

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

IN THE MATTER OF THE CLAIM OF

BYRNICE F. TUTTLE, EXECUTRIX OF THE
ESTATE OF JESSIE M. FULMER, DECEASED

Claim No. CU-5014

Decision No. CU

3103

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

John L. Butz, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$14,350.00 was presented by BYRNICE F. TUTTLE, EXECUTRIX OF THE ESTATE OF JESSIE M. FULMER, DECEASED, and is based on interests in bonds issued by the Consolidated Railroads of Cuba. The decedent and beneficiary of the Estate have been United States nationals at all times pertinent to this claim.

In our decision entitled the Claim of Edward R. Smith (Claim No. CU-5001 which we incorporate herein by reference), we held that the properties owed or controlled by the Consolidated Railroads of Cuba were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per bond.

On the basis of evidence in the record in the instant claim, the Commission finds that this claim comes within the terms of the Smith decision; that the decedent and beneficiary were American nationals at the requisite times; that the decedent, since prior to October 13, 1960, until her death, testate, on March 9, 1966, had been the owner of two bonds in the original face amount of 5,000 pesos each issued by the Consolidated Railroads of Cuba and known as a 3% Cumulative Income Debenture, due October 1, 2001, issued under an Indenture of February 1, 1953, with the United States Trust Company of New York as Trustee; and that the claimant succeeded to and

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suffered a loss in the amount of \$11,890.82 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Edward R. Smith, supra.)

CERTIFICATION OF LOSS

The Commission certifies that BYRNICE F. TUTTLE, EXECUTRIX OF THE ESTATE OF JESSIE M. FULMER, DECEASED, succeeded to and 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 Eleven Thousand Eight Hundred Ninety Dollars and Eighty-Two Cents (\$11,890.82) with interest thereon at 6% per annum from October 13, 1960 to the date of settlement.

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

SEP 25 1968

Leonard v. B. Sutton

Leonard v. P. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

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).)