

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

IN THE MATTER OF THE CLAIM OF

ALICIA MATZINGER  
MERRILL MATZINGER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0346

Decision No. CU 3828

Counsel for claimants:

Brown, Wood, Fuller,  
Caldwell & Ivey  
By William E. Carter

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 \$273,642.19, was presented by ALICIA MATZINGER and MERRILL MATZINGER and is based upon the asserted loss of improved and unimproved real property and personal property.

Claimant, MERRILL MATZINGER, has been a national of the United States since birth. Claimant, ALICIA MATZINGER, has been a national since her naturalization on May 13, 1947.

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.

Claimants contend that they lost an interest in improved real property consisting of a house and land valued at \$228,942.19; an additional parcel of land valued at \$7,200.00; and personal property valued at \$37,500.00.

The record contains information furnished to the Commission from sources in Cuba; 1957-1958 audit statements relating to the book value of the real property and improvements; and, several affidavits and photographs of the subject property.

Based upon the entire record, the Commission finds that the claimants each owned a one-half interest in improved real property consisting of a luxurious private home located at 3413 Avenue 49-B (formerly 13 Washington Avenue), Reparto Kohly, Havana, Cuba; an additional plot of land located on Avenue 49-B, and personal property consisting of household furnishings, two cars and a boat which were confiscated by the Government of Cuba on June 2, 1961.

In arriving at the value of the real property and personal property, consideration was given to all of the evidence of record, including the reports from abroad, a statement by Mr. Gustavo Arnavat, who designed and constructed certain built-in furniture and equipment in the house; a statement by Mr. Nicholas R. Arroyo, the architect who designed and built the house in question; and the October 1961 National Automobile Dealers Official Used Car Guide.

The Commission finds that at the time of loss the house and lot situated at 3413 Avenue 49-B had a value of \$228,942.19; the unimproved lot on Avenue 49-B had a value of \$7,200.00; the household furnishings after depreciation had a value of \$26,250.00; the two automobiles had a value of \$1,825.00; and that the boat had a value of \$1,500.00

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 ALICIA MATZINGER 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 One Hundred Thirty-Two Thousand Eight Hundred Fifty-Eight Dollars and Fifty-Nine Cents (\$132,858.59) with interest at 6% per annum from June 2, 1961 to the date of settlement; and

The Commission certifies that MERRILL MATZINGER 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 One Hundred Thirty-Two Thousand Eight Hundred Fifty-Eight Dollars and Sixty Cents (\$132,858.60) with interest at 6% per annum from June 2, 1961 to the date of settlement.

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

**AUG 27 1969**

*Thomas V. B. Sutton*  
THOMAS V. B. SUTTON, CHAIRMAN

*Therese Jaffe*  
THERESE JAFFE, COMMISSIONER

*Sidney J. Feiberg*  
SIDNEY J. FEIBERG, 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).)