

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

IN THE MATTER OF THE CLAIM OF

JOSEPH T. CAMILLERI  
and  
VIOLET M. CAMILLERI

Claim No. CU-0238

Decision No. CU-251

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimants:

Rufus King, Esq.

FINAL DECISION

By Proposed Decision dated September 6, 1967, the Commission denied this claim for failure of proof. Since that time counsel has submitted considerable documentation on behalf of claimant.

Under the community property law of Cuba VIOLET M. CAMILLERI has an interest in this claim and is joined as claimant herein.

The record now includes deeds, a receipt, paid bills, tabulations, plats of land, photographs, expense account notes and the like.

The entire record having been considered the Commission now finds that claimants held equal interests in about 100 acres of land in Bellaire Heights, Isle of Pines, Cuba. The Commission further finds that this was taken by the Government of Cuba on December 6, 1961, pursuant to the Cuban Law 989 of that date.

On the basis of the aforesaid record, including the receipt from the seller of the land and claimant's itemization of expenditures, including roads, drainage, surveys, platting and the like, the Commission finds that the land and improvements thereto had a value of \$28,800 on the date of loss and that each claimant suffered a loss of \$14,400 in that connection within the scope of Title V of the Act.

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.

Accordingly, the following Certifications of Loss will be entered and in all other respects the Proposed Decision, as amended herein, is affirmed.

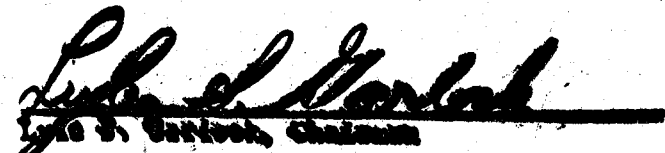
CERTIFICATIONS OF LOSS

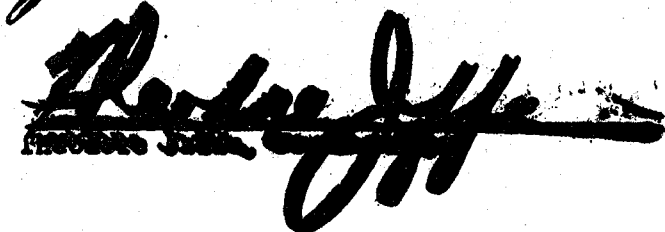
The Commission certifies that JOSEPH T. CAMILLERI suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fourteen Thousand Four Hundred Dollars (\$14,400.00) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement; and

The Commission certifies that VIOLET M. CAMILLERI 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 Four Hundred Dollars (\$14,400.00) 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 Final  
Decision of the Commission

SEP 1 1971

  
Leo S. Gortch, Chairman

  
Frederic J. ...

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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IN THE MATTER OF THE CLAIM OF

JOSEPH T. CAMILLERI

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0238

Decision No. CU 251

Counsel for claimant:

Rufus King, Esq.

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 \$28,800.00, was presented by JOSEPH T. CAMILLERI and is based upon the asserted loss of improved real property in Bellaire Heights, Isle of Pines, Cuba. Claimant has been a national of the United States since his birth in New York City on August 28, 1916.

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.

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.

The Regulations of the Commission provide:

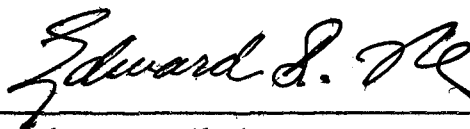
The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant alleges he is the full and sole owner of a 100-acre subdivided tract of land located in Bellaire Heights, Isle of Pines, Cuba, which was taken by the Government of Cuba. By Commission letter of July 7, 1966, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. On September 1, 1966, claimant advised the Commission that he had in his possession, deeds to this property which were duly notarized and recorded. Thereafter, by letter of September 27, 1966, the Commission, through counsel, suggested that the deeds be submitted. However, no evidence in response to this correspondence has been received to date. By letters of September 30, 1966 and December 6, 1966, the evidence was again requested. On June 16, 1967, counsel was invited to submit any evidence available to him within 45 days from that date, and he was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has ever been submitted.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

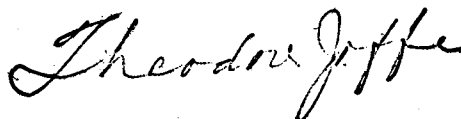
Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

**SEP 6 1967**



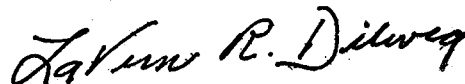
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Edward D. Re, Chairman



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Theodore Jaffe, Commissioner



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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, 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).)