

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

IN THE MATTER OF THE CLAIM OF

GLADYS AGRAMONTE MANEE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1108

Decision No. CU - 6051

Counsel for claimant:

William A. Patty, Esq.

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 GLADYS AGRAMONTE MANEE for \$209,018.45 based upon the asserted ownership and loss of certain real and personal property in Cuba. Claimant has been a national of the United States since her naturalization in 1932.

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 describes her loss as follows:

(1) 1/2 interest in three buildings in Vedado	\$ 95,000.00
(2) 1/2 interest in property at No. 3, 22nd Street, Miramar	44,000.00
(3) Improved realty at 2203 First Avenue, Miramar	65,000.00
(4) Bank accounts and cash	3,018.45
(5) Household furnishings and works of art	<u>2,000.00</u>
	\$209,018.45

Realty

The record includes a copy of a Liquidation Agreement dated February 19, 1943 relating to dissolution of a company formerly holding the three buildings in Vedado; a copy of a Distribution Agreement dated August 15, 1953 between claimant and her two sisters relating to these properties and others inherited from their father in 1953; a copy of an agreement of sale dated July 24, 1945 wherein claimant's two sisters sold to her their interests in the property at 2203 First Avenue, Miramar; copy of a letter dated April 11, 1960 from claimant's sister, Dolores Horn, to the American Embassy in Cuba, as well as a copy of the will of claimant's said sister, Dolores Horn.

Based on the record, the Commission finds that claimant owned a 61/135 interest in the land and buildings under item (1), a 16/45 interest in the land and buildings under item (2), and was the sole owner of the land and building under item (3).

On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Under this law the renting of urban properties, and all other transactions or contracts involving transfer of the total or partial use of urban properties were outlawed (Article 2). The law covered residential, commercial, industrial and business office properties (Article 15).

Based on the foregoing and the evidence of record, the Commission finds that claimant's real property interests in Cuba were taken by the Government of Cuba pursuant to the provisions of the Urban Reform Law; and, in the absence of evidence to the contrary, that the taking of the properties in Vedado and 2203 First Avenue, Miramar, occurred on October 14, 1960, the date on which the law was published in the Cuban Gazette. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39.) The Commission further finds that the furnishings in these properties were also taken on that date. The Commission finds, on the basis of claimant's affidavit, that the residence at No. 3, 22nd Street was taken on January 15, 1962.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

(1) Buildings in Vedado

The three properties on C Street, Vedado, are described as forming one single parcel measuring about 50 meters by 36 meters in depth at the corner of 21st Street. There were three buildings built about 1907 which were later converted to apartments. The type of construction was masonry walls with tiles on beam roofs, covered with clay tiles, tile floors, and French windows,

(a) No. 468 C Street, Vedado

The building at this address is described as a 2-story apartment house of about 528 square meters, containing 4 apartments with a garage at the rear with servants' quarters above. This property was appraised in 1953 at \$62,676.00 and by another appraiser in 1967 with valuation as of October, 1960 at \$81,000.00.

(b) No. 464 & 466 C Street, Vedado

The building at this address is also described as a 2-story apartment house of about 468 square meters, containing 4 apartments with a garage in

the rear with servants' quarters above. This property was appraised in 1953 at \$37,113.60 and by another appraiser in 1967 with valuation as of October, 1960 at \$49,000.00.

(c) No. 460-462 C Street, Vedado

This building is also described as a 2-story apartment house of about 548 square meters, containing 4 apartments with a garage and servants' quarters. This property was appraised in 1953 at \$45,780.00 and by another appraiser in 1967 with valuation as of October, 1960 at \$60,000.00.

Based on all the evidence of record including evidence available to the Commission of similar properties in Vedado, the Commission finds that the aggregate value of the three buildings and the land on the date of loss was \$190,000.00.

(2) No. 3, 22nd Street, Miramar

This property on the Caribbean Sea is described as improved by a 2-story, 2-family house of masonry with about 12 rooms, garages, servant's quarters, a swimming pool and bath house on a lot of 1,225 square meters. This property was appraised in 1967 with valuation as of October, 1960 at \$88,000.00.

(3) 2203 First Avenue, Miramar

This property near the ocean is described in an affidavit by its architect prepared in June, 1964. He states that he designed and supervised the construction of the 2-family residence in 1944. It consisted of two floors having about 10 rooms and a detached garage on the lower floor, with about 10 rooms on the upper floor. It was built of concrete reinforced masonry, equipped with usual facilities and cost \$40,000.00. The building lot measured 900 square meters. This property including the land, was appraised in 1967 with valuation as of October, 1960 at \$65,000.00.

Based on all the evidence of record including evidence available to the Commission as to the value of similar properties in Miramar, the Commission finds that the value of the improved property at No. 3, 22nd Street was \$88,000.00 and the value of the property at 2203 First Avenue was \$65,000.00 on the dates of loss.

(4) Bank Accounts

Claimant asserts the loss of bank accounts in the Havana branch of The Chase Manhattan Bank of \$331.59 and of the First National City Bank of \$165.87; and the loss of moneys in the sum of \$2,520.99 that had been held for her by her sister, Dolores A. Horn, from rental collections. The only evidence submitted in support of this item of claim is a copy of a bank statement addressed to claimant by The Chase Manhattan Bank which shows a balance in claimant's favor on October 31, 1960 of \$331.59.

Based on the evidence of record the Commission finds that claimant owned a bank account in The Chase Manhattan Bank in the amount of \$331.59 but with regard to the other portions of this part of the claim finds that there is insufficient evidence to support them, and these portions are therefore denied for failure of proof.

On December 6, 1961, the Cuban Government published its Law 989 which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

In the absence of evidence to the contrary, the Commission finds that claimant's above-described bank account, totalling 331.59 pesos (which were on a par with United States dollars) were taken by the Government of Cuba on December 6, 1961. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966].)

(5) Household Furnishings

Claimant asserts the loss of household furnishings and works of art in the total amount of \$2,000.00. Although suggestions were made to submit an itemization including approximate dates of purchase and prices paid, no such itemization has been submitted. The Commission is therefore constrained to deny this portion of the claim for failure of proof, and it is so denied.

Recapitulation

Claimant's losses are summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Value</u>	<u>Amount of Loss</u>
61/135 interest in Vedado properties	October 14, 1960	\$190,000.00	\$ 85,851.85
16/45 interest in No. 3, 22nd Street	January 15, 1962	88,000.00	31,288.89
100% interest in 2203 First Avenue	October 14, 1960	65,000.00	65,000.00
Bank account	December 6, 1961	331.59	<u>331.59</u>
			\$182,472.33

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 as follows:

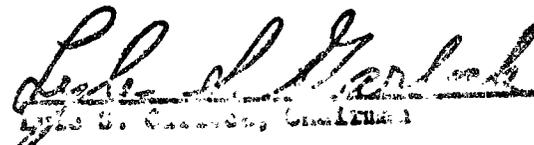
<u>FROM</u>	<u>ON</u>
October 14, 1960	\$150,851.85
December 6, 1961	331.59
January 15, 1962	<u>31,288.89</u>
	\$182,472.33

CERTIFICATION OF LOSS

The Commission certifies that GLADYS AGRAMONTE MANEE 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-two Thousand Four Hundred Seventy-two Dollars and Thirty-three Cents (\$182,472.33) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

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

FEB 9 1971


Robert H. Garlach, 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 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 (1970).)