

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

IN THE MATTER OF THE CLAIM OF

FLORENCE L. BRICE

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1311

Decision No. CU

3099

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 FLORENCE L. BRICE, for \$47,744.51 based upon the asserted ownership and loss of an interest in improved real property and personal property on the Isle of Pines, 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.

Claimant contends that she has lost an investment in real property and personal property on the Isle of Pines, Cuba.

The record contains a contract of sale wherein claimant and her husband, John Robert Brice, also a national of the United States since birth, acquired through purchase 10 lots on the Isle of Pines on January 8, 1953; itemization of claimant setting forth the cost of a multiunit motel including household furnishings, equipment, and liquor, and a notary's certification wherein he sets forth the contents of the Will of John Robert Brice, who died in Minnesota on October 3, 1954, final decree of distribution and acceptance of inheritance.

On the basis of the entire record, the Commission finds that the claimant owned 10 lots on the Isle of Pines, a 10-unit motel, including household furnishings, equipment and a quantity of liquor.

On December 6, 1961 the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

The record shows the claimant left Cuba in the summer of 1960 and became a resident of Minnesota. The Commission finds, in the absence of evidence to the contrary, that the subject real and personal property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

In arriving at the value of the property the Commission has considered claimant's descriptions of the real property and improvements, recitations in deeds, and information available to the Commission as to the property, as well as an itemized list of personalty.

Based on the entire record the Commission finds that \$47,169.80 is a fair value for the real and personal property, as follows:

Land (10 lots)	\$ 9,000.00
Motel (10 units)	20,685.07
Furniture	7,837.02
Miscellaneous - including boats and motors, driveway, fence, dock, well and liquor	<u>9,647.71</u>

TOTAL \$47,169.80

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$47,169.80, 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.)

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

Claim is also asserted for a bank account of about \$500.00.

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) (Supp. 1967).)

The claimant failed to submit evidence establishing her ownership interest therein. Accordingly, this portion of the claim is denied.

CERTIFICATION OF LOSS

The Commission certifies that FLORENCE L. BRICE 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 Forty-Seven Thousand One Hundred Sixty-Nine Dollars and Eighty Cents (\$47,169.80) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

**SEP 25 1968**

*Kenneth V. B. Sutton*

Kenneth V. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Frankberg*

Sidney Frankberg, 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).)