

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

IN THE MATTER OF THE CLAIM OF

BRUNO D. RIVENBURG
RUTH D. RAEL

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1292

Decision No. CU 3482

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$60,000.00 was presented by BRUNO D. RIVENBURG and RUTH D. RAEL based upon the asserted ownership and loss of an interest in a warehouse. 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 contend that they each owned a 1/10 interest in a warehouse situated on Calle Prado No. 615 (formerly Prado No. 125), Havana, Cuba. Claimants submitted a probated copy of the Will of their late grandfather, Bruno Diaz, and a photocopy of the death certificate of their mother, May D. Rivenburg, indicating that she died in New York on February 1, 1954. Also included in the record are letters from attorneys at law, dated October 10, 1955 and May 9, 1960 to claimant, BRUNO D. RIVENBURG, indicating BRUNO D. RIVENBURG's ownership interest and rents received by counsel from said property.

On the basis of the entire record, the Commission finds that each of the claimants owned a 1/10 interest in a warehouse at Calle Prado No. 615 (formerly Prado No. 125), Havana, Cuba.

On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Under this law, among other things, the renting of urban properties, and all other transactions or contracts involving transfer of the total or partial use of urban properties was outlawed (Article 2).

Claimant, BRUNO D. RIVENBURG, submitted a letter written by him to the Department of State, dated September 25, 1960 wherein he indicated that the last payment of rent on the aforementioned property received by him was July 1, 1960. He also indicated that he was advised that just

prior to September 25, 1960 representatives of the Cuban Government told everyone to leave the premises at Calle Prado No. 615. Based upon all the evidence of record, the Commission finds that the aforementioned property was taken pursuant to the Urban Reform Law and that the taking occurred on October 14, 1960, the date on which the law was published in the Cuban Official Gazette.

In arriving at the value of this property, the Commission has considered all evidence of record in this and other claims based on the same property. It appears that the property consisted of a two-and-one-third-story building on a plot of land of 991.30 square meters and was located at 615 Paseo de Marti in the business section of Havana, Cuba, near the national capital building. It was mainly occupied by the enterprise J. B. Diaz and Company which purchased, warehoused and sold tobacco for export. Although the location of the property adds to its value, nevertheless the building thereon is of considerable age and has a large obsolescence factor and does not produce large rentals based on the value now claimed. Claimants have asserted a total value of \$300,000. In weighing all the evidence, the Commission finds that the value of the property in question was \$102,000 at the time of loss and the value of each claimant's 1/10 interest therein was \$10,200.00. Accordingly, the Commission concludes that claimants each suffered a loss in the amount of \$10,200.00 within the meaning of Title V of the Act.

The Commission has decided that in certification of losses 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.

CERTIFICATION OF LOSS

The Commission certifies that BRUNO D. RIVENBURG 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 Ten Thousand Two Hundred Dollars (\$10,200.00) with interest thereon at 6% per annum from October 14, 1960 to the date of settlement; and

the Commission certifies that RUTH D. RAEL 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 Ten Thousand Two Hundred Dollars (\$10,200.00) with interest thereon at 6% per annum from October 14, 1960 to the date of settlement.

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

JAN 23 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Feidberg

Sidney Feidberg, 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).)