

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

IN THE MATTER OF THE CLAIM OF

WINONA H. MONROE
ELLA JANE MONROE
RUTH R. DOYLE

Claim No. CU-0401

Decision No. CU -1898

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

William F. Hunter, Jr., Esq.

AMENDED PROPOSED DECISION

By Proposed Decision issued May 29, 1968, the Commission certified losses to these claimants in the aggregate amount of \$899.00 representing full payment on a certain Lot 6. Since then, additional evidence has been submitted, and the Proposed Decision is hereby amended.

The record now establishes that claimants entered into a contract to purchase Lot 6 and Lot 7, each for \$899.00, a total of \$1,798.00; and that a total \$1,100.00 had been paid, including the full payment on Lot 6.

Accordingly the Certifications of Loss as restated below will be entered and in all other respects the Proposed Decision is affirmed.

CERTIFICATIONS OF LOSS

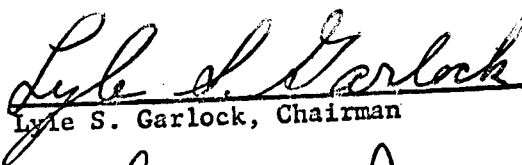
The Commission certifies that WINONA H. MONROE suffered a loss, as a result of the actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Sixty-six Dollars and Sixty-six Cents (\$366.66) with interest thereon from the December 6, 1961 date of loss to the date of settlement;

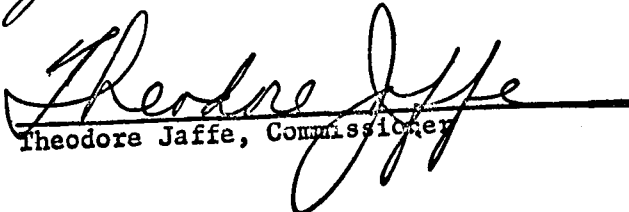
The Commission certifies that ELLA JANE MONROE suffered a loss, as a result of the actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Sixty-six Dollars and Sixty-seven Cents (\$366.67) with interest thereon from the December 6, 1961 date of loss to the date of settlement; and

The Commission certifies that RUTH R. DOYLE 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 Three Hundred Sixty-six Dollars and Sixty-seven Cents (\$366.67) with interest thereon from the December 6, 1961 date of loss to the date of settlement.

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

SEP 16 1970


Lyle S. Garlock, Chairman


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 Amended 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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IN THE MATTER OF THE CLAIM OF

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ELLA JANE MONROE
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Claim No. CU-0401

Decision No. CU **1898**

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

William F. Hunter, Jr., 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 \$1,100.00, was presented by WINONA H. MONROE, ELLA JANE MONROE and RUTH R. DOYLE and is based upon the asserted loss of an interest in land. Claimants have been nationals of the United States since their respective births in the United States.

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 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.

Claimants assert that they were the owners of 2 lots in the Brazo Fuerte subdivision, Isle of Pines, Cuba.

The evidence of record includes copies of a contract between claimants and Compania Urbanizadora "Davis", S.A., dated March 6, 1957, by which instrument claimants purchased Lots 6 and 7 of Block 6 of the Brazo Fuerte subdivision on the Isle of Pines, Cuba, as well as copies of correspondence to claimants from the United Realty Company of Opa Locka, Florida (American agents for Compania Urbanizadora "Davis", S.A.). This evidence establishes that claimants acquired the subject realty for the price of \$899.00 for each lot, for a total of \$1,798.00.

Accordingly, the Commission finds that claimants were the owners of the subject realty: Lots 6 and 7 of Block 6, Brazo Fuerte subdivision, Isle of Pines, Cuba.

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

As the record indicates, on December 6, 1961 claimants were resident in the United States. Accordingly, the Commission finds, in absence of

evidence to the contrary, that the subject realty was taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law 989 (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]).

Claimants assert that the amount of their loss is \$1,100.00, based on asserted payments in that amount to the United Realty Company. However, claimants have submitted no evidence to establish the payment of this amount. The record does contain, however, a copy of a letter to claimants from the United Realty Company, in which it is stated that Lot 6 had been paid in full. As stated previously, the evidence of record establishes that the purchase price of each lot was \$899.00, or \$1,798.00 for both lots.

Accordingly, the Commission finds that the value of the subject realty on the date of loss was \$1,798.00. From this amount must be deducted the sum of \$899.00, representing the value of the unpaid lot. Thus the value of claimants' equity in the subject realty was \$899.00, and the Commission finds that claimants sustained a loss in that amount as a result of the taking of their real property by the Government of Cuba on December 6, 1961.

The Commission has decided that in certification of losses 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 on which provisions are made for the settlement thereof. (See Claim of Lisle Corporation, Claim No. CU-0644.)

Accordingly, the Commission concludes that the amount of loss sustained shall be increased by interest thereon at 6% per annum from the December 6, 1961 date of taking to the date of settlement.

CERTIFICATION OF LOSS

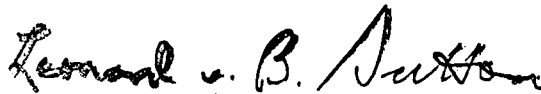
The Commission certifies that WINONA H. MONROE suffered a loss, as a result of the actions of the Government of Cuba , within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Ninety-Nine Dollars and Sixty-Seven Cents (\$299.67) with interest thereon from the December 6, 1961 date of loss to the date of settlement; and

the Commission certifies that ELLA JANE MONROE 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 Two Hundred Ninety-Nine Dollars and Sixty-Seven Cents (\$299.67) with interest thereon from the December 6, 1961 date of loss to the date of settlement; and

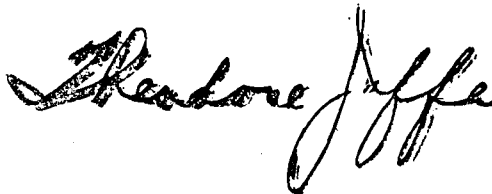
the Commission certifies that RUTH R. DOYLE suffered a loss, as a result of the actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Ninety-Nine Dollars and Sixty-Six Cents (\$299.66), with interest thereon from the December 6, 1961 date of loss to the date of settlement.

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

MAY 29 1968



~~Kenneth~~ v. B. Sutton, Chairman



Theodore Jaffe, Commissioner

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