

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

IN THE MATTER OF THE CLAIM OF

ALICE HARTMAN DOBRONYI  
and  
GEORGINA HARTMAN BARERA

Claim No. CU-2342  
Claim No. CU-2813  
Decision No. CU-4411

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimants:

Robert C. Salisbury, Esq.  
Rufus King, Esq.

Appeal and objections from a Proposed Decision entered on January 13, 1970;  
oral hearing requested.

Oral hearing held on January 11, 1971.

FINAL DECISION

Under date of January 13, 1970, the Commission issued its Proposed Decision denying these claims for failure to establish that they were owned by nationals of the United States on the dates they arose and continuously thereafter until the dates of filing with the Commission, prerequisites for favorable action pursuant to Section 504(a) of the Act.

Claimants objected to the Proposed Decision in general and requested an oral hearing which was held on January 11, 1971. At that hearing ALICE HARTMAN DOBRONYI and one Mr. Borden testified, and argument by counsel for claimants was heard. The Commission granted claimants an extension of 60 days within which to obtain and submit certain documentary evidence in support of the testimony at the hearing. At the expiration of the 60 days, a letter of March 17, 1971, was directed to counsel in which reference was made to the suggested documentary evidence and another 15-day extension was allowed for this purpose.

Counsel has submitted a translation of a Spanish document relating only to the date of loss, which had been introduced at the hearing. Evidence has also been filed concerning the value of Mrs. Dobronyi's personal property maintained at her apartment in Havana, Cuba.

Upon consideration of the entire record, it is

ORDERED that the Claim of Alice Hartman Dobronyi, Claim No. CU-2342, be amended to include the loss of personal property in Cuba.

The Commission now finds that ALICE HARTMAN DOBRONYI, a national of the United States since birth, owned certain items of personal property maintained at her apartment in Havana, Cuba, which were taken by the Government of Cuba on December 6, 1961, pursuant to Law 989. The Commission further finds on the basis of the new evidence that the aggregate value of the items of personal property was \$58,798.80 on December 6, 1961.

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.

Accordingly, the following certification of loss will be entered, and in all other respects the Proposed Decision of January 13, 1970 is affirmed.

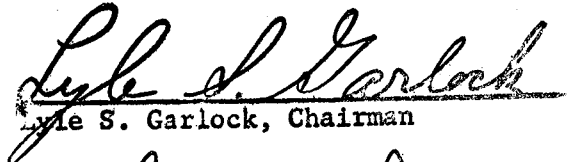
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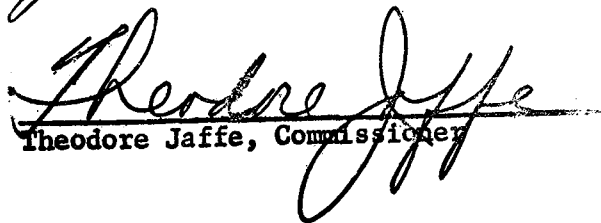
CERTIFICATION OF LOSS

The Commission certifies that ALICE HARTMAN DOBRONYI 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 Fifty-eight Thousand Seven Hundred Ninety-eight Dollars and Eighty Cents (\$58,798.80) with interest at 6% per annum from December 6, 1961 to the date of settlement.

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

MAY 5 1971

  
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.

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PROPOSED DECISION

These claims against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, each in the amount of \$1,000,000.00, were presented by ALICE HARTMAN DOBRONYI and GEORGINA HARTMAN BARERA based upon the asserted loss of certain real and personal property in Cuba. Claimants state they 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, two sisters, assert the loss of certain real and personal property inherited from their father, a Cuban national who died on June 7, 1961. It is stated that claimants each inherited a one-third interest in the property of their father. A copy of the will of claimants' father, however, indicates that claimants inherited a two-thirds interest in his estate in equal shares, subject to a usufruct, in the nature of a life estate, in favor of their mother, a Cuban national.

Pursuant to the community property laws of Cuba, claimants' mother owned a one-half interest in all of the property held by claimants' late father. (See Claim of Robert L. Cheaney, et al, Claim No. CU-0915.) In addition, she inherited a usufruct in two-thirds of the one-half share of her late husband, as noted above. Accordingly, the Commission finds that claimants' joint interests in their late father's estate was a one-third interest subject to a usufruct in favor of their mother. Therefore, the portions of these claims for interests in excess thereof are denied since such excess interests were not owned by claimants.

It appears from the record that claims are made for interests in the following items of property of their late father, the values of such properties not having been set forth:

- (a) 60,000 shares of stock in Cia. Cubana Colombiana de Petroleo, a Cuban corporation.
- (b) A repair shop for an automobile dealership in Aldecoa, a section of Havana.
- (c) Real property at 610 9th Street in Miramar, Havana.
- (d) A warehouse in Puentes Grandes, a section of Havana.
- (e) Real property at 107 25th Street, Havana.
- (f) Real property at 59-65 25th Street, Havana.
- (g) Improved real property at F Street and Fifth Avenue, Vedado, Havana.
- (h) Real property on Avenida de la Playa, between 38th and 39th Streets, Havana.

The Commission found that Cia. Cubana Colombiana de Petroleo (Cuban Colombian Petroleum Company) was nationalized on November 23, 1959 pursuant to Law No. 635 and that a claim for the loss of a stock interest therein arose on that date. (See Claim of Texfel Petroleum Corporation, Claim No. CU-1671.)

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Commission finds that the portions of the claims based upon stock interests in Cia. Cubana Colombiana de Petroleo were not owned by nationals of the United States on the date of loss and continuously thereafter until the date of filing with the Commission. Accordingly, these portions of the claims are denied. (See Claim of Sigridur Einarsdottir, Claim No. CU-0728, 25 FCSC Semiann. Rep. 45 [July-Dec. 1966].)

The record includes reports from abroad relating to items (b) through (h), above. With respect to item (b), the report indicates that claimants' late father owned a one-fourth interest in certain improved real property in Aldecoa, Havana. No pertinent information was found concerning items (c) and (g). The report on (d) indicates that this property was owned by a third party and that it was encumbered by a mortgage in favor of Compania de Inversiones Harla, S.A. Claimants have asserted through counsel, that their father was the sole stockholder of Harla Investment Company, a realty holding company. Counsel by letter of June 2, 1969 conceded that claimants had no inherited interest in the Puentes Grandes property.

Reports were also received, with copies of claimants' requests therefor as to items (e), (f) and (h). It appears that as to one of these items

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claimants' father may have had some interest. By letter of June 5, 1969 it was suggested to counsel that translations be furnished but none were received.

On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Under this law the renting of urban properties, and all other transactions or contracts involving transfer of the total or partial use of urban properties was outlawed (Article 2). The law covered residential, commercial, industrial and business office properties (Article 15).

The Commission finds that all of the items of real property were within the purview of the Urban Reform Law and were taken by the Government of Cuba on October 14, 1960. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39.) The Commission further finds that the mortgage (item (d) above) was cancelled pursuant to Article 30 of the Urban Reform Law on October 14, 1960. (See Claim of Estate of Marita Dearing de Lattre, Claim No. CU-0116.) Inasmuch as the interests in all of the said items of real property which are claimed herein were owned

by claimants' late father, a nonnational of the United States, on the date of loss, these portions of the claims are also denied. (See Claim of Sigridur Einarsdottir, supra.)

The Commission deems it unnecessary to consider other elements of these claims.

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

13 JAN 1970

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

Sidney Freidberg, Commissioner

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).)

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