

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

IN THE MATTER OF THE CLAIM OF

VALENTINE PARDO
and
ROSA PARDO

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 0068

Decision No. CU - ~~5858~~

Counsel for claimant:

Jimason J. Daggett, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by VALENTINE PARDO for \$222,445.18 and is based on asserted ownership and loss of real and personal property in Cuba. Inasmuch as ROSA PARDO has an interest in the subject matter of the claim, she has been added as claimant. Claimants have been nationals of the United States since 1940 and birth, respectively.

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, and 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 describe their losses as follows:

Land	\$200,000.00
Personalty	22,455.18

Based upon the entire record, including copies of deeds, itemized lists of equipment and affidavits the Commission finds that claimants owned equal interests in certain land, improvements, and equipment, as further discussed below.

The record includes a carbon original of an unnumbered Resolution of the National Institute for Agrarian Reform, dated January 23, 1960, whereby INRA intervened 65 caballerias of land citing VALANETINE PARDO as proprietor, and also took the equipment on the land.

Based on the foregoing and the evidence of record, the Commission finds that claimants' real property and personal property in Colon, Matanzas was taken by the Government of Cuba pursuant to the provisions of Agrarian Reform Laws and, in the absence of evidence to the contrary, that the taking occurred on January 23, 1960, the date on which the INRA Resolution was published.

(See Claim of Council Bluffs Savings Bank, Claim No. CU-1290.)

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

Land

Claimant VALENTINE PARDO asserts title for 65 caballeria of land in Colon Matanzas. Although the INRA Resolution refers to him as proprietor of the 65 caballerias, the record does not establish that he owned more than 9/12 of property. This is set out in a document No. 75, entitled Additional Explanatory Deed, dated March 17, 1958. On the basis of this

record, the Commission finds that claimants VALENTINE PARDO and ROSA PARDO had equal interests in 9/12 of the 65 caballerias in Matanzas.

In considering the value of this property, the Commission has considered the various figures in the record, and the explanation thereto, as follows:

Cost of land	\$10,000.00
Purchase of lease	5,000.00
Paid for possession	5,000.00
Paid for attorney	3,000.00
Costs	1,729.92
Clearing & Development	22,262.69
Salary of overseer	10,000.00
Personalty	25,262.02
Clearing and drilling wells	<u>15,205.00</u>
	\$97,459.63

This figure was allowed by Internal Revenue Service as a loss, as claimant's investment.

Claimant states that when he purchased the property in 1954 it was entirely woodland. He drilled three wells, opened 1,000 acres, constructed two houses and a barn. Before making his purchase, he states he was offered adjoining property for \$157,000. Further he states that in 1957 he was offered \$100,000 for the property, but cannot find the letters.

It appears that in 1955 claimant raised a rice crop on the property. It is described as capable of cultivation except 100 acres not cleared; that it contained no orchards, being a plantation capable of producing sugar cane and other produce. Claimant VALENTINE PARDO asserts that in 1960 he could have sold the property for \$200,000. He has submitted affidavits of several persons who concur in this estimate of value. These also show he had rice crops, other produce including cucumber and had some cattle on the land.

The Commission has also considered other evidence of record concerning values of similar land in Matanzas and finds that on the date of loss the 65 caballerias had a value of \$107,250.00 and that claimants' 9/12 interest

therein had a value of \$80,437.50.

Irrigation and Wells

The record shows and the Commission finds that the claimants' interest in the property had been enhanced by his construction of an irrigation system and wells, having a value of \$7,500, which also passed to the Government of Cuba on January 23, 1960.

Buildings

The record reflects that claimants had erected on their interest in the land two houses and a barn variously valued at \$1,000 and later at \$5,000.

Based on information before the Commission as to the value of similar properties in Matanzas, the Commission finds that the two houses had a value of \$1,500 each, and the barn \$500, a total of \$3,500, also taken by the Government of Cuba on January 23, 1960.

Personal Property

Claimant VALENTINE PARDO has submitted a list of equipment including tractor, grease guns, wrenches, plow, saw, rice seeder, wagon, power unit and the like, for which he asserts a value of \$22,455.18. Although the date of acquisition of each item is not shown it appears they must have been approximately three years old on the date of loss. Accordingly after appropriate depreciation the Commission finds that the equipment had a value of \$17,953.25 on the date of taking by the Government of Cuba.

Claimants' losses may be itemized as follows:

<u>Item</u>	<u>Value</u>
Land	\$ 80,437.50
Irrigation System	7,500.00
Buildings	3,500.00
Equipment	<u>17,953.25</u>
	\$109,390.75

Accordingly, the Commission concludes that claimants suffered losses in the amounts of \$54,695.37 and \$54,695.38, respectively within the meaning of Title V of the Act, as the result of the taking of their property by the Government of Cuba on January 23, 1960.

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

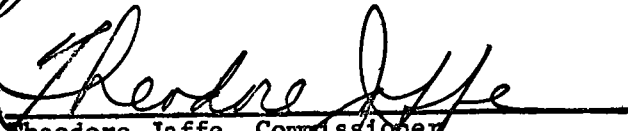
The Commission certifies that VALENTINE PARDO suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-Four Thousand Six Hundred Ninety-Five Dollars and Thirty-Seven Cents (\$54,695.37) with interest at 6% per annum from January 23, 1960 to the date of settlement; and

The Commission certifies that ROSA PARDO 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 Fifty-Four Thousand Six Hundred Ninety-Five Dollars and Thirty-Eight Cents (\$54,695.38) with interest at 6% per annum from January 23, 1960 to the date of settlement.

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

SEP 23 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, 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. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)