

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

IN THE MATTER OF THE CLAIM OF

MURRAY P. SCHWARTZ
SEYMOUR L. SCHWARTZ

RICHARD M. SCHWARTZ

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0007

Decision No. CU = 6793

FINAL DECISION

By Proposed Decision dated September 1, 1971, the Commission certified a loss to Nathan Schwartz in the amount of \$4,609.87 for the loss of the value of 50 shares of Vertientes and 46 shares of Guantanamo Sugar.

Thereafter evidence was received in this claim and the record now establishes that Nathan Schwartz died intestate on July 15, 1970, leaving him surviving his three sons, MURRAY P. SCHWARTZ, SEYMOUR L. SCHWARTZ and RICHARD M. SCHWARTZ, as his sole heirs who are substituted as claimants herein.

Evidence has also been submitted indicating that Nathan Schwartz had on April 15, 1966 assigned his claim for the loss of his stock interests in these two Cuban companies to his three sons, claimants herein. However, since this assignment took effect after the date of filing of the claim with the Commission in 1965, the regulations of the Commission preclude the amendment of the claim to reflect an assignment under these circumstances.

On the basis of the present record the Commission finds that claimants' father had been the owner of 150 shares of stock in each of the two Cuban companies subject of this claim, and that upon his death on July 15, 1970, claimants herein became the joint owners thereof.

In view of the foregoing the Commission concludes that claimants succeeded to and suffered a loss in the total amount of \$14,427.03.

Accordingly, the Proposed Decision is hereby amended to reflect the substitution of MURRAY P. SCHWARTZ, SEYMOUR L. SCHWARTZ and RICHARD M. SCHWARTZ as claimants herein.

The certifications as restated below will be entered, and in all other respects the Proposed Decision is affirmed.

CERTIFICATIONS OF LOSS

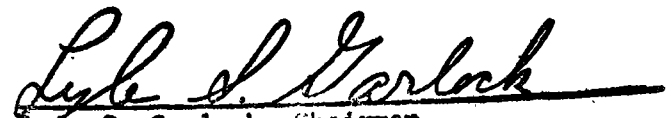
The Commission certifies that MURRAY P. SCHWARTZ suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Four Thousand Eight Hundred Nine Dollars and One Cent (\$4,809.01) with interest thereon at 6% per annum from August 6, 1960 to the date of settlement;


The Commission certifies that SEYMOUR L. SCHWARTZ 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 Four Thousand Eight Hundred Nine Dollars and One Cent (\$4,809.01) with interest thereon at 6% per annum from August 6, 1960 to the date of settlement; and

The Commission certifies that RICHARD M. SCHWARTZ 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 Four Thousand Eight Hundred Nine Dollars and One Cent (\$4,809.01) with interest thereon at 6% per annum from August 6, 1960 to the date of settlement.

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

OCT 6 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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

IN THE MATTER OF THE CLAIM OF

NATHAN SCHWARTZ

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0007

Decision No. CU 6793

PROPOSED DECISION

Claimant, NATHAN SCHWARTZ, who owned stock interests in Cia. Azucarera Vertientes-Camaguey de Cuba and in Guantanamo Sugar Company, asserts 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 Companies.

In our decisions entitled the Claim of Ruth Anna Haskew (Claim No. CU-0849 and the Claim of Henrietta Mae Siegel (Claim No. CU-3478), which we incorporate herein by reference, we held that the properties owned by these Companies 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 Vertientes-Camaguey as \$46.3946, and per share of Guantanamo Sugar as \$49.7856.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Haskew and Siegel decisions; that he was an American national at the requisite times; that he has been the owner of 50 shares of stock in the Cia. Azucarera Vertientes-Camaguey de Cuba and 46 shares of Guantanamo Sugar since prior

to August 6, 1960; and that he suffered a loss in the amount of \$4,609.87 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 August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Haskew, supra.)

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended (1970).)

Claimant asserts the ownership of 150 shares of stock in each of the two Cuban Companies and, in addition to a copy of certificates for 50 shares of Vertientes and 46 shares of Guantanamo Sugar, has submitted the certificate numbers, the number of shares represented by each, and the dates of issue. This list indicates the ownership of 150 shares of stock in Vertientes-Camaguey and in Guantanamo Sugar.

In response to a request for the certificates for examination, claimant stated in November, 1966 that he would send them after May 31, 1967. On July 26, 1971 claimant was reminded that these certificates had not been received and he was advised that if such evidence were not submitted within 10 days, it might become necessary to determine the claim on the basis of the existing record. No reply has been received.

Accordingly, the Commission is constrained to deny the portion of this claim based upon the remaining shares of stock because claimant has not met the burden of proof.


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

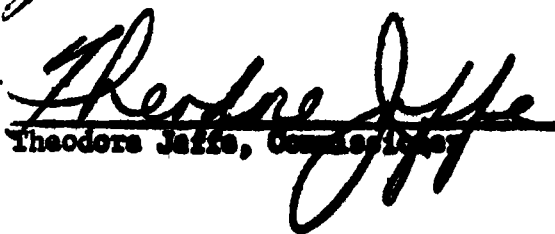
CERTIFICATION OF LOSS

The Commission certifies that NATHAN SCHWARTZ 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 Four Thousand Six Hundred Nine Dollars and Eighty-seven Cents (\$4,609.87) 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

SFP 1 1971


Lyle S. Garlock, Chairman


Theodora 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 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. (1970).)