

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

IN THE MATTER OF THE CLAIM OF

HELEN CARROLL BEREZOVSKY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 0193

Decision No. CU 94

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 HELEN CARROLL BEREZOVSKY, for \$653.56, based upon the asserted ownership and loss of an interest in land. Claimant has been a national of the United States since her birth in the United States.

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.

Section 502(1) of the Act defines the term "national of the United States" to mean" (A) a natural person who is a citizen of the United States, . . . The term does not include aliens."

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.

Claimant contends that she has lost an investment in real property in Cuba valued at \$653.56. She has submitted a deed, dated January 20, 1956, between the Isle of Pines Realty Company, as grantor, and claimant herein, as grantee. The grantor conveys, for an agreed purchase price of \$585.00, lots 31 and 32 of rural Block J, First Section of the Palm Garden Estates, Sierra de Caballas, Isle of Pines, Cuba. Claimant asserts that her investment in the aforementioned realty also included transfer taxes, fees, and closing costs in the total amount of \$68.56.

On the basis of the entire record and the state of Cuban law at the time of the transaction, the Commission finds that claimant, HELEN CARROLL BEREZOVSKY, became the owner of lots 31 and 32, rural Block J, First Section of the Palm Garden Estates, Sierra de Caballas, Isle of Pines, Cuba. (See the Claim of Wallace Tabor and Catherine Tabor, FGSC Claim No. CU-0109).

On December 6, 1961 the Cuban Government 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 had left the country. As the record shows, claimant resided in the United States at that time. 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,

Based on the entire record the Commission finds that the subject land had a total value of \$653.56 at the time of loss, and concludes that claimant suffered a loss in that amount within the meaning of Title V of the Act.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed at the rate of 6% per annum from the date of loss to the date of settlement (See the Claim of American Cast Iron Pipe Company, FCSC Claim No. CU-0249).

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

CERTIFICATION OF LOSS

The Commission certifies that HELEN CARROLL BEREZOWSKY 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,

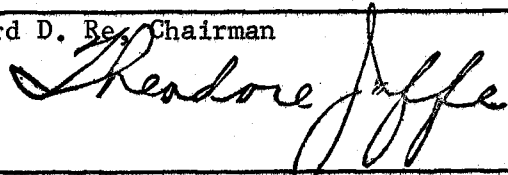
in the amount of Six Hundred Fifty-Three Dollars and Fifty Six Cents (\$653.56), with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

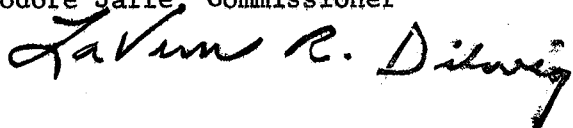
JUN 28 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner

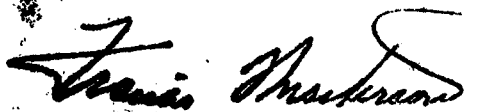


LaVern R. Dilweg, Commissioner

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. (FCSC 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 June 28 1967



Francis M. Peterson
Clerk of the Commission