

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

IN THE MATTER OF THE CLAIM OF

CELINA ARMAS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2736

Decision No. CU 5871

Counsel for claimant:

Lawrence Rohan, Esq.

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 CELINA ARMAS for \$40,000.00 based upon the asserted ownership and loss of real 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.

Claim is asserted for the loss of two cabs of land and the buildings located thereon in San Antonio de los Banos, Havana, Cuba. The Commission finds, on the basis of the evidence of record, that claimant and her husband, pursuant to the community property laws of Cuba, had owned certain real property in San Antonio de los Banos and that the property was taken by the Government of Cuba on September 1, 1959 pursuant to the Agrarian Reform Law of May 17, 1959.

The Commission further finds that at the time of loss claimant owned a one-half interest in the claimed property, in accordance with the community property laws, and a life estate in one-third of the interest owned by her husband, a Cuban national, who died prior to the date of loss survived by claimant and two children.

In determining the value of the property taken, the Commission has considered the purchase agreement of 1946, the report submitted to the I.N.R.A. by claimant in October, 1959, and evidence of the value of similar property in Cuba. On the basis of the entire record, the Commission finds that the value of the claimed property on September 1, 1959 was \$26,655.00 and the value of claimant's one-half interest was \$13,327.50.

With respect to claimant's life estate, the Commission has adopted the Makehamized mortality tables used by the United States Treasury Department in connection with the collection of gift and estate taxes. (See Claim of Richard Franchi Alfaro and Anna Alfaro, Claim No. CU-0048, 1967 FCSC Ann. Rep. 71.) Pursuant to that method of evaluation, a life estate in property of a person aged 54 years, claimant having been born in 1905 and the property taken in 1959, is valued at 47.157% of the estate. Since claimant's life estate attached to one-third of her husband's one-half interest, the estate had a value of 47.157% times \$4,442.50 or \$2,094.95 on September 1, 1959.

The Commission concludes that claimant suffered a loss in the total amount of \$15,422.45 on September 1, 1959 within the meaning of Title V of the Act as a result of the actions of the Government of Cuba.


The Commission has decided that in certifications of loss 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.

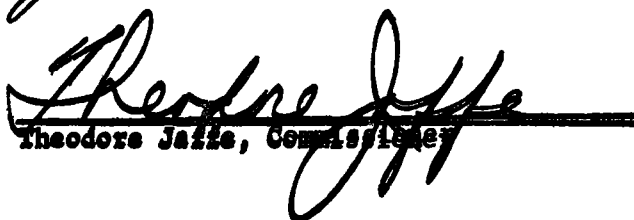
CERTIFICATION OF LOSS

The Commission certifies that CELINA ARMAS 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 Fifteen Thousand Four Hundred Twenty-two Dollars and Forty-five Cents (\$15,422.45) with interest at 6% per annum from September 1, 1959 to the date of settlement.

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

SEP 30 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, 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).)