

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

IN THE MATTER OF THE CLAIM OF

HENRY N. CURRAN  
MADELINE I. HUMPHREY

Claim No. CU - 1439

Decision No. CU - 5927

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in an unstated amount was presented by HENRY N. CURRAN based upon the asserted loss of a Cuban enterprise. Claimant HENRY N. CURRAN has been a national of the United States since birth. Further the record shows that claimant's spouse, Pearl M. Curran, a United States national by birth, died intestate on June 23, 1962, survived by claimant and a daughter, MADELINE I. HUMPHREY, a United States national, who is joined as claimant herein.

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 record establishes and the Commission finds that claimant and his spouse were the sole owners of "Tintoreria Lux, S.A.", a Cuban enterprise engaged in the dry cleaning business.

On October 24, 1960, the Cuban Government published Resolution 3 under Law 851, listing Tintoreria Lux, S.A. as nationalized. The Commission further finds that as a result of said action claimant and his late spouse sustained a loss within the meaning of Title V of the Act. (See Claim of Parke, Davis & Company, Claim No. CU-0180, 1967 FCSC Ann. Rep. 33.)

The record contains a balance sheet for Tintoreria Lux, S.A. prepared by the President on July 19, 1960, as of December 31, 1959. The Commission has given consideration to this document, and in view of the lapse of time from December 31, 1959, to October 24, 1960, finds it appropriate to make certain adjustments therein. For example, there is no certainty that cash in the amount of \$8,368.34 survived. Moreover, an item characterized as a customs release in the amount of \$179.29, and organizational expenses in the amount of \$5,077.52, do not appear to qualify as assets, and are omitted. The adjusted balance sheet is shown below:

Assets:	
Accounts Receivable	\$ 22,747.86
Inventory & Raw material	34,150.80
Deposit at Cuban Electric	1,000.00
Property, plant, equipment and other assets,	
less reserve	127,415.76
Tools, stamps, trademarks	<u>836.58</u>
Total Assets	<u>\$186,151.00</u>

Liabilities		
Accounts Payable	\$ 4,468.80	
Taxes	1,021.07	
Long Term Debt to Henry N. Curran	<u>100,000.00</u>	
Total Liabilities		\$105,489.87
Net Worth		<u>80,661.13</u>
Total		<u>\$186,151.00</u>

Accordingly, and considering the effect of the Community Property Law, the Commission finds that claimant and his spouse suffered losses of \$40,330.07 and \$40,330.06, respectively, as a result of the taking of Tintoreria Lux, S.A. and further each suffered a loss of \$50,000.00 as the debt of an enterprise nationalized on October 24, 1960, by the Government of Cuba.

Upon the death of Pearl M. Curran, her claim passed in equal parts to her widower and daughter, MADELINE I. HUMPHREY.

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

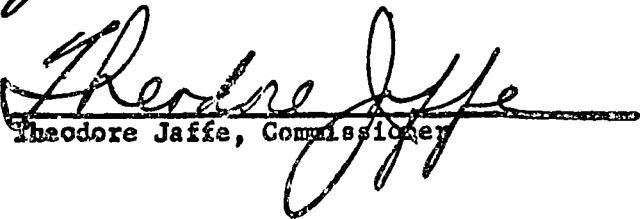
The Commission certifies that HENRY N. CURRAN suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Thirty-five Thousand Four Hundred Ninety-five Dollars and Eighty-five Cents (\$135,495.85) with interest at 6% per annum from October 24, 1960 to the date of settlement; and

The Commission certifies that MADELINE I. HUMPHREY 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-five Thousand One Hundred Sixty-five Dollars and Twenty-eight Cents (\$45,165.28) with interest at 6% per annum from October 24, 1960 to the date of settlement.

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

28 OCT 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. 31.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)