

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

IN THE MATTER OF THE CLAIM OF

KAREN KIRSCHNER WALKER

Claim No. CU-3066

Decision No. CU ⁵⁷⁶⁴
~~5794~~

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Debevoise, Plimpton, Lyons & Gates
By Jacob J. Ebeling-Koning, Esq.

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 KAREN KIRSCHNER WALKER in the amount of \$95,000.00 based upon the asserted ownership and loss of certain improved real property and personal property, including an interest in a bank account in Cuba. Claimant has been a national of the United States since her naturalization on November 27, 1950.

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.

Claimant contends that she lost an interest in improved real property in Cuba valued at \$45,000.00, personal property located on the aforesated realty valued at \$25,000.00, and an interest in a bank account in the First National City Bank of New York in Havana, Cuba valued at \$25,000.00.

On the basis of the entire record, including information available to the Commission, the Commission finds that claimant, KAREN KIRSCHNER WALKER, was the owner of certain improved real property, together with certain personal property situated thereon, located at Lot 7, Block 13, Reparto Playa de Marianao, Havana, Cuba, and otherwise described as 530 114th Street, Havana, Cuba, and a one-half interest in a bank account in the Havana Office of the First National City Bank of New York.

On December 6, 1961 the Cuban Government published its 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. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

As the record shows, claimant resided outside of Cuba at that time. The Commission finds, in the absence of evidence to the contrary, that the aforementioned improved real property, personal property and bank account were taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Evidence of record reflects that the property at 530 114th Street, Havana consisted of 1,118 square meters improved by a two-story house

having six rooms and other facilities. The property was acquired by claimant in 1949 for the recorded sum of \$25,000.00. It appears from information received by the Commission that it has since been valued at \$35,000.00. Insurance on the building and its contents was renewed in 1960 in the amount of \$45,000.00. The personalty consisted of furniture, antique crystal, and a collection of china, glass and silver.

The evidence further reflects that claimant and her late husband, Federico G. Sanchez, a Cuban national, were the joint owners of a bank account in the Havana Office of the First National City Bank of New York in the amount of \$36,458.32. This amount was the last payment received for the installment sale of an interest in Santa Lucia Company, S.A. on February 9, 1960.

On the basis of the aforesaid record, the Commission finds that the subject improved real property had a total value of \$35,000.00 at the time of loss, that the personal property situated thereon had a total value of \$17,000.00 at the time of loss, and claimant's interest in the bank account amounted to \$18,229.16. Accordingly, the Commission concludes that claimant suffered a loss in the total amount of \$70,229.16 on December 6, 1961, within the meaning of Title V of the Act.

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 claim, it is so ordered.

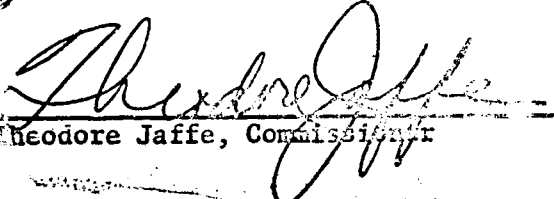
CERTIFICATION OF LOSS

The Commission certifies that KAREN KIRSCHNER WALKER 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 Seventy Thousand Two Hundred Twenty-nine Dollars and Sixteen Cents (\$70,229.16) 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

9 SEP 1970


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 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).)