

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

IN THE MATTER OF THE CLAIM OF

LUCILE A. TRAVIS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1897

Decision No. CU 4517

Counsel for claimant:

Dulany Mahan, Jr., Esq.
Kenneth O. Rhodes, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$305,351.56 was presented by LUCILE A. TRAVIS and is based upon the asserted loss of 96-1/2 caballerias of land, a bank account, and cash. 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.

Land

Claimant contends that she owned 96-1/2 caballerias of land valued at \$300,000.00 which she leased to Compania Azucarera Atlantica del Golfo for a period of years until it was nationalized in 1960.

The record contains information furnished to the Commission from sources in Cuba; claimant's affidavit and correspondence from Compania Azucarera Atlantica del Golfo to the claimant.

Based upon the entire record, the Commission finds that the claimant owned 96-1/2 caballerias of land referred to as Finca San Antonio at Ciego de Avila, Camaguey, Cuba.

The Commission further finds that this property was nationalized on August 6, 1960 pursuant to Law 851.

In arriving at the value of the property, consideration was given to all of the evidence of record, including information available to the Commission as to the value of similar properties in Camaguey, supported by appraisals of a qualified appraiser. The Commission finds that at the time the property was nationalized by the Government of Cuba it had a value of \$307,744.08.

Bank Account

The claimant contends that she lost a bank account in Cuba having a balance of 2,500 Cuban pesos. Claimant submitted her sworn affidavit wherein she states that she attempted to deposit \$5,351.56 with the Chase National Bank in Havana in 1960 but that the bank refused to accept more than 2,500 pesos for deposit.

Based on the record, including claimant's affidavit and correspondence from the bank, the Commission finds that claimant had a bank account in the amount of 2,500 pesos.

Law 989, published in the Official Gazette on December 6, 1961, in its terms nationalized by confiscation all goods and chattels, rights, shares, stocks, bonds and other securities of persons who left the country of Cuba.

In the absence of evidence to the contrary, the Commission finds that claimant's above-described bank account, totalling 2,500.00 pesos, was taken by the Government of Cuba on December 6, 1961. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966].)

Further, the Commission finds that on December 6, 1961, claimant's 2,500.00 pesos had a value of \$2,500.00 and that she suffered a loss in that amount within the meaning of Title V of the Act, as the result of the taking of her bank account by the Government of Cuba as of December 6, 1961.

Cash

Claimant states that she lost cash in Cuba totalling \$2,851.56 which she left with her agent Alavaro Arminan in 1960 for safekeeping. The Commission holds that this is not a loss within the scope of the Act and this item of claim is denied.

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimant. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof.

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.

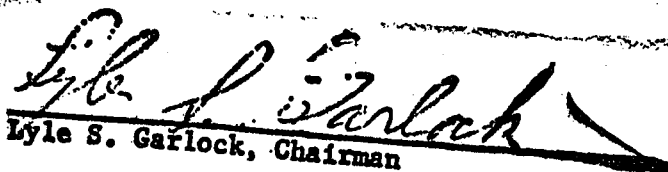
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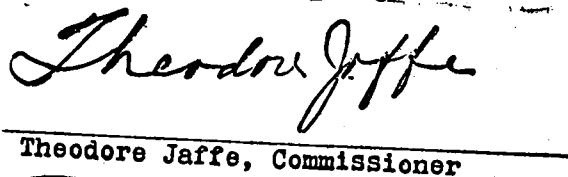
CERTIFICATION OF LOSS

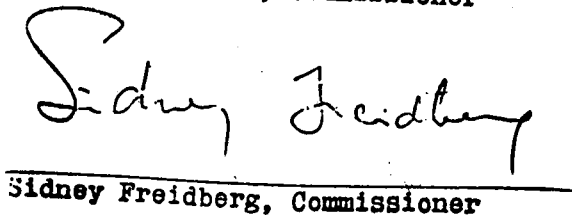
The Commission certifies that LUCILE A. TRAVIS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Ten Thousand Two Hundred Forty-Four Dollars and Eight Cents (\$310,244.08) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

MAR 4 1970


Kyle 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 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).)