

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

IN THE MATTER OF THE CLAIM OF

VERNON B. KASSEBAUM, EXECUTOR OF  
THE ESTATE OF BERTHA L. HIGGINS, DECEASED  
and  
DOROTHEA H. WALKER

Claim No. CU-7483  
Claim No. CU-8009

Decision No. CU- 5650

Under the International Claims Settlement  
Act of 1949, as amended

Represented by Cia. Azucarera Atlantica del Golfo

Counsel for Cia. Azucarera Atlantica del Golfo:

Dewey, Ballantine, Bushby, Palmer & Wood - By William C. Bush, Esq.  
Counsel for claimants: Watson, Ess, Marshall & Enggas  
By Clifford S. Brown, Esq.

PROPOSED DECISION

BERTHA L. HIGGINS (now deceased), who owned a stock interest in the Cia. Azucarera Atlantica del Golfo, asserted 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 Company. Subsequent to her death in 1969, VERNON B. KASSEBAUM was appointed Executor of her Estate and he is substituted as claimant herein.

In our decision entitled the Claim of Helen M. Dye (Claim No. CU-0807 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 6, 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 share of \$34.056.

On the basis of evidence in the record in the instant case, the Commission finds that this decedent came within the terms of the Dye decision; that she was an American national at the requisite times; that she had been the owner of 110 shares of stock in the Cia. Azucarera Atlantica del Golfo since prior to August 6, 1960, and that she suffered a loss in the amount of \$3,746.16 within the meaning of Title V of the Act, to which the Executor of her Estate has succeeded.

The record also shows that DOROTHEA H. WALKER, a United States national, similarly owned 110 shares of Atlantica and also sustained a loss of \$3,746.16.

Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (Drye, supra.)


CERTIFICATION OF LOSS

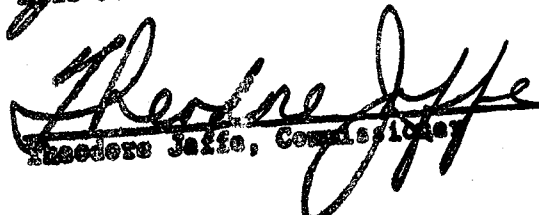
The Commission certifies that VERNON B. KASSEBAUM, EXECUTOR OF THE ESTATE OF BERTHA L. HIGGINS, DECEASED suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Thousand Seven Hundred Forty-Six Dollars and Sixteen Cents (\$3,746.16) with interest at 6% per annum from August 6, 1960 to the date of settlement; and

The Commission certifies that DOROTHEA H. 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 Three Thousand Seven Hundred Forty-Six Dollars and Sixteen Cents (\$3,746.16) with interest at 6% per annum from August 6, 1960 to the date of settlement.

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

JAN 6 1971

  
Louis S. Garlock, Chairman

  
Theodore Jaffe, 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 or 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).)