

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

IN THE MATTER OF THE CLAIM OF

RICHARD VIGO VIGO
and
MARIA LOZANO VIGO

Claim No. CU-1184
Claim No. CU-1409

Decision No. CU 5861

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were presented by RICHARD VIGO VIGO and MARIA LOZANO VIGO in the aggregate amount of \$9,000.00 based upon the asserted ownership and loss of real and personal property in Cuba. Claimants have been nationals of the United States since 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.

Claimants describe their losses as follows:

House at Caballero 107, Havana	\$8,000.00
Furnishings	<u>1,000.00</u>
	\$9,000.00

Based upon the entire record, including affidavit of claimant MARIA LOZANO VIGO describing the transaction whereby the realty was acquired and other documents including declaration thereof to Municipal authorities, the Commission finds that claimants owned equal interests in improved real property at Caballero 107, Havana. Further, based on letters of record, the Commission finds that they owned some personalty therein.

Evidence of record discloses that a niece of claimant MARIA LOZANO VIGO occupied the house but was dispossessed on March 2, 1965, at which time she was able to rescue but little of the furnishings.

Based on this record the Commission finds that the real and personal property of the claimants was taken by the Government of Cuba on March 2, 1965.

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.

The record includes, in support of the claimed values, a description of the house as having two bedrooms, a parlor, a kitchen, a dining room, bath, porch, garage; a photograph of the property showing a wrought iron fence about the property. Additionally, a letter from the niece clarifies that there had been some usual furnishings in the house.

Based on the entire record, the Commission finds that the improved realty had a value of \$8,000.00, the personal property lost to the claimants, in comparison to the house, had a value of \$600.00. Accordingly, the Commission concludes that each claimant suffered a loss in the amount of \$4,300.00 within the meaning of Title V of the Act, as the result of the taking of his property by the Government of Cuba on March 2, 1965.

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.

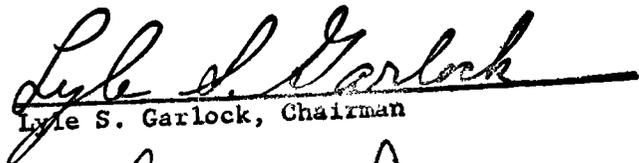
CERTIFICATIONS OF LOSS

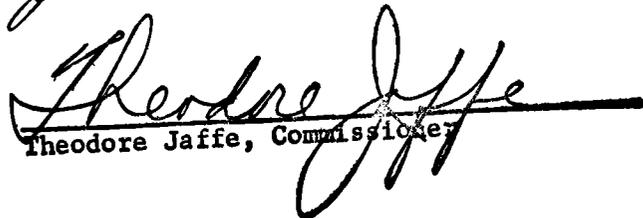
The Commission certifies that RICHARD VIGO VIGO suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Four Thousand Three Hundred Dollars (\$4,300.00) with interest at 6% per annum from March 2, 1965 to the date of settlement; and

The Commission certifies that MARIA LOZANO VIGO 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 Four Thousand Three Hundred Dollars (\$4,300.00) with interest at 6% per annum from March 2, 1965 to the date of settlement.

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

SEP 23 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 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).)

CU-1184
CU-1409