

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

IN THE MATTER OF THE CLAIM OF

LETICIA I. GODOY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2488

Decision No. CU-4577

FINAL DECISION

The Commission issued its Proposed Decision in this matter on March 4, 1970 certifying a loss to the claimant in the total amount of \$38,990, as follow:

Realty taken October 14, 1960:	\$37,425
Personalty taken December 6, 1961:	
Furniture, 1/2 interest	605
Clothing etc., 1/2 interest	560
1/2 interest in automobile	400
	<u>\$38,990</u>

Upon re-examination of the record, the Commission finds that the clothing and related items were owned entirely by the claimant and had a value of \$1,260, rather than \$560. Accordingly the total loss suffered by claimant was in the amount of \$39,690, as follows:

<u>FROM</u>	<u>ON</u>
October 14, 1960	\$37,425.00
December 6, 1961	<u>2,265.00</u>
	\$39,690.00

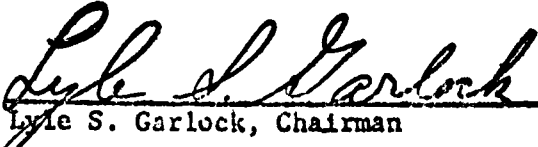
Accordingly, the Certification of Loss in the Proposed Decision is set aside, the Certification of Loss as restated below will be entered, and in all other respects the Proposed Decision is affirmed.

CERTIFICATION OF LOSS

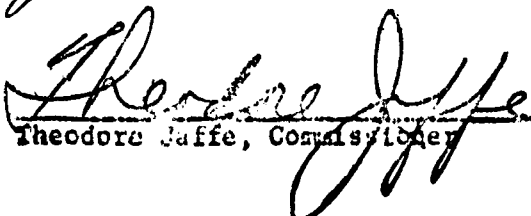
The Commission certifies that LETICIA I. GODOY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-Nine Thousand Six Hundred Ninety Dollars (\$39,690.00) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

MAR 11 1971



Lyle S. Garlock, Chairman



Theodore Jaffe, Counselor

FOREIGN CLAIMS SETTLEMENT COMMISSION
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WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LETICIA I. GODOY

Under the International Claims Settlement
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Claim No. CU -2488

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4577

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 LETICIA I. GODOY for \$40,400.00 based upon the asserted loss of real and personal property in Cuba. Claimant, LETICIA I. GODOY 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.

The claim in part is based upon improved real property situated in Havana, Cuba, as follows:

- (1) 1/2 interest in No. 305 Milagros Street;
- (2) 1/8 interest in No. 954 Calzada de Infanta Street;
- (3) 1/8 interest in Nos. 607, 609, 611, 613, and 615 Hospital Street;
- (4) 3/10 interest in No. 624 Hospital Street;
- (5) 7.5% interest in a building at Santa Brigida Street in Marianao;
- (6) 1/2 interest in Nos. 27 and 29 Diana Street; and
- (7) the entire fee in No. 423 Aramburu Street.

On the basis of evidence of record, including information received from abroad, the Commission finds that the claimant owned the interests in the real properties as stated above.

The Commission holds that the real property was within the purview of the Cuban Urban Reform Law, published in the Cuban Official Gazette on October 14, 1960. In the absence of evidence to the contrary, the Commission finds that claimant's interests in such property 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.)

In arriving at the value of the property in question, consideration was given to all of the evidence of record, including detailed descriptions of the property, and evidence of its purchase price, reports from abroad, and the affidavit of two Cuban lawyers.

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The Commission finds that at the time of the date of loss, the property in question had the following values:

<u>Real property</u>	<u>Value of entire fee</u>	<u>Claimant's interest</u>	<u>Value thereof</u>
No. 305 Milagros St., a two-story house	\$10,500.00	1/2	\$5,250.00
No. 954 Calzada de Infanta St., two houses of undetermined size	15,000.00	1/8	1,875.00
Nos. 607, 609, 611, 613, and 615 Hospital St., one-story house	40,000.00	1/8	5,000.00
No. 624 Hospital St., a two-story house	16,000.00	3/10	4,800.00
Improved real property at Santa Brigida St.	80,000.00	75/1000	6,000.00
Nos. 27 and 29 Diana St., a two-story house	4,000.00	1/2	2,000.00
No. 423 Aramburu St., a two-story house	12,500.00	1/1	<u>12,500.00</u>
			\$37,425.00

A further portion of the claim is based upon the loss of the furniture of claimant's residence in Cuba, her personal apparel, jewelry, and an MG automobile.

The evidence establishes and the Commission finds that pursuant to the community property laws of Cuba, the claimant acquired a one-half interest in the furniture of her residence in Cuba, consisting of a bedroom, living room, and dining room set, and the furniture of a nursery, involved in this claim. (See Claim of Robert L. Cheaney and Marjorie L. Cheaney, Claim No. CU-0915.)

On the basis of evidence of record, the Commission also finds that the claimant was the sole owner of certain clothing, housewares, linens, pearl earrings, a ring, a bracelet, and had a one-half interest in an MG automobile.

On December 6, 1961, the Government of Cuba published Law 989 in its Official Gazette, which effected a confiscation of all goods and chattels,

and other property rights of persons who left Cuba. The claimant had left Cuba before that date and the Commission finds that this law applied to her personal property in Havana, and that it was taken on December 6, 1961, by the Government of Cuba. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

In arriving at the value of the personal property in question, consideration was given to the description of the property and purchase price paid, and to the National Automobile Dealers Official Car Guide. On the basis of such evidence and information, the Commission finds that on December 6, 1961, the date of loss, the personal property in question had the following values:

<u>Property</u>	<u>Value of entire fee</u>	<u>Claimant's interest</u>	<u>Value thereof</u>
Furniture	\$1,210.00	1/2	\$605.00
Clothing, housewares, linens, jewelry	560.00	1/2	560.00
1/2 interest in MG Mquette automobile	800.00	1/2	<u>400.00</u>
			\$1,565.00

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$38,990 within the meaning of Title V of the Act as the result of the taking of her property by the Government of Cuba.

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:

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<u>FROM</u>	<u>ON</u>
October 14, 1960	\$37,425.00
December 6, 1961	<u>1,565.00</u>
	\$38,990.00

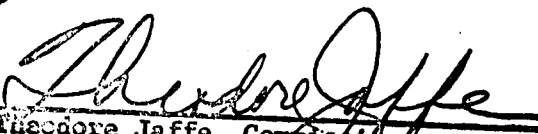
CERTIFICATION OF LOSS

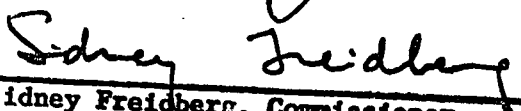
The Commission certifies that LETICIA I. GODOY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-eight Thousand Nine Hundred Ninety Dollars (\$38,990.00) with interest 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


Lyde 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).)