

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

IN THE MATTER OF THE CLAIM OF

LESBIA NIDIA IGLESIAS

Claim No. CF-4558

Decision No. CU-6836

Under the International Claims Settlement  
Act of 1949, as amended

Petition to reopen; Order of Dismissal dated and entered January 8, 1969.

FINAL DECISION

This claim against the Government of Cuba, opened by the Commission on behalf of the claimant, has been dismissed by Order of the Commission No. CU-242 dated January 8, 1969, for the reasons that claimant, upon her return from Cuba to the United States in 1968, failed to prosecute the claim.

Subsequently, claimant requested that the claim be reopened. Supporting documentation has been received as well as evidence that claimant has been a national of the United States since her naturalization on November 13, 1947. In her claim application, claimant stated that her losses aggregating \$111,000.00 were based upon the ownership of land, buildings and personal property, including a savings account.

Upon due consideration, claimant's request for the reopening of the claim is granted, the Order of Dismissal is set aside, and the following decision will be entered.

(1) Property owned jointly by claimant and her husband:

The record shows that claimant and her husband Carlos Rene Iglesias Jimenez owned jointly, under the community property laws of Cuba, a piece of vacant land designated as parcel No. 3 in block No. 6 of the section known as Las Lomas, situated at the corner of San Antonio Street and the highway to Santa Maria del Rosario, within the limits of the Municipality of Guanabacoa, near Havana. The land parcel had an area of 334.21 square meters and was purchased

in 1954 for \$2,839.86. Claimant and her husband also owned jointly a 1959 Pontiac passenger automobile purchased for \$4,301.00, a savings account with the Banco Nacional de Cuba, Vedado branch, in the amount of \$1,256.00, and furniture, fixtures, household goods and various appliances valued by the claimant in the amount of \$5,459.80.

The Cuban Government published in its Official Gazette of December 6, 1961 Law 989 which effectively confiscated all assets, real and personal property, rights, shares of stock, bonds and other property of persons who left Cuba. The Commission, therefore, finds that claimant's property described in the preceding paragraph was taken by the Government of Cuba on September 4, 1968, the date of claimant's departure from Cuba for the United States (see also Claim of Wallace Tabor et al., Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]).

Although the claim was timely filed, and whereas it appears that claimant's loss did not arise until 1968, subsequent to the close of the period for filing claims of this nature against the Government of Cuba, the Commission has held that it will consider on their merits claims for losses sustained subsequent to the deadline, so long as consideration thereof does not impede the determination of claims which arose prior to the close of the filing period (see Claim of Vivian Lopez Morales, Claim No. CU-8739).

Section 504(a) of the Act provides that a claim shall not be considered under Section 503(a) of the Act 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 record indicates that claimant's husband Carlos Rene Iglesias was not a national of the United States on the date of the loss and therefore his one-half interest in the property mentioned above cannot be considered here.

The Commission finds that claimant's valuation of the property is reasonable and equitable, but that a depreciation allowance of 25% should be made from the purchase price of the automobile and value of other tangible personal property to arrive at the value of this property at the time of loss in 1968.

Consequently, at the time of taking the value of the property was:

Automobile	\$4,301.00	
Tangible personalty	<u>5,459.80</u>	
	\$9,760.80	
less 25% depreciation	<u>2,440.20</u>	
		\$7,320.60
Land parcel		2,839.86
Savings account		<u>1,256.00</u>
Total value of property		\$11,416.46
One-half interest there- of owned by claimant		\$5,708.23

The Commission concludes that claimant suffered a loss with respect to the property discussed under this heading, in the amount of \$5,708.23.

(2) Property owned solely by claimant:

The record further shows that claimant had been the sole owner of 1,245 shares representing a 75% interest in the capital stock of "Inversiones Leocadia S.A.", a corporation organized under Cuban law and that she had acquired the shares prior to her marriage to Carlos Rene Iglesias. At the general meeting of the corporation's stockholders of August 4, 1960, the company was dissolved as of June 30, 1960, and the corporate assets were divided among the stockholders. At that meeting the following properties were transferred into claimant's ownership which was subsequently confirmed by the issuance of a formal deed:

(1) Houses Nos. 282 and 284 Panchito Gomez Street in the section Ayesteran, within the city limits of Havana, situated on a lot measuring 393.78 square meters;

(2) A three-story house at No. 104 Villegas, in the city of Havana, constructed on a lot measuring 151.368 square meters;

(3) A two-story house at No. 562 Virtudes, in the city of Havana, constructed on a lot measuring 81.79 square meters;

(4) A three-story house at No. 156 Escobar, in the city of Havana, constructed on a lot measuring 155.32 square meters.

(5) A house numbered 2 and 2A Argueira, in the section Quemados, Municipality of Marianao, standing on a lot of 204.94 square meters;

(6) A one-half interest in a house at No. 210 Lealtad, in the city of Havana, standing on a lot of 187.65 square meters; and

(7) A credit secured by a mortgage on a house located at No. 6 through 10 Porvenir, in the city of Havana, in the amount of \$3,179.90.

The Commission has held that Cuban law controlling the transfer of real property, including mortgages, does not preclude transfers by private instruments, such as the above partition of the stockholders' assets followed by an issuance of a deed, and holds that claimant was the sole owner of the real property listed under this headline subsequent to June 30, 1960 (See Claim of Wallace Tabor et al., Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]). It is noted that all the listed properties were free of encumbrances.

On October 14, 1960 the Cuban Government published the Urban Reform Law. Under this law the renting of urban properties, and all other transactions or contracts involving transfer of the total or partial use of urban properties was outlawed. Moreover, the law provided for the cancellation of mortgages. The Commission holds that claimant's real property and the mortgage were subject to the Urban Reform Law and that claimant suffered a loss of the property as of October 14, 1960, within the meaning of Title V of the Act. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39).

At the time of the partition, the properties were evaluated and the Commission finds that the values were reasonable and equitable and indicative of the value at the time of taking. Based upon this evaluation, the Commission finds that at the time of taking the properties had the following value:

(1) 282-284 Panchito Gomez	\$30,109.27
(2) 104 Villegas	20,090.84
(3) 562 Virtudes	12,442.06
(4) 158 Escobar	21,634.40
(5) 2 and 2A Argueira	6,213.59
(6) 1/2 interest 210 Lealtad	8,059.54
(7) Mortgage	<u>3,179.90</u>
Total	\$101,729.60

The Commission, therefore, concludes that claimant suffered a loss with respect to the above property, in the amount of \$101,729.60.

RECAPITULATION

Summarizing, claimant sustained the following losses:

(1) In property jointly owned with her husband	\$ 5,708.23
(2) In property owned solely by the claimant	<u>101,729.60</u>
Total	\$107,437.83

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 the loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:

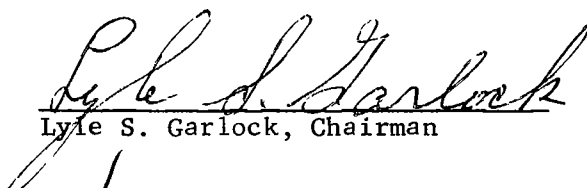
<u>FROM</u>	<u>ON</u>
October 14, 1960	\$101,729.60
September 4, 1968	5,708.23

CERTIFICATION OF LOSS

The Commission certifies that LESBIA NIDIA IGLESIAS 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 Hundred Seven Thousand Four Hundred Thirty-Seven Dollars and Eighty-Three Cents (\$107,437.83) with interest thereon at the rate of 6% per annum from the respective dates of taking to the date of settlement.

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

JUN 30 1972

  
Lyle S. Garlock, Chairman

  
Kieran O'Doherty, Commissioner