

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

IN THE MATTER OF THE CLAIM OF

HOWARD H. KEECH

Under Title II of the War Claims Act of 1948, as
amended by Public Law 87-846

Claim No. CU-0035

Decision No. CU- 63

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for an unspecified amount was presented by HOWARD H. KEECH based upon the asserted ownership of certain land located on the Isle of Pines, Cuba. Claimant states that he has been a national of the United States since his birth on April 14, 1908 in Columbus, Ohio.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988) the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

(a) . . . losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, . . .

Section 504 of the Act provides, as to Ownership of Claims, that

(a) A claim shall not be considered under section 503 (a) of this title 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.

This claim is based upon the asserted taking of certain unimproved real estate located on the Isle of Pines and described as follows:

40 acres, lot 4, section 9, Finca Ohio;

1020 square meters, lot 16, section 6, Parcel 185, Finca Ohio;

20 acres, Mitad Norte lot 8, section 41, San Pedro.

Claimant contends that his late mother quitclaimed the subject property to him and that he has in his possession deeds numbered 18 and 58. He contends further that even though he does not have specific evidence that the subject property was taken by the Government of Cuba, he has in effect lost control over the property.

On June 20, 1966, the Commission made suggestions concerning the type of evidence necessary to establish this claim under the Act, including proof of claimant's United States nationality, a description of the realty and proof of the ownership, taking and value of the subject property. By letter dated August 16, 1966, claimant stated he has a passport number F 1024 188 which establishes his nationality, the original deeds numbered 18 and 58 and tax receipts. However, such evidence was not submitted to the Commission. He stated further that he did not have specific evidence of the taking of the realty by the Government of Cuba nor evidence of the value of the subject property.

On August 18, 1966, the Commission requested that copies of the papers reflecting the ownership of the property accompanied by translations of pertinent parts be furnished. On September 27, 1966, claimant was reminded of the evidence necessary to establish this claim. By letter of October 6, 1966, claimant stated: "I am not in any position to furnish any more proof than contained in this letter." However, claimant did not actually submit the original documents or copies thereof. Claimant stated further: "This property is of questionable value and I am in no position

to go any further in trying to establish claim." On October 11, 1966 and December 29, 1966, claimant was again reminded of the evidence necessary to establish the claim. To date, no additional evidence was furnished.

The Commission finds, therefore, that claimant has failed to meet the burden of proof in this claim and accordingly it is denied.

The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

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

JUN 14 1967

Edward D. [Signature]

Edward D. [Signature] Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

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 upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FGSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CERTIFICATION

This is a true and correct copy of the decision of the Commission which was entered as the final decision on JUL 14 1967

Francis [Signature]
Clerk of the Commission