

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

IN THE MATTER OF THE CLAIM OF

NELSON E. ANDERSON
and
MARY MARGARET MILLER

Claim No. CU -2507

Decision No. CU -6679

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Theodore Weiswasser, Esq.

Appeal and objections from a Proposed Decision entered on August 11, 1971. Oral hearing was scheduled for October 7, 1971, at 10:00 a.m. at the offices of the Commission, 1111-20th Street, Northwest, Washington, D. C. with due notice thereof given to counsel. No request for a continuance was made and claimant failed to appear in person or by attorney at the scheduled time.

FINAL DECISION

Full consideration having been given to objections of claimant, and submissions of counsel, and the entire record having been reviewed, and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that the Proposed Decision be and the same is hereby affirmed as the Final Decision of the Commission in this claim.

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

OCT 20 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the revised amount of \$68,054.50 was presented by Luther Coleman, as asserted co-owner and attorney-in-fact for NELSON E. ANDERSON and MARY MARGARET MILLER, based upon the asserted loss of real property on the Isle of Pines in Cuba. Luther Coleman has filed Claim No. CU-2508 individually. 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 owned 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 Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1970).)

The claim is asserted for the loss of the following properties on the Isle of Pines, originally owned by claimants' ancestor John Irvine Anderson, who died in 1933:

- (1) Landed estate known as Celeste Esperanza and Santa Isabel tracts, measuring 647 acres, valued at \$75.00 per acre for a total of \$ 48,525.00
 - (2) A one-half interest in land on McKinley Road, one mile from the town of Nueva Gerona, measuring 66.26 acres; 33.13 acres valued at \$300.00 per acre were estimated to be worth 10,000.00
 - (3) Two land parcels, described as lots Nos. 1 and 2 of Section 20 of the estate known as Hacienda San Juan, measuring 38.10 and 40 acres, respectively, at \$75.00 per acre, for a total of 5,859.50
 - (4) A one-half interest in land not further identified, measuring 73.4 acres; 36.7 acres were valued at \$100 per acre at 3,670.00
- Total \$ 68,054.50

In support of the claim, claimants have submitted powers of attorney for Luther Coleman, affidavits, statements, decisions of Cuban authorities, and other documentation.

Among the documents are two statements dated May 15 and May 24, 1967, respectively, signed by each claimant individually, in which they declare that they executed in the year 1957 certain documents, including deeds, assignments and powers of attorney, the purpose of which was to convey and assign all property interests which they had on the Isle of Pines to Luther Coleman or persons whom he may have designated, and to empower Luther Coleman to take any steps to recover or perfect title to the properties and property interests in any way in which he legally could do so.

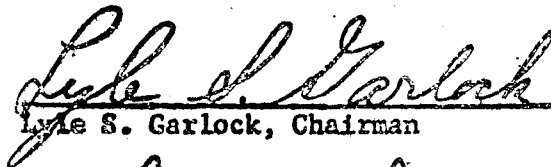
Since in the instant case claimants in 1957 conveyed and assigned all their property interests on the Isle of Pine to Luther Coleman, it is clear that they relinquished all their rights and interests to such properties. Inasmuch as in the instant case claimants have not established that they were the owners of the properties or of any interests in properties taken after January 1, 1959, the Commission finds that claimants have not met the burden of proof in establishing ownership of the property upon which their claim under Title V of the Act is based.

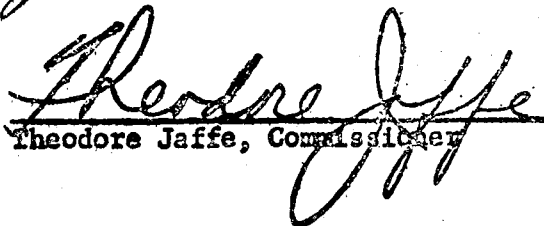
In view of the foregoing, the claim is denied.

The Commission deems it unnecessary to determine other elements of this claim.

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

AUG 11 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, 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 (1970).)

CU-2507