

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

IN THE MATTER OF THE CLAIM OF

MARY O. GRANT

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1313

Decision No. CU

875

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 MARY O. GRANT for \$899.00 based upon the asserted ownership and loss of an interest in land. Claimant has been a national of the United States since her naturalization on November 19, 1943.

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 she has lost an investment in real property in Cuba valued at \$899.00. She has submitted a document entitled "Contract for Sale", dated February 4, 1958, between Home Real Estate Company for Santa Fe Realty Company, described as owner of Santa Fe Park, in Santa Fe, Isle of Pines, Cuba, as the Seller, and claimant and her husband Duncan Grant, the Buyer. The document provides that if the Buyers first make payments and perform covenants, the Seller agrees to convey to the Buyers, by Warranty Deed of conveyance, lots 44 and 45 of Block 15, Santa Fe Park. The Buyers agreed to pay \$25.00 cash in hand and \$25.00 each month until \$899.00 would be paid in full, and also agreed to pay all taxes for the year 1958 and prior years, and until delivery of deed if such falls on a subsequent date.

The document also provides "It is further agreed by the parties hereto that this contract is not to be recorded, and that no assignment or transfer of said contract or the rights thereunder of the Buyers shall be valid and binding as against the Seller, unless the Seller shall consent in writing to such recording or assignment."

The record also contains cancelled checks and customer receipts for money orders from claimant and her husband to Home Real Estate Company, agents for Santa Fe Realty Company in the aggregate amount of \$899.00.

Under Cuban law, a sale is consummated and becomes binding on the purchaser and seller if there has been a meeting of the minds on the object and price, even though neither the thing nor the price has been delivered (Lanzas, A Statement of the Laws of Cuba, 78 (1958). Registration is not necessary for the transfer of ownership or rights in rem

between the parties concerned, but it is required if the transaction is to be binding on third parties (Lanzas, supra, 277).

On the basis of the entire record and the state of Cuban law at the time of the transaction, the Commission finds that claimant and her husband became the owners, in equal parts, of lots 44 and 45, Block 15 of Santa Fe Park in the Isle of Pines, a province of Cuba.

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.

As the record shows, claimant and her husband were resident in New Jersey. The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Based on the entire record the Commission finds that the land, including improvements, had a value of \$899.00. Duncan Grant, a national of the United States since his naturalization on November 19, 1943, died testate on October 2, 1966 leaving his interest in the above-described property to claimant. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$899.00 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 the Claim of Lisle Corporation, FCSC 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.

CERTIFICATION OF LOSS

The Commission certifies that MARY O. 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 Eight Hundred Ninety-Nine Dollars (\$899.00), 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

JAN 1968

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

RECEIVED
This is a true and correct copy
of the Commission's Proposed
Decision on FEB 6 1968

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).)