

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

IN THE MATTER OF THE CLAIM OF

PHYLLIS P. GRANT

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1291

Decision No. CU 6174

Appeal and objections from a Proposed Decision entered April 28, 1971;  
oral hearing requested.

Claimant appeared in her own behalf pursuant to the Regulations of  
the Commission (45 CFR § 500.1).

FINAL DECISION

On April 28, 1971 the Commission issued a Proposed Decision on this  
claim denying it for failure of proof. Claimant objected and requested an  
oral hearing which was held at the office of the Commission on September 2,  
1971, at which time claimant presented her case.

Upon consideration of the entire record in light of claimant's clari-  
fication, the Commission now finds that the realty subject of this claim  
had been inherited by claimant's late husband and his brother, that claimant's  
brother-in-law became the sole owner of the property upon her husband's  
death in July, 1958, and that subsequently the property was taken by the  
Government of Cuba on January 22, 1960 pursuant to Law 715. The Commission  
further finds that after the date of taking and prior to 1967 claimant's  
brother-in-law assigned his claim to this property to claimant.

The record includes a deed to the realty subject of this claim dated  
May 4, 1911 which describes the property as measuring 20 acres located in  
the Santa Fe area of the Isle of Pines.

Claimant asserts that the value of the realty was \$140,000.00 and states that it had been assessed in March, 1956 at between \$6,000.00 and \$8,000.00 per acre. The record however contains no evidence to support this valuation.

On the basis of the evidence of record and evidence available to the Commission regarding the value of similar properties in Santa Fe about the date of loss of this property, the Commission finds that on January 22, 1960 the 20 acres of land subject of this claim had a value of \$4,000.00. The Commission therefore concludes that claimant suffered a loss in this amount as a result of the taking of this property by the Government of Cuba.

The Commission has decided that in certification 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.


Accordingly, the following Certification of Loss will be entered and the remainder of the Proposed Decision as amended herein is affirmed.

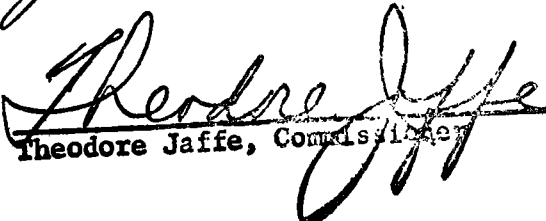
CERTIFICATION OF LOSS

The Commission certifies that PHYLLIS P. GRANT 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 Dollars (\$4,000.00) with interest thereon at 6% per annum from January 22, 1960 to the date of settlement.

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

SEP 28 1971

  
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.

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

IN THE MATTER OF THE CLAIM OF

PHYLLIS P. GRANT

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1291

Decision No. CU 6174

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 PHYLLIS P. GRANT for \$140,000.00 based upon the asserted ownership and loss of certain improved realty in Cuba. Claimant has been a national 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.

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) (1970).)

Claimant asserts that she inherited a plot of land in the Isle of Pines upon the death of her husband in July, 1958. She asserts that on the plot which comprised 20 or 21 acres there was a hunting lodge.

The record includes a report from abroad which states that the realty in question was inherited by claimant's husband and his brother but was sold in public auction by the Municipality of the Isle of Pines by court order for debts owed the town, and that it is now registered in the name of the Cuban Government having been taken pursuant to Law 715 of January 22, 1960. The report also indicates that the value of the plot which measured 20 acres was \$800.00.


The record contains a copy of a letter from claimant's husband to a Cuban bank dated April 17, 1956 in which claimant's husband refers to the property subject of this claim having been purchased by a Mr. Cajigas from the Municipality. He adds that he and his brother believe that the Municipality was in error in putting the land up

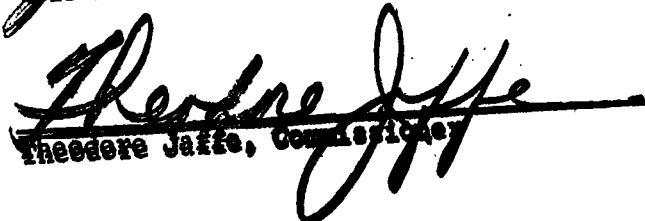
for sale, and suggests that since they would very likely sell the property in any event, they are hopeful that Mr. Cajigas would be willing to arrive at some compromise. In this letter he also states that the property was acquired by Mr. Cajigas on July 21, 1953 but that he, the husband, possessed a tax receipt dated September 23, 1953.

The Commission has considered the entire record but finds that there is insufficient evidence to establish that claimant owned the property in question or its value. The Commission is therefore constrained to deny this claim for lack of proof, 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

APR 28 1971

  
E. 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 (1970).)