidney Freidberg, 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).)

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