

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

IN THE MATTER OF THE CLAIM OF

EMMA R. FERRO

Claim No. CU-3350

Decision No. CU 1770

Under the International Claims Settlement
Act of 1949, as amended

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 EMMA R. FERRO in the amount of \$7,440.00 based upon the asserted ownership and loss of an interest in certain unimproved real property in Cuba. Claimant has been a national of the United States since her naturalization on February 20, 1959.

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 has lost an interest in unimproved real property in Cuba valued at \$7,440.00. Claimant states that the subject property was purchased jointly by claimant and her sister-in-law on October 24, 1951, and that claimant subsequently (in August 1958) purchased the interest of her sister-in-law. In addition to claimant's own statements and letters, the record contains a report furnished to the Commission from sources within Cuba. The report discloses that the subject property was registered in joint ownership of Emma Ofelia Victoria Rosette Gallego and Maria Josefa Dominga Garrigo Donis.

By Commission letter of July 7, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of August 9, 1967, the Commission made additional suggestions to claimant concerning the submission of supporting evidence in this matter. On December 5, 1967, claimant was invited to submit any evidence available to her within 45 days from that date, and she was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. However, except as mentioned hereinabove, the evidence suggested has not been submitted.

On the basis of the entire record, including information available to the Commission, the Commission finds that claimant, EMMA R. FERRO, was the owner of a one-half interest in certain unimproved real property described as Urban land letter "B", Lots 2 to 5, Block 12, Reparto Querejeta, Marianao, Havana, Cuba.

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 claimant's interest in the subject unimproved real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Based on the entire record, including information available to the Commission, the Commission finds that the subject property had a total value of \$3,000.00 at the time of loss. Accordingly, the Commission concludes that claimant suffered a loss, within the meaning of Title V of the Act, in the amount of \$1,500.00 for her one-half interest therein.

The Commission has decided that in certification of losses 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).

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that EMMA R. FERRO 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 One Thousand Five Hundred Dollars (\$1,500.00) 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

MAY 1 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

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).)