

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

IN THE MATTER OF THE CLAIM OF

MARGARET SANCHEZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU - 2509

Decision No. CU 5528

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 MARGARET SANCHEZ the amount of \$33,413.44 based upon the asserted loss of real and personal property in Cuba. 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.

Claimant asserts her losses as follows:

(1) Land and building, Bosque de la Habana	\$29,500.00
(2) Personal property	1,060.00
(3) Bank accounts	<u>2,853.44</u>
	\$33,413.44

In support of her claim, claimant has submitted a copy of the Purchase and Sale Agreement for the purchase of Lot #19, Block 12, Bosque de la Habana, a contract for the building of a house on the lot, a contract for an addition to the house, affidavits of personal acquaintances concerning the personal property and four bank books.

On the basis of the evidence of record, the Commission finds that claimant and her husband were the owners of the real property located at Lot #19, Block 12, Bosque de la Habana, Cuba, the personal property located on the premises thereof, and four bank accounts, two in the Trust Company of Cuba and one in the Banco Gelats and the Chase Manhattan Bank in Havana.

On December 6, 1961, the Cuban Government published its Law 989, which effectively confiscated all goods and chattels of persons who left Cuba. Claimant and her husband left Cuba prior to that date. Accordingly, the Commission finds that the aforementioned real and personal property belonging to claimant and her husband were taken by the Government of Cuba on December 6, 1961 pursuant to Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FGSC Semiann. Rep. 53 [July-Dec. 1966].)

In arriving at the value of the property claimed, the Commission has considered the Purchase and Sale Agreement, the construction contract, the affidavits and bank books. On the basis of the entire record, the Commission finds that on December 6, 1961 the value of the improved real property was \$29,500.00, the personal property was \$1,060.00 and the bank accounts were \$2,853.44.

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$16,706.72 for her one-half interest in the claimed property 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).

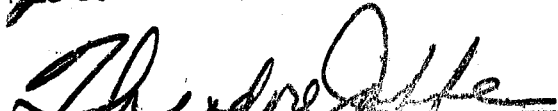
CERTIFICATION OF LOSS

The Commission certifies that MARGARET SANCHEZ 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 Sixteen Thousand Seven Hundred Six Dollars and Seventy-two Cents (\$16,706.72) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

JUL 29 1970

  
S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

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).)

CU-2509