

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

IN THE MATTER OF THE CLAIM OF

HELEN L. CAMPI

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0198

Decision No. CU 4153

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 L. CAMPI, for \$31,801.21, based on improved real property and personal property. Claimant, HELEN L. CAMPI, has been a national of the United States since birth. Claimant's husband, Rafael M. Campi, who is not a United States national is not a claimant herein. Under Cuban law by virtue of the legal partnership existing between husband and wife by reason of their marriage each owned a one-half interest in everything acquired during coverture.

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.

Real Property

Claimant contends that she lost an investment in a two-story dwelling situated on a lot measuring 794 square meters at 21086 Twenty-third Avenue in the "Nuevo Biltmore" Development, Arroyo Arenas, Marianao, Cuba. Claimant submitted a purchase and sale agreement entered into on May 27, 1957; and a letter from The Royal Bank of Canada dated September 21, 1959 concerning payment.

Based upon the entire record, the Commission finds that the claimant owned a one-half interest in the improved real property at 21086 Twenty-third Avenue, Arroyo Arenas, Marianao, Cuba.

The Commission further finds that the property was confiscated by the Government of Cuba, when claimant left Cuba on March 21, 1963.

In arriving at the value of the land and improvements thereon, consideration was given to all of the evidence of record including the agreement of purchase and sale dated May 27, 1957, claimant's itemization of improvements made to the dwelling after purchase, and a photograph of the property. The Commission finds that the value of the land amounted to \$3,944.46 and the value of the improvements thereon amounted to \$20,772.25. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$12,358.36 within the meaning of Title V of the Act, as the result of the intervention of the improved real property by the Government of Cuba as of March 21, 1963.

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Personal Property

Claimant further contends that she lost personal property which she purchased in or about 1957 with the exception of two automobiles, one, a 1947 Willys Jeep which was purchased in 1947 and a German Opel which was purchased in 1960. The claimant submitted an itemization of the personal property, including household furnishings with the approximate prices paid for each item, and certain bills and cancelled checks.

Based upon the entire record, the Commission finds that the claimant owned a one-half interest in the Willys Jeep, Opel and other personal property which were also confiscated by the Government of Cuba on March 21, 1963.

In arriving at the value of the two cars and the aforementioned household furnishings, consideration was given to the complete record including the claimant's itemization and evidence available to the Commission as to values of similar properties. The Commission finds that the fair and reasonable value of the personal property, including the vehicles, was \$5,187.20, after appropriate depreciation, at the time of loss on March 21, 1963. Accordingly, the Commission concludes that claimant also suffered a loss in the amount of \$2,593.60 within the meaning of Title V of the Act, as a result of the taking of the personal property by the Government of Cuba as of March 21, 1963.

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 HELEN L. CAMPI 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 Fourteen Thousand Nine Hundred Fifty-one Dollars and Ninety-six Cents (\$14,951.96), with interest thereon at 6% per annum from March 21, 1963, the date of loss, to the date of settlement.

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

28 OCT 1969

*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 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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