

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

IN THE MATTER OF THE CLAIM OF

ALFRED H. ZELEDON
and
ELSA S. ZELEDON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0067

Decision No. CU 5643

Counsel for claimant:

Rufus King, Esquire

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$101,045.00, was presented by ALFRED H. ZELEDON and ELSA S. ZELEDON based upon the asserted loss of real and personal property in Cuba. Claimants have been nationals of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act 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

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 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, or debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimants initially described their losses as follows:

1) Land (4160 sq. yds.):	\$ 20,800.00
2) Buildings:	64,190.00
3) Personal Property:	<u>16,055.00</u>
Total	<u>\$101,045.00</u>

The record in support of this claim includes a sworn statement of losses filed with the Department of State on July 9, 1963, photographs of portions of subject property, affidavits, and pertinent reports received by the Commission from abroad. Subsequent to the filing of the claim, evidence was submitted covering an additional 18,420.88 square yards of land which was inadvertently excluded from the original statement of losses. On the basis of this record, the Commission finds that claimants, pursuant to the Community Property Law of Cuba, each owned a one-half interest in certain real and personal property in Cuba, described in detail below.

Real and Personal Property

The record establishes that claimants, during the period of 1949 to 1953 inclusive, purchased and retained ownership in 22,580 square yards of land in Reparto "La Palma", Cotorro, Havana, Cuba. The record further establishes that claimants converted the real property into a small housing development, subdividing the land and improving it by the construction of eleven small dwellings, including the residence occupied by claimants.

The record also establishes that claimants each owned one-half interests in personal property consisting of household furnishings, personal effects, clothing, office equipment, and a 1956 Oldsmobile (Model 98).

On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Under this law the renting of urban properties, and all other transactions or contracts

involving transfer of the total or partial use of urban properties were outlawed (Article 2). The law covered residential, commercial, industrial and business office properties (Article 15).

Based on the foregoing and the evidence of record, the Commission finds that claimants' real property in "La Palma", Cotorro, Cuba was taken by the Government of Cuba pursuant to the provisions of the Urban Reform Law; and, in the absence of evidence to the contrary, that the taking occurred on October 14, 1960, the date on which the law was published in the Cuban Gazette. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39.) The Commission further finds that the above-mentioned personal property was located in subject real property and was taken at the same time.

On the basis of the entire record, including claimants' 1963 description and sworn statement, information received from abroad, and evidence available as to the value of similar properties in Cuba, the Commission finds that the real and personal properties had the values set out below:

1) Land (22,580.88 square yards):	\$ 57,640.00
2) Claimants' Residence:	18,590.00
3) "Duplex" Houses (4):	32,000.00
4) Ranch-type House:	9,600.00
5) Small "Duplex" House:	4,000.00
6) Personal Property, Furnishings, and Office Equipment:	9,525.00
7) Automobile:	<u>735.00</u>
Total	<u>\$132,090.00</u>

On the basis of the foregoing, the Commission concludes that claimants suffered an aggregate loss in the amount of \$132,090.00. Thus each claimant suffered a loss of \$66,045.00 within the meaning of Title V of the Act.

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimant. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof.

The Commission has decided that in certification of losses 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.

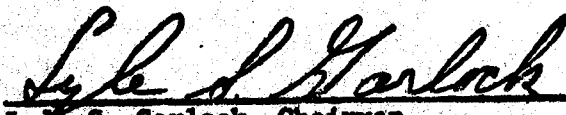
CERTIFICATION OF LOSS

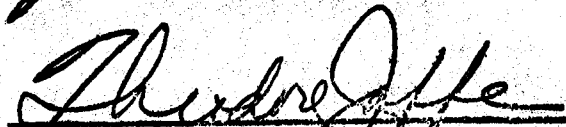
The Commission certifies that ALFRED H. ZELEDON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Sixty-six Thousand Forty-five Dollars (\$66,045.00) with interest at 6% per annum from October 14, 1960 to the date of settlement; and


The Commission certifies that ELSA S. ZELEDON 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 Sixty-six Thousand Forty-five Dollars (\$66,045.00) with interest at 6% per annum from October 14, 1960 to the date of settlement.

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

AUG 6 1970


Lytle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

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. 331.5(b) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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