

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

IN THE MATTER OF THE CLAIM OF

EDITH FIFIELD HOWARD

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0328

Decision No. CU 1808

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 EDITH FIFIELD HOWARD in the amount of \$43,250.00, based upon the asserted loss of real and personal property. Claimant has been a national of the United States since her birth.

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.

Claimant has described her loss as 25 acres of improved realty valued at \$300 each, 85 acres valued at \$50 each; a dwelling, barn, garage and cottage valued at \$30,000; and personalty apparently consisting of farm equipment and tools valued at \$1500.00.

The record discloses that claimant is the recorded owner of property in West of McKinley in Hacienda Santa Barbara, Isle of Pines further described as:

Lot 17, Sec. 54; parcels 675, 676, 708, 709	= 40 acres
Parcels 615, 616, 645, 646, of Sec. 54	= 40 acres
Lot 9, Sec. 43, parcel 674	= 10 acres
Lot 8, Sec. 43, parcels 614, 644	= 20 acres

The record further discloses that the property was improved by a dwelling, a barn, garage, servant's cottage and encompassed a natural mineral spring. Moreover, certain farm equipment and tools were present on the property.

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

The record shows that claimant left Cuba in January 1959, and that she has not returned to Cuba since that time.

Based upon the foregoing, and in the absence of evidence to the contrary, the Commission finds that claimant's property was

taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Cuban Law 989.

In arriving at the value of the property the Commission has considered all evidence of record including tax receipts, photographs, an affidavit reflecting that the affiant had knowledge of offers for the property ranging from \$35,000 to \$110,000; and other evidence available to the Commission.

Based on the entire record, the Commission finds that the land had a value of \$6,300; the house and other improvements had a value of \$10,000; and the farm equipment and tools had a value of \$500.00. Accordingly, the Commission concludes that the claimant suffered a loss within the meaning of Title V of the Act, in the amount of \$16,800 on December 6, 1961.

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 the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum on \$16,800 from December 6, 1961, to the date on which provision is made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that EDITH FIFIELD HOWARD suffered a loss, as a result of the 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 Sixteen Thousand Eight Hundred Dollars (\$16,800.00) with interest thereon at 6% per annum from the date of loss to the date of settlement.

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

MAY 1 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

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).)