

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

IN THE MATTER OF THE CLAIM OF

ANNA LIPSCHUTZ,
LEAH L. SHERNER
and
MICHAEL E. LIPSCHUTZ

Claim No. CU-5103

Decision No. CU 3682

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

Claimants, ANNA LIPSCHUTZ, LEAH L. SHERNER and MICHAEL E. LIPSCHUTZ, Trustees under a Deed of Trust dated February 26, 1965, who owned securities issued by the Consolidated Railroads of Cuba, Cuba Northern Railway and Cuba Railroad Company, assert a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Railroads.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001), Claim of Kentucky Home Mutual Life Insurance Company (Claim No. CU-1339) and Claim of Albert I. Harris (Claim No. CU-2398), which we incorporate herein by reference, we held that the properties of the Railroads were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that these types of claim are compensable to American nationals 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 \$1,000 3% Consolidated Railroad bond as \$1,189.08; \$1,000 bond of Cuba Northern as \$682.56; and \$1,000 bond of Cuba Railroad as \$682.56 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Smith, Kentucky and Harris decisions; that they were American nationals at the requisite times; that they have been the beneficial owners of one 3% Income Debenture in the total face amount of \$1,000; of Cuba Northern First Mortgage bonds in the original face amount of \$2,500; and Cuba Railroad First Lien and Refunding bonds in the original face amount of \$1,600, all since prior to

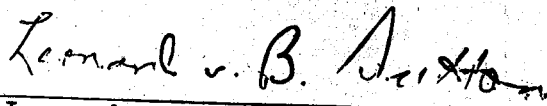
October 13, 1960; and that they suffered a loss in the amount of \$3,987.58 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith, Kentucky and Harris, supra.)

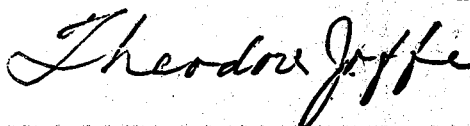
CERTIFICATION OF LOSS

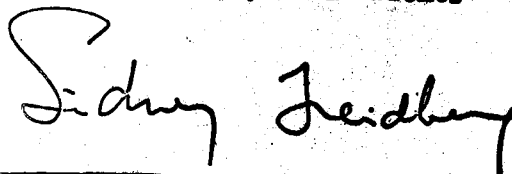
The Commission certifies that ANNA LIPSCHUTZ, LEAH L. SHERNER and MICHAEL E. LIPSCHUTZ suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Thousand Nine Hundred Eighty-seven Dollars and Fifty-eight Cents (\$3,987.58) with interest 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

JUN 4 1969


Leonard v. B. Sutton, Chairman


Theodore Jaffe, Commissioner


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 claimants establish 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).)