

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

IN THE MATTER OF THE CLAIM OF

CHARLES B. SELDEN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2846

Decision No. CU 6161

Counsel for claimant:

H. S. Wood, Esq. and  
H. L. Wood, 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 CHARLES B. SELDEN for \$15,043.25 based upon the asserted loss of stock interests in a Cuban corporation and a debt. 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.

In our decision entitled the Claim of Louie Bandel (Claim No. CU-2845 which we incorporate herein by reference), we held that the properties of the Club De Perros Biltmore, S.A. (Biltmore Kennel Club, S.A.) were nationalized or otherwise taken by the Government of Cuba on October 12, 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 per share of stock at \$2.20.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Bandel decision; that he has been the owner of 5000 shares of Biltmore Kennel Club, S.A. since prior to October 12, 1960; and that he suffered a loss in the amount of \$11,000.00 within the meaning of Title V of the Act.

Part of this claim, in the amount of \$4,000.00, is assertedly based on a sum of money that was due claimant by the Biltmore Kennel Club, S.A. for auditing and CPA services rendered that firm by claimant.

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).)

By Commission letter of August 22, 1967 claimant, through counsel, was advised as to the type of evidence proper for submission to establish his claim under the Act. In support thereof claimant has submitted his affidavit. The Commission finds however that the record is not sufficiently persuasive; and that claimant has not met the burden of proof in that he has failed to establish this item of claim. Accordingly this part of the claim is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of this part of the claim.

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of

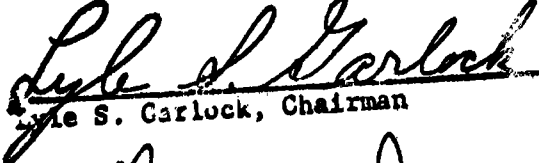
1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

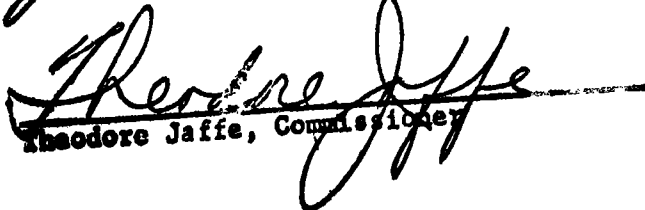
CERTIFICATION OF LOSS

The Commission certifies that CHARLES B. SELDEN 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 Eleven Thousand Dollars (\$11,000.00) with interest thereon at 6% per annum from October 12, 1960 to the date of settlement.

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

APR 14 1971

  
Lyle S. Carlock, Chairman

  
Theodore Jaffe, 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 (1970).)