

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

IN THE MATTER OF THE CLAIM OF

CELIA S. SANTISO, EXECUTRIX
OF THE ESTATE OF
MARIA GUINEA de BARREDA,
DECEASED

Claim No. CU -2358

Decision No. CU 3978

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Carter, Stiernberg, Skaggs & Koppel
By Rollins M. Koppel, 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 \$602,762.32, was presented by Maria Guinea de Barreda on April 27, 1967, based upon the asserted loss of real property in Las Villas, Cuba. Maria Guinea de Barreda, a national of the United States at all times pertinent to this claim, died on February 20, 1968. CELIA S. SANTISO, Executrix of the Estate of Maria Guinea de Barreda, succeeded to the claim herein and is substituted as claimant in this matter.

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.

Decedent had described her losses generally as follows:

43 town lots	\$ 84,790.00
Subdivided property (11.591 acres)	53,799.00
Rural farms (3,042.06 acres)	429,195.00
Cemetery property	10,740.00
Two buildings	<u>24,238.32</u>
	\$602,762.32

The record includes a description of the two buildings, one a brick house and the other a frame building; deeds; declarations of value to tax officials; maps; copies of sales contracts; affidavit of the former attorney in fact; copies of judgments for expropriation; affidavit of decedent's former Cuban attorney; affidavit of a former Cuban Judge; news clippings; affidavit of CELIA S. SANTISO concerning value; excerpts of pertinent laws and copy of the will of Maria Guinea de Barredo as offered for probate.

On the basis of evidence of record the Commission finds that the decedent acquired the properties subject of this claim in 1932, 1939 and at least prior to 1949. The Commission further finds that these properties were taken on the dates shown below, pursuant to provisions of the Agrarian Reform Law of Cuba:

<u>Item</u>	<u>Date of Taking</u>	<u>Asserted Value</u>
Cumanayagua, Cienfuegos:		
Laureles Finca - 30.26 caballerias	April 20, 1960	\$150,000.00
Manacas Finca - Barreda Reparto - 43 lots	April 20, 1960	84,790.00
Brick house		22,738.32
Frame building		1,500.00
Subdivision - 11.591 acres		53,799.00
Cemetery (535 lots)		10,740.00
Balance of Manacas Finca - 164.41 acres		46,195.00
Ingenito Finca - 4 caballerias	April 20, 1960	36,000.00
Barajagua, Cienfuegos:		
El Oso Finca - 24 caballerias	April 21, 1960	120,000.00
Arimao or San Jose Finca - 2 caballerias and 41 cordeles	March 17, 1960	5,000.00
La Cana Finca - 2.5 caballerias	April 21, 1960	6,000.00
El Hervidero Finca - 1 caballeria	April 21, 1960	2,500.00
Lomas Grandes, San Fernando de Camarones:		
Lomitas de Barreda Finca - 22.97 caballerias	February 26, 1960	50,000.00
Santa Ana Finca - 4 caballerias	February 27, 1960	12,000.00
San Rafael Finca - 1/2 caballeria	February 26, 1960	<u>1,500.00</u>
		\$602,762.32

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.

The Commission has considered all evidence of record including 1949 tax values, sales contracts for lots similar to those subject of this claim, as well as evidence of the increase in value of properties in Cuba subsequent to 1949, and finds that the values asserted by decedent are fair and reasonable; and concludes that decedent suffered losses in an amount of \$602,762.32 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 Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:

<u>FROM</u>	<u>ON</u>
February 26, 1960	\$ 51,500.00
February 27, 1960	12,000.00
March 17, 1960	5,000.00
April 20, 1960	405,762.32
April 21, 1960	<u>128,500.00</u>
	\$602,762.32

CERTIFICATION OF LOSS

The Commission certifies that CELIA S. SANTISO, EXECUTRIX OF THE ESTATE OF MARIA GUINEA de BARREDA, DECEASED, 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 Six Hundred Two Thousand Seven Hundred Sixty-two Dollars and Thirty-two Cents (\$602,762.32) with interest thereon 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

OCT 1 1969

Leonard v. B. Sutton
Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

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).)