

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

In the Matter of the Claim of

THEODORE WOODS, as Executor
of the Estate of
LUIS P. DORIA, DECEASED

LILY DORIA WOODS

ANA MARIA SORRELS

Claim No. CU - 0473

Decision No. CU - 5948

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

Paul, Landy, Beiley & Bartel
By George R. Harper, Esq.

Petition to reopen; Proposed Decision dated and entered November 10, 1970.
Final Decision entered September 1, 1971.

AMENDED FINAL DECISION

The Commission issued a Proposed Decision in this claim on November 10, 1970, denying the same for lack of proof. Thereafter documentation was submitted which, however, did not contain evidence of such probative value as would warrant a different determination. Accordingly, the Proposed Decision was affirmed and entered as final.

Thereafter the Commission received additional evidence and a petition to reopen the matter. The claim has been restated as follows:

1. 50% interest in Galvani y Doria, electric plant at Banos	\$125,000.00
2. 50% of Doria y Portilla owning the cattle ranch	100,000.00
3. 50% of Doria y Machado, distributorship	80,000.00
4. Interest in Alvarez, Doria y Portilla owning a saw mill	5,000.00
5. Personal property	26,340.50
6. House in Victoria de las Tunas	<u>7,000.00</u>
	\$343,340.50

The record shows that LUIS P. DORIA was a national of the United States.
His first wife Angela Ance Doria, was a national of the United States as

well as the two children of this union, LILY DORIA WOODS and ANA MARIA SORRELS. Pursuant to the community property law of Cuba, LUIS P. DORIA, and his first spouse held equal interests in certain property in Cuba. Upon her death on February 14, 1955 her interest passed in equal interests to the two children, subject to a life estate in LUIS P. DORIA in one-third of her estate. Accordingly, the children are added as claimants. LUIS P. DORIA died on September 10, 1966, survived by his second spouse and the two children. He had executed a will which is not shown to have been offered for probate. Therein he named THEODORE WOODS as Executor. Said THEODORE WOODS is entered as claimant for the purpose of this decision, in place of LILY DORIA WOODS "on Behalf of the Estate of LUIS P. DORIA, Deceased" but not with respect to the interest said LILY DORIA WOODS inherited directly from her mother.

The additional evidence which has been submitted includes an affidavit of Florencia Portilla, son of one of the original partners of LUIS P. DORIA; a detailed affidavit of one Rafael Machado, describing the properties subject of this claim, he having been a partner in the distributorship, and who kept or examined books on some of the other properties; photographs; a detailed affidavit as to the personal property; copy of a letter and certain records from A. G. Schoonmaker Company, Inc., supplier of generators and the like.

On the basis of the record as now constituted the Commission finds that LUIS P. DORIA and his first spouse owned equal interests in the properties described below; that these were intervened by the Government of Cuba on October 15, 1960, having the values set out below.

1. Galvani y Doria

Decedent and his first spouse held a 50% interest in this partnership which owned an electric plant at Banes, Oriente Province. On the basis of a letter of February 3, 1971, from T. L. Schoonmaker, President of A. G. Schoonmaker Company, Inc., the Commission finds that the plant had a depreciated value of \$200,000, the 50% interest, therefore, having a value of \$100,000.

2. Doria y Portilla

The Commission finds that decedent and his first spouse held a 50% interest in this partnership which owned the cattle ranch San Manuel, at Cascorro, Camaguey. The Commission has considered the affidavit of Mr. Machado, as well as the description afforded by the original claimant. Although the decedent had stated a 1958 offer of \$400,000 was refused, no evidence has been submitted in support. The Commission finds that the ranch consisted of 1,452 acres of land, with various improvements, that it had 1,350 cattle consisting of 1,325 cows and 25 bulls. These properties had the following values:

1,452 acres with fencing, etc.	\$152,460
House	2,000
1,325 cows	132,500
25 bulls	<u>3,750</u>
	\$290,710

Thus, a 50 per cent interest in the foregoing had a value of \$145,355.

3. Doria y Machado Soc. Ltda.

Decedent and his first spouse held a 50% interest in this partnership which was a distributor of Ford products and other items, at Victoria de las Tunas, Oriente, and which also operated a service station. The Commission has considered the description of the properties of this partnership as given by Mr. Machado and his statement of November 27, 1967 that the net capital of these businesses was \$120,000 and finds that the value of the properties held by the partnership was \$120,000 and that the interest of the decedent and his former spouse was therefore \$60,000.

4. Alvarez, Doria y Portilla

This partnership held a saw mill at Camaguey. The Commission finds that the interest of the decedent and his spouse was 25%, and that this interest had a value of \$5,000 as asserted.

5. Personal property

The record now includes a detailed listing of the personal property which had belonged to the decedent and his first wife. This reflects

furniture, furnishings, household appliances, silver, china, linen and the like, and a 1954 Mercury 4-door automobile valued by the affiant at \$3,000 as of the date of purchase. The Commission finds that some of the properties listed are subject to depreciation, but that others such as silver and the like are not. An allowance of \$500 has been made for books and bookcases, and other unpriced items. The vehicle is subject to depreciation of 15% a year, leaving a value of \$300. This is confirmed by the 1960 Guide of the National Automobile Dealers Association. Accordingly the Commission finds the total value of the personalty as of the date of loss to have been \$22,518.

6. House in Victoria de las Tunas

Although the original claimant did not include this item in his claim, it has been explained that had the decedent and his second spouse ever returned to Cuba they planned to live in this house. Accordingly to Mr. Machada this house was acquired by exchange of a farm of some 70 acres, for the house. Further, the decedent rented it for \$50. per month. On the basis of this record the Commission finds that this property had a value of \$6,000 at the time of intervention. Although the decedent's first spouse had died some years previously, it is noted that she had held an interest in the property which was given in exchange. Accordingly, the Commission holds that \$3,000 of the value here found represented a property interest of said spouse.

The losses of LUIS P. DORIA and the heirs of Angela Ance Doria, within the scope of Title V of the Act, are as follows:

Item 1:	50%	\$100,000
Item 2:	50%	145,355
Item 3:	50%	60,000
Item 4:	25%	5,000
Item 5:	100%	22,518
Item 6:	100%	<u>6,000</u>
		\$338,873.50

Accordingly, the interest of LUIS P. DORIA, now deceased, in the

foregoing was \$169,436.50, and the interest of his first spouse, also deceased, was \$169,436.50. As stated above, her property interests in Cuba, in the absence of evidence that she died testate, are found to have passed in equal parts to the two children subject to the life estate in one-third part for the benefit of LUIS P. DORIA. Accordingly, one-third part of the \$169,436.50, or \$56,478.84 was so encumbered. LUIS P. DORIA was 68 years old at the time of loss.

In connection with life estates, the Commission has adopted the Makehamized mortality table used by the United States Treasury Department in connection with the collection of gift and estate taxes. (See Claim of Richard Franchi Alfaro and Anna Alfaro, Claim No. CU-0048, 1967 FCSC Ann. Rep. 71.) Pursuant to that method of valuation, a life estate in property of a person 68 years old is valued at .29750 of the estate. Since the encumbered property had an aggregate value of \$56,478.84, the value of the life estate was \$16,802.45 and the value of the remainder was \$39,676.38, in which the children had equal interests.

Recapitulation

Claimants' interests are summarized as follows:

Estate of LUIS P. DORIA:	
Individual holdings	\$169,436.50
Life estate	<u>16,802.46</u>
	\$186,238.96
LILY DORIA WOODS	\$ 76,317.02
ANA MARIA SORRELS	\$ 76,317.02

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.

CERTIFICATIONS OF LOSS

The Commission certifies that THEODORE WOODS, as Executor of the Estate of LUIS P. DORIA, Deceased, succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V

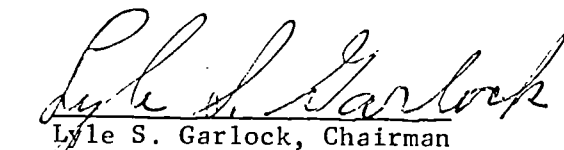
of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Eighty-Six Thousand Two Hundred Thirty-Eight Dollars and Ninety-Six Cents (\$186,238.96) with interest at 6% per annum from October 15, 1960 to the date of settlement; and

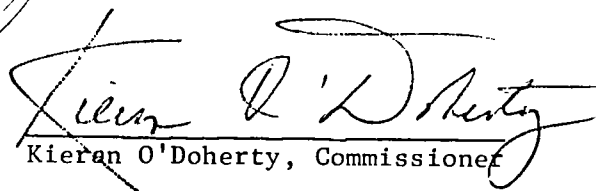
The Commission certifies that LILY DORIA WOODS suffered a loss as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-Six Thousand Three Hundred Seventeen Dollars and Two Cents (\$76,317.02) with interest at 6% per annum from October 15, 1960 to the date of settlement; and

The Commission certifies that ANA MARIA SORRELS 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 Seventy-Six Thousand Three Hundred Seventeen Dollars and Two Cents (\$76,317.02). with interest at 6% per annum from October 15, 1960 to the date of settlement.

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

JUN 30 1972


Lyle S. Garlock, Chairman


Kieran O'Doherty, 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.

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

IN THE MATTER OF THE CLAIM OF

LILY DORIA WOODS, on Behalf
of the Estate of
LUIS P. DORIA, Deceased

Claim No. CU -0473

Decision No. CU -5948

**Under the International Claims Settlement
Act of 1949, as amended**

Appeal and objections from a Proposed Decision entered November 10, 1970;
no hearing requested.

Hearing on the record held September 1, 1971

FINAL DECISION

Under date of November 10, 1970, the Commission denied this claim inasmuch as the claimant did not establish by probative evidence, ownership and value of properties assertedly taken from him by the Government of Cuba.

Claimant thereafter has submitted documentation which indicates that the decedent had been addressed as "Manager" and again as "President" of one of the enterprises subject of the claim. This, however, cannot be construed as an ownership interest. Further, claimant has not submitted a listing of the personal property assertedly owned by the decedent in Cuba. Neither has a legal representative of the estate been appointed, so far as this Commission has been informed.

The Commission has reviewed all of the evidence of record, and finds that the record does not contain evidence of probative value which would warrant a different determination from that made in the Proposed Decision.

It may be noted that if probative evidence is received in sufficient time to permit consideration thereof before the close of the program on June 30, 1972, the Commission will reopen the claim. Such evidence should be received on or before May 1, 1972 in order to permit adequate consideration thereof.

Full consideration having been given to the entire record, the Proposed Decision is affirmed and entered as the Final Decision of the Commission in this matter.

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

SEP 1 1971


Robert S. Garlock, Chairman


Madore J. J. [unclear], [unclear]

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20529

IN THE MATTER OF THE CLAIM OF

LILY DORIA WOODS, on Behalf
of the Estate of
LUIS P. DORIA, Deceased

Claim No. CU - 0473

Decision No. CU - 5948

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented September 29, 1965 by LUIS P. DORIA. This filing is considered validated as of November 1, 1965. The claim is in the amount of \$620,000 based upon the asserted ownership and loss of business interests and personal property in Cuba. LUIS P. DORIA was a national of the United States. He died in California on September 10, 1966, survived by a widow, MARIA ELENA DORIA, his second spouse, and daughters LILY DORIA WOODS and ANA MARIA SORRELS. It does not appear that his will was offered for probate. LILY DORIA WOODS is substituted as claimant only for the purpose of this decision.

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.

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)(1969).)

The decedent who stated he was resident in Cuba until 1960, described his losses as follows:

- | | |
|---|-----------|
| 1. 50% of Galvani y Doria, partnership, owners of electric plant at Banes, Oriente | \$250,000 |
| 2. 50% of Doria y Portilla, partnership, owners of cattle ranch San Manuel, at Cascorro, Camaguey | 200,000 |
| 3. 50% of Doria y Machado, partnership, distributors of Ford products, tractors, agricultural implements, at Victoria de las Tunas, Oriente | 160,000 |
| 4. 25% silent partner in Alvarez, Doria y Portilla, owners of saw mill at Elia, Camaguey | 5,000 |
| 5. Furnishings and personal effects in an apartment in Miramar, Havana | 5,000 |

The decedent had described the ranch (in Item 2) as follows:

Having 1452 acres of first class land, a river running through it, corrals, all fenced and partitioned in lots so cattle would be rotated, so the grass would grow again; 1350 cattle; two good dwellings; located a block from the central road and one of the streets of Cascorro was a border line; that in early 1958 a firm offer of \$400,000 was refused.

The personal property had been described only by general categories as follows:

Including furniture, silverware, automobile, valuable books, paintings, diploma and clothes; also many electric appliances, such as refrigerator and freezer, fans, electric broilers, etc.

Under date of July 15, 1966, the Commission made detailed suggestions to LUIS P. DORIA, now deceased, as to evidence appropriate for submission in support of his claim, concerning ownership, taking by Cuba, and value of the business property, real property and personal property. By letter of October 21, 1966, the Commission sent him forms which might be used for requesting assistance of the Commission in obtaining evidence. On October 2, 1967 the Commission addressed a form of "follow-up" letter to MR. DORIA, advising that the suggested evidence should be submitted within 45 days, or it might become necessary to determine the claim on the basis of the record.

Only on November 14, 1967 was the Commission informed that the original claimant had died some time prior. This communication was from an attorney, now deceased, who stated that LUIS P. DORIA left no tangible estate to probate, but that he did execute a will; that he and the heirs were in the process of obtaining all of the evidence of ownership of property that could be obtained in the United States. By letter of February 23, 1968, this attorney stated that in searching through the papers of LUIS P. DORIA, DECEASED, he found various documents which could be of value in proving ownership of the property in Cuba. The Commission then informed the attorney that the record contained no evidence of ownership, and suggested in addition thereto, evidence of the probated will, death certificate, and Letters Testamentary. No reply was received.

Under date of November 27, 1968 the Commission forwarded to the attorney's office a Notice setting out the budgetary limitations imposed on the staff of the Commission, reciting the elements to be established in such claims as this, and providing a form for guidance in specifying personalty claimed.

By communication of January 5, 1970, LILY DORIA WOODS contacted the Commission, acknowledging the Notice, stating that the attorney had died, and asking as to the status of the claim, further stating:

"I have many papers of correspondence, affidavits, birth certificate, death certificate, a will, etc. to support his claim. Much of the documents are

written in Spanish. In fact all of the evidence available outside of communist Cuba, is here."

MRS. WOODS went on to suggest that if there were a branch of the Commission in Southern California, perhaps someone there would examine the documents, if there were any questions.

The Commission replied on January 15, 1970, describing the claim, suggesting the submission of the documents referred to, with translations of pertinent portions, and advising that the Commission has only the Washington, D. C. office where documents should be sent. No reply was received to this letter and on July 13, 1970, the Commission sent a reminder to MRS. WOODS.

Thereafter on July 24, 1970, the Commission received from MRS. WOODS copy of her father's birth certificate; copy of the death certificate; copy of the will apparently executed on January 22, 1966; an affidavit of one Rafael Machado pertaining to Item 3; and a statement of one Florencio Portilla, pertaining to Items 2 and 4. Further, she stated she has some letters on company letterhead paper indicating the existence of the electric plant (Item 1) and the partnership Galvani y Doria, asserted owners.

The affidavit of Rafael Machado, executed in Florida, recites that he was in co-partnership with LUIS P. DORIA (now deceased), that the business was known as Doria y Machado Soc. Lta, which operated as a Ford Agency (at Carretera Central, Victoria de las Tunas) and Standard Oil Service Station (at Francisco Varona Street). Further, he states that the approximate net capital of the said businesses which was one-half owned by him and one-half by LUIS P. DORIA (deceased) was \$120,000, being their pay in capital (sic); also he states he knows for a fact that LUIS P. DORIA (deceased) owned a home at 102 Roosevelt Avenue, Victoria de las Tunas, with an approximate value of \$7,000 in September, 1960. It is noted that the decedent did not mention the Service Station nor the home on Roosevelt Avenue.

The Statement of Florencio Portilla was sworn to on October 17, 1967, and follows:

"Farm San Manuel, Documents of said Purchase were made out and signed by and in presence of Notary Public Dr. *** of Camaguey, Cuba.

"Farm name	San Manuel
Location	Cascorro, Camaguey, Cuba.
Area	1434 acres
Former owners	
Florencio Portilla, Sr.	50% (717 acres)
Luis P. Doria	50% (717 acres)

"Saw mill was purchased in 1944.
The approximate cost was \$27,000.00
The owners were

Miguel Alvarez	40%
Luis P. Doria	30%
Florencio Portilla	30%"

It is noted that the decedent claimed only a 25% silent partner interest in the saw mill enterprise.

The above two statements are unsupported by any evidence of record with the Commission.

On July 28, 1970, the Commission informed MRS. WOODS that the record appeared to be insufficient to establish ownership and value of her father's asserted business and partnership interests, suggesting that the partner, Rafael Machado, might have documentation. MRS. WOODS was also asked to clarify the item of a home on Roosevelt Avenue; to submit an inventory of the personalty; to establish her nationality and that of MARIA E. DORIA.

MRS. WOODS thereafter submitted a cancelled passport to establish her nationality and stated she had asked Messrs. Machado and Portilla for business statements to be forwarded to the Commission. In this letter she clarified that her father married Maria E. Doria in June, 1963 and planned to live in the Roosevelt Avenue home in the future, if possible. She also stated that her mother, Angela Ance Doria, was a United States citizen, and died over ten years ago. The nationality of the decedent's widow is not shown. Additionally, MRS. WOODS stated it is impossible to get documents from Cuba. The Commission at no time suggested this


action, and in its initial communication to the decedent, specified that no such action should be taken.

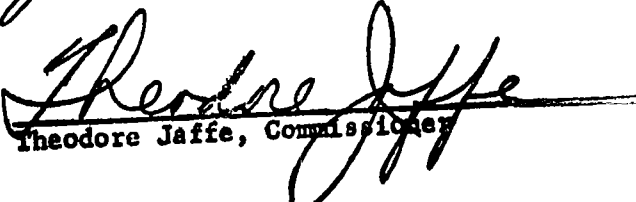
Under date of September 30, 1970, the Commission made an additional effort to assist in this matter. It was pointed out that the requests for assistance in obtaining evidence had never been returned, but a new set was enclosed; claimant was reminded of the statements to the Commission that various documents had been found in the decedent's papers, and again suggested submission thereof; it was pointed out that the two affidavits were not supported by documentary evidence; again the Commission forwarded pages of suggestions previously made, suggesting claimant's examination of her father's papers; and requested reply in 30 days, inasmuch as the claim cannot be kept open indefinitely. No reply whatsoever has been received.

The Commission appreciates the difficulties encountered by some claimants in establishing their claims against the Government of Cuba. However, the Commission must be guided by the evidence of record pertaining to the ownership, loss and value of the property included in each claim. Thus, the Commission finds that claimant herein has not met the burden of proof in that she has failed to establish ownership of rights and interests in property which was nationalized, expropriated, or otherwise taken by the Government of Cuba. Accordingly, 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

NOV 10 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, 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).)