

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

IN THE MATTER OF THE CLAIM OF

EDITH R. MARKS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2568

Decision No. CU 4775

Counsel for claimant:

Wikler Gottlieb Taylor & Stewart

PROPOSED DECISION

Claimant, EDITH R. MARKS, who owned 3% Cumulative Income Debentures issued by the Consolidated Railroads of Cuba, and preferred stock of The Cuba Railroad Company, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$366,244.00, against the Government of Cuba because of its nationalization of said Railroads.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001) and Claim of Irwin Nack, et al. (Claim No. CU-1960), which we incorporate herein by reference, we held that the properties of these Railroads were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value for each \$5,000 3% Consolidated Railroads Income Debenture as being \$5,945.41 including interest to October 13, 1960; and the value for each preferred share of Cuba Railroad Company stock as being \$100.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Smith and Nack decisions; that she was an American national at the requisite times; that she and her deceased husband, an American national who died January 13, 1961, had been the owners of 3% Income Debentures of the Consolidated Railroads in the total face amount of \$120,000 and of 2,245 shares of Cuba Railroad preferred stock since prior to October 13, 1960; that they suffered a loss in the total amount of \$367,189.84 within the meaning of Title V of the Act; and that claimant was devised her husband's interest in these securities by will probated February 1, 1961. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith and Nack, supra.)


CERTIFICATION OF LOSS

The Commission certifies that EDITH R. MARKS succeeded to and 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 Three Hundred Sixty-Seven Thousand One Hundred Eighty-Nine Dollars and Eighty-Four Cents (\$367,189.84) with interest at 6% per annum from October 13, 1960 to the date of settlement.

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

APR 22 1970


Lyle 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).)