

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

IN THE MATTER OF THE CLAIM OF

H. DOUGLAS HADDEN
MARJORIE KILBY HADDEN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1771

Decision No. CU 4942

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 H. DOUGLAS HADDEN for \$55,372.00 based upon the asserted ownership and loss of real and personal property in Cuba. Under the Community Property Law of Cuba, his spouse would have an interest in the property subject of the claim. Accordingly MARJORIE KILBY HADDEN is added as claimant herein. 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 describe their losses as follows:

Land - 20 acres	\$ 5,000.00
Buildings	15,000.00
Expenses and improvements	12,745.00
Personal property	<u>22,627.00</u>
	\$55,372.00

Claimants have submitted a detailed listing of the property involved. In addition the Commission has received information from abroad concerning the real property. On the basis of the entire record the Commission finds that claimants owned equal interests in 20 acres of land in Reparto Hacienda Santa Fe, Isle of Pines, Cuba, with certain improvements thereon. Further, the Commission finds that claimants owned certain personal property in Cuba, further discussed below.

Claimants assert that their property was taken on March 29, 1961, by armed soldiers of the Castro Government, using force. The Commission finds that claimants' real and personal property in Cuba was taken by the Government of Cuba on March 21, 1961, and claimants thereby suffered losses within the meaning of Title V of the Act.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

Claimants contend that the 20 acres of land had a value of \$5,000.00. The report from abroad indicates it had a value of \$2,000.00. Although claimant H. DOUGLAS HADDEN has stated that he has the deed, and can substantiate the price paid for the undeveloped land by a computation of the

face value of the revenue stamps affixed thereto, and that he was endeavoring to procure a translation to submit, this has not been received. However, the Commission has considered evidence available as to values of similar properties in Cuba, and finds that the 20 acres in question had a value of \$4,000.00 at the time of loss, apart from improvements.

Claimant has listed expenses such as surveying and clearing land, improvements such as fencing, planting trees, landscaping, bringing in electric power and the like. The Commission has considered this listing, and evidence as to values of similar properties, and finds that at the time of loss, this part of claimant's property had a value of \$11,370.00.

Claimants describe the buildings on the land as a dwelling of 60 feet by 40 feet, a 3-car garage with storage room, pump houses and storage tanks, and two bath houses. After considering evidence as to values of similar properties in Cuba, the Commission finds the asserted value of \$15,000.00 to be fair and reasonable.

Additionally claimants have listed their personal property, at cost less depreciation. The Commission has considered the items listed and evidence as to values of similar properties, and finds that at the time of loss, the personal property had a value of \$21,427.00.

Accordingly, the Commission concludes that claimants suffered losses in the aggregate amount of \$51,797.00 within the meaning of Title V of the Act, as the result of the taking of their property by the Government of Cuba on March 21, 1961.

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.

CERTIFICATIONS OF LOSS

The Commission certifies that H. DOUGLAS HADDEN 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 Twenty-five Thousand Eight Hundred Ninety-eight Dollars and Fifty Cents (\$25,898.50) with interest thereon at 6% per annum from March 21, 1961 to the date of settlement; and

The Commission certifies that MARJORIE KILBY HADDEN 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 Twenty-five Thousand Eight Hundred Ninety-eight Dollars and Fifty Cents (\$25,898.50) with interest thereon at 6% per annum from March 21, 1961 to the date of settlement.

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

JUN 3 1970


Lytle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, 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 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).)