

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

**IN THE MATTER OF THE CLAIM OF**

JOHN FINCH ARNESON, C. A. WALDRON,  
BRUCE M. VAN SICKLE, ESTATE OF ROBERT  
ELLIOTT, JR., DECEASED, INA B. NERISON,  
GLADYS MULCAHY, MARK MUNDY, ROBERT J.  
MUNDY, MARION ELGREN, MABEL ROSSCUP,  
ACE K. ROSSCUP, JOYCE HOBBS, ROSELLE  
MOORHEAD, MRS. CHARLES A. ROSSCUP, JR.  
(claimants in Claim CU-0117), FRED W.  
ROSSCUP, KENNETH ROSSCUP, LOLA ROSSCUP,  
JOHN A. STORMON (claimants in Claims  
CU-1488 through CU-1491, respectively),  
HOWARD V. HONG, EDNA H. HONG (claimants  
in Claim CU-3600)

Claims No. CU-0117, CU-1488  
through CU-1491, CU-3600

Decision No. CU-3052

Under the International Claims Settlement Act  
of 1949, as amended

Counsel for claimants in Claim CU-0117:

John Finch Arneson, Esq.  
C. A. Waldron, Esq., and  
Bruce M. Van Sickle, Esq.

Counsel for claimants in Claims CU-1488  
through CU-1491:

John A. Stormon, Esq.

ORDER AND AMENDED PROPOSED DECISION

By Proposed Decision issued on September 11, 1968, the Commission found that on December 6, 1961 the Government of Cuba confiscated 1,027.48 acres of land on the Isle of Pines, Cuba, which was owned as follows:

1/2	JOHN A. STORMON
1/10	Catherine Weiss
1/10	Ada J. Hong
1/10	INA B. NERISON
1/40	GLADYS MULCAHY
1/40	MARK MUNDY
1/40	ROBERT J. MUNDY
1/40	MARION ELGREN
1/50	FRED W. ROSSCUP
1/50	Francis Rosscup
1/50	KENNETH ROSSCUP
1/100	MABEL ROSSCUP
1/100	ACE K. ROSSCUP
1/150	JOYCE HOBBS
1/150	ROSELLE MOORHEAD
1/150	MRS. CHARLES A. ROSSCUP, JR.

The Commission found further that on February 28, 1967 the interest of Ada J. Hong in the claim for loss of the land had been assigned to HOWARD V. HONG, and the interest of Catherine Weiss had been assigned to HOWARD V. HONG and his wife EDNA H. HONG as joint tenants; and that the interest of Francis Rosscup was inherited upon his death on February 19, 1965 by LOLA ROSSCUP.

The value of the 1,027.48 acres of land at the time of loss was found to have been \$30,000.00. Accordingly, certifications of loss were made as follows:

<u>CLAIMANT</u>	<u>OWNERSHIP INTEREST</u>	<u>VALUE THEREOF</u>
JOHN A. STORMON	1/2	\$15,000.00
HOWARD V. HONG	6/40	4,500.00
INA B. NERISON	1/10	3,000.00
GLADYS MULCAHY	1/40	750.00
MARK MUNDY	1/40	750.00
ROBERT J. MUNDY	1/40	750.00
MARION ELGREN	1/40	750.00
FRED W. ROSSCUP	1/50	600.00
LOLA ROSSCUP	1/50	600.00
KENNETH ROSSCUP	1/50	600.00
MABEL ROSSCUP	1/100	300.00
ACE K. ROSSCUP	1/100	300.00
JOYCE HOBBS	1/150	200.00
ROSELLE MOORHEAD	1/150	200.00
MRS. CHARLES A. ROSSCUP, JR.	1/150	200.00

No certification of loss was made with respect to EDNA H. HONG's interest in the claim inasmuch as she was not then a claimant before the Commission. The portion of the claim based upon asserted ownership interests of JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, and the ESTATE OF ROBERT ELLIOTT, JR., DECEASED, was denied on the ground that no such ownership interests had been established.

Claimant HOWARD V. HONG filed objections to the Proposed Decision, asserting that the value of the land was higher than that found by the Commission, and submitted evidence of land values in other parts of the Isle of Pines and a brief description of the subject land as he had seen it on a visit in 1959. He also filed a petition for permission to join as claimant his wife, EDNA H. HONG. He did not request an oral hearing. The claimants in Claim No. CU-0117 also filed objections to the Proposed Decision, and requested an oral hearing. They objected specifically to the Commission's finding as to the value of the land, and to the denial of the claims of JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, and the ESTATE OF ROBERT ELLIOTT, JR., DECEASED.

At an oral hearing on February 25, 1969, counsel for the claimants in Claim No. CU-0117 presented additional affidavits and the testimony of witnesses, and consideration also was given to the objections and submissions of claimant HOWARD V. HONG.

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The Commission finds that EDNA H. HONG, a national of the United States since birth, is the assignee of one-half of the interest of Catherine Weiss in claim for the loss of the land on the Isle of Pines; and it is

ORDERED that the petition to join EDNA H. HONG as a claimant in Claim No. CU-3600 be and is hereby granted.

Upon consideration of the entire record, including the additional documentary material submitted and the testimony of witnesses during the oral hearing, and considering also the fact that a portion of the land herein involved consisted of swampland, the Commission now finds that the value of the 1,027.48 acres of land at the time of its confiscation was \$102,750.00. The Commission further finds that by virtue of a written agreement dated September 13, 1948, all of the persons with record interests in the land at the time of its loss, with the exception of JOHN A. STORMON who owned one-half of the land, became obligated to transfer 36% of their recorded interests to JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, and the late ROBERT ELLIOTT, JR.; and that this obligation constituted a lien on the property. As among the four transferees, the division was as follows: one-third to BRUCE M. VAN SICKLE, one-third to C. A. WALDRON, one-sixth to JOHN FINCH ARNESON, and one-sixth to the late ROBERT ELLIOTT, JR. Thus, for purposes of this decision, BRUCE M. VAN SICKLE, C. A. WALDRON, JOHN FINCH ARNESON, and the ESTATE OF ROBERT ELLIOTT, JR., DECEASED, are deemed the owners of 6%, 6%, 3%, and 3% of the claim for the loss of the land, respectively.

Accordingly, the Commission now concludes that the claimants named below suffered losses on December 6, 1961 within the meaning of Title V of the Act, as follows:

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<u>CLAIMANT</u>	<u>INTEREST</u>	<u>LOSS</u>
JOHN FINCH ARNESON	3%	\$ 3,082.50
C. A. WALDRON	6%	6,165.00
BRUCE M. VAN SICKLE	6%	6,165.00
ESTATE OF ROBERT ELLIOTT, JR. DECEASED	3%	3,082.50
JOHN A. STORMON	1/2	51,375.00
HOWARD V. HONG	64% of 3/20	9,864.00
EDNA H. HONG	64% of 1/20	3,288.00
INA B. NERISON	64% of 1/10	6,576.00
GLADYS MULCAHY	64% of 1/40	1,644.00
MARK MUNDY	64% of 1/40	1,644.00
ROBERT J. MUNDY	64% of 1/40	1,644.00
MARION ELGREN	64% of 1/40	1,644.00
FRED W. ROSSCUP	64% of 1/50	1,315.20
LOLA ROSSCUP	64% of 1/50	1,315.20
KENNETH ROSSCUP	64% of 1/50	1,315.20
MABEL ROSSCUP	64% of 1/100	657.60
ACE K. ROSSCUP	64% of 1/100	657.60
JOYCE HOBBS	64% of 1/150	438.40
ROSELLE MOORHEAD	64% of 1/150	438.40
MRS. CHARLES A. ROSSCUP, JR.	64% of 1/150	438.40
	Total	\$102,750.00

It is, therefore,

ORDERED that the Proposed Decision be and is hereby amended in accordance with the foregoing, and that the Certifications of Loss be restated as follows:

CERTIFICATIONS OF LOSS

The Commission certifies that the claimants named below sustained losses, as a result of an action of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in amounts with interest thereon at 6% per annum from December 6, 1961 to the date of settlement, as follows:

JOHN FINCH ARNESON - Three Thousand Eighty-two Dollars and Fifty Cents (\$3,082.50);

C. A. WALDRON - Six Thousand One Hundred Sixty-five Dollars (\$6,165.00);

BRUCE M. VAN SICKLE - Six Thousand One Hundred Sixty-five Dollars (\$6,165.00);

ESTATE OF ROBERT  
ELLIOTT, JR., DECEASED - Three Thousand Eighty-two Dollars and Fifty Cents (\$3,082.50);

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JOHN A. STORMON - Fifty-one Thousand Three Hundred Seventy-five Dollars (\$51,375.00);

HOWARD V. HONG - Nine Thousand Eight Hundred Sixty-four Dollars (\$9,864.00);

EDNA H. HONG - Three Thousand Two Hundred Eighty-eight Dollars (\$3,288.00);

INA B. NERISON - Six Thousand Five Hundred Seventy-six Dollars (\$6,576.00);

GLADYS MULCAHY - One Thousand Six Hundred Forty-four Dollars (\$1,644.00);

MARK MUNDY - One Thousand Six Hundred Forty-four Dollars (\$1,644.00);

ROBERT J. MUNDY - One Thousand Six Hundred Forty-four Dollars (\$1,644.00);

MARION ELGREN - One Thousand Six Hundred Forty-four Dollars (\$1,644.00);

FRED W. ROSSCUP - One Thousand Three Hundred Fifteen Dollars and Twenty Cents (\$1,315.20);

LOLA ROSSCUP - One Thousand Three Hundred Fifteen Dollars and Twenty Cents (\$1,315.20);

KENNETH ROSSCUP - One Thousand Three Hundred Fifteen Dollars and Twenty Cents (\$1,315.20);

MABEL ROSSCUP - Six Hundred Fifty-seven Dollars and Sixty Cents (\$657.60);

ACE K. ROSSCUP - Six Hundred Fifty-seven Dollars and Sixty Cents (\$657.60);

JOYCE HOBBS - Four Hundred Thirty-eight Dollars and Forty Cents (\$438.40);

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ROSELLE MOORHEAD - Four Hundred Thirty-eight Dollars and  
Forty Cents (\$438.40); and

MRS. CHARLES A. ROSSCUP, JR. - Four Hundred Thirty-eight Dol-  
lars and Forty Cents (\$438.40).

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

**MAR 26 1969**

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

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 Amended 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].)

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FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
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IN THE MATTER OF THE CLAIM OF

JOHN FINCH ARNESON, C. A. WALDRON,  
BRUCE M. VAN SICKLE, ESTATE OF ROBERT  
ELLIOTT, JR., DECEASED, INA B. NERISON,  
GLADYS MULCAHY, MARK MUNDY, ROBERT J.  
MUNDY, MARION ELGREN, MABEL ROSSCUP,  
ACE K. ROSSCUP, JOYCE HOBBS, ROSELLE  
MOORHEAD, MRS. CHARLES A. ROSSCUP, JR.  
(claimants in claim CU-0117), FRED W.  
ROSSCUP, KENNETH ROSSCUP, LOLA ROSSCUP,  
JOHN A. STORMON (claimants in claims  
CU-1488 through CU-1491, respectively)  
and HOWARD V. HONG (claimant in claim  
CU-3600)  
Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0117  
Claim No. CU-1488 through  
CU-1491  
Claim No. CU-3600  
Decision No. CU

3052

Counsel for claimants in claim CU-0117:

John Finch Arneson, Esq.,  
C. A. Waldron, Esq., and  
Bruce M. Van Sickle, Esq.

Counsel for claimants in claim CU-1488  
through CU-1491:

John A. Stormon, Esq.

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were presented for \$451,610.00, \$615.84, \$615.84, \$615.84, \$15,396.00, and \$184,752.00, respectively, based upon the asserted ownership and loss of 1,026.4 acres of land known as the South Part of Itabo Tract in the area of Nueva Gerona, Isle of Pines, Cuba. Claimants, JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, the beneficiaries of the Estate of ROBERT ELLIOTT, JR., namely ELIZABETH F. ELLIOTT, ANNE E. ELLIOTT, ROBERT ELLIOTT III, BRUCE D. ELLIOTT, and KATHERINE C. ELLIOTT (as well as the late Robert Elliott, Jr. until his death on July 1, 1965), INA B. NERISON, GLADYS MULCAHY, MARK MUNDY, ROBERT J. MUNDY, MARION ELGREN, MABEL ROSSCUP, ACE K. ROSSCUP, JOYCE HOBBS, ROSELLE MOORHEAD, MRS. CHARLES A. ROSSCUP, JR., FRED W. ROSSCUP, KENNETH ROSSCUP, LOLA ROSSCUP, JOHN A. STORMON, and HOWARD V. HONG (as well as the latter's asserted assignors, Catherine Weiss and Ada J. Hong) were nationals of the United States at all times relevant to these claims.

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.

Evidence of record shows and the Commission finds that in December 1961 the real property record in liber 150 folio 181 in the land register of Nueva Gerona, Isle of Pines, Cuba, and known as the South Part of Itabo Tract, was owned as follows:

1/2	JOHN A. STORMON
1/10	Catherine Weiss
1/10	Ada J. Hong
1/10	INA B. NERISON
1/40	GLADYS MULCAHY
1/40	MARK MUNDY
1/40	ROBERT J. MUNDY
1/40	MARION ELGREN
1/50	FRED W. ROSSCUP
1/50	Francis Rosscup
1/50	KENNETH ROSSCUP
1/100	MABEL ROSSCUP
1/100	ACE K. ROSSCUP
1/150	JOYCE HOBBS
1/150	ROSELLE MOORHEAD
1/150	MRS. CHARLES A. ROSSCUP, JR.



On February 28, 1967, Ada J. Hong assigned her entire claim for compensation, based upon her 1/10 interest in the subject property, to HOWARD V. HONG. On the same day Catherine Weiss assigned her claim for compensation, based upon her 1/10 interest in the subject property to, HOWARD V. HONG and Edna H. Hong, as joint tenants with rights of survivorship. The Commission concludes that by such latter assignment claimant HOWARD V. HONG acquired a 1/2 interest in the claim for compensation formerly owned by Catherine Weiss, thereby increasing his total claim for compensation to 1/10 plus 1/2 of 1/10 or 6/40 interest in the total claim for compensation.

It is noted by the Commission that no claim was filed by Edna H. Hong although she was advised that she might petition the Commission for permission to join in the claim filed by HOWARD V. HONG. Such advise was given through HOWARD V. HONG who claimed the 2/40 interest owned by Edna H. Hong and has the same address as Edna H. Hong.

The Commission further finds that Francis Rosscup died on February 19, 1965, and his interest in the subject real property or his claim for compensation was inherited by his widow, LOLA ROSSCUP.

On December 6, 1961 the Government of Cuba published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who left the country.

The record shows that in December 1961, claimants were residing in the United States. The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Claimants state that the subject real property had an area of 1,026.4 acres. Evidence of record shows and the Commission finds that the subject property had an area of 30 caballerias, 12 hectares and 74 ares or the equivalent of 1,027.48 acres. Claimants do not assert that the property had been improved.

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Claimants who filed claim CU-0117 value the subject property at \$1,000.00 per acre, claimant HOWARD V. HONG (CU-3600) at \$900.00 per acre, and claimants FRED W. ROSSCUP, KENNETH ROSSCUP, LOLA ROSSCUP and JOHN A. STORMON at \$30.00 per acre. In support of the estimate of \$1,000.00 per acre, claimants who filed claim CU-0117 submitted brochures dated in October 1966 including price lists offering homesites in the Bahamas from \$4,000.00 for 10,600 square foot lots to \$18,000.00 for lots of 40,900 square feet in Lucaya, and from \$1,050.00 upward for 10,000 square foot lots in Grand Bahama East, both on the Grand Bahama Island. It would be mere speculation to find the value of the subject property as of December 6, 1961, the date of loss, from evidence indicating the offering prices for subdivided land on the Bahama Islands almost four years later. A more reliable basis for the valuation of the subject property may be made on the basis of evidence of record which shows that in August and November 1958 actual offers were made to purchase the entire property now in question for \$30,000.00 or a 1/2 interest thereof for \$15,000.00. The Commission concludes therefore that the subject property had the value of \$30,000.00 as of the date of loss. Accordingly, the Commission further concludes that the claimants named below suffered losses within the meaning of Title V of the Act in amounts as follows:

<u>CLAIMANT:</u>	<u>OWNERSHIP INTEREST:</u>	<u>VALUE THEREOF:</u>
JOHN A. STORMON	1/2	\$15,000.00
HOWARD V. HONG	6/40	4,500.00
INA B. NERISON	1/10	3,000.00
GLADYS MULCAHY	1/40	750.00
MARK MUNDY	1/40	750.00
ROBERT J. MUNDY	1/40	750.00
MARION ELGREN	1/40	750.00
FRED W. ROSSCUP	1/50	600.00
LOLA ROSSCUP	1/50	600.00
KENNETH ROSSCUP	1/50	600.00
MABEL ROSSCUP	1/100	300.00
ACE K. ROSSCUP	1/100	300.00
JOYCE HOBBS	1/150	200.00
ROSELLE MOORHEAD	1/150	200.00
MRS. CHARLES A. ROSSCUP, JR.	1/150	200.00

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It is asserted that claimants JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, and the beneficiaries of the Estate of ROBERT ELLIOTT, JR., have a total of 15.84% ownership interest in the subject property based upon a contingent fee agreement entered into in the course of contesting the Last Will of the late Ethol G. McIntyre, the former owner of the real property now in question. In view of the evidence, discussed above, which shows that none of these claimants had title to the subject property, the Commission finds that the rights which JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, and the late ROBERT ELLIOTT, JR. may have acquired under a contingent fee agreement were contractual in nature, to say the most, and no ownership right in the subject property was acquired by them under such agreement or by any action subsequently executing such. Accordingly, the claim made by JOHN FINCH ARNESON, C. A. WALDRON, BRUCE M. VAN SICKLE, and the beneficiaries of the Estate of ROBERT ELLIOTT, JR., must be and is hereby denied.

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.)

Accordingly, the Commission concludes that the amount of loss sustained by claimants shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, to the date on which provisions are made for the settlement thereof.

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CU-1491  
CU-3600

CERTIFICATION OF LOSS

The Commission certifies that the claimants named below sustained losses, as a result of an action of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in amounts with interest thereon at 6% per annum from the date of taking to the date of settlement as follows:

- JOHN A. STORMON - Fifteen Thousand Dollars (\$15,000.00);
- HOWARD V. HONG - Four Thousand Five Hundred Dollars (\$4,500.00);
- INA B. NERISON - Three Thousand Dollars (\$3,000.00);
- GLADYS MULCAHY - Seven Hundred Fifty Dollars (\$750.00);
- MARK MUNDY - Seven Hundred Fifty Dollars (\$750.00);
- ROBERT J. MUNDY - Seven Hundred Fifty Dollars (\$750.00);
- MARION ELGREN - Seven Hundred Fifty Dollars (\$750.00);
- FRED W. ROSSCUP - Six Hundred Dollars (\$600.00);
- LOLA ROSSCUP - Six Hundred Dollars (\$600.00);
- KENNETH ROSSCUP - Six Hundred Dollars (\$600.00);
- MABEL ROSSCUP - Three Hundred Dollars (\$300.00);
- ACE K. ROSSCUP - Three Hundred Dollars (\$300.00);
- JOYCE HOBBS - Two Hundred Dollars (\$200.00);
- ROSELLE MOORHEAD- Two Hundred Dollars (\$200.00); and
- MRS. CHARLES A. ROSSCUP- Two Hundred Dollars (\$200.00).

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

SEP 11 1968

*Howard V. B. Sutton*  
Howard V. B. Sutton, Chairman

*Theodore Jaffe*  
Theodore Jaffe, Commissioner

*Sidney Feidberg*  
Sidney Feidberg, 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, 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).)

CU-0117  
CU-1488 through  
CU-1491  
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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.

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