

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

IN THE MATTER OF THE CLAIM OF

WILLIAM L. HUNTLEY

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2848

Decision No. CU 6157

Counsel for claimant:

H. S. Wood and H. L. Wood

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 WILLIAM L. HUNTLEY in the amount of \$183,241.88 based upon the asserted ownership and loss of stock interests in a Cuban corporation, debts, and a bank account. 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 describes his losses as follows:

	<u>Asserted Value</u>
1. Stock interests (158,558 shares)	\$158,558.00
2. Debts (3)	13,234.45
3. Bank account	<u>11,448.83</u>
	\$183,241.28

Stock Interests

Claimant has submitted stock certificates reflecting his ownership of 27,197 shares of Club de Perros Biltmore, S.A. In the absence of evidence of a greater ownership interest, he has amended his claim to limit his loss to these 27,197 shares.

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 27,197 shares of Biltmore Kennel Club, S.A. since prior to October 12, 1960; and that he suffered a loss in the amount of \$59,833.40 within the meaning of Title V of the Act.

Bank Account

A part of this claim is based on the loss of a bank account. The record establishes that claimant had a balance of 11,448.83 Cuban pesos on deposit with the Banco Nunez as of August 31, 1959.

On December 6, 1961, the Cuban Government published its Law 989 which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

In the absence of evidence to the contrary, the Commission finds that claimant's above-described bank account, totalling 11,448.83 pesos (which were on a par with United States dollars), was taken by the Government of Cuba on December 6, 1961; (see Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966]) and that claimant suffered a loss in the amount of \$11,448.83.

Debts

Part of this claim, in the amount of \$13,234.45, is assertedly based on debts of the Biltmore Kennel Club, S.A. which claimant states he paid in his individual capacity.

Claimant says that he was sued for one note in the amount of \$10,000.00 owed by the subject Club and endorsed by claimant. In support of this contention claimant has submitted a copy of the Final Judgment of the Circuit Court of Dade County, Florida, dated May 23, 1961, No. 59L 3557, whereby judgment in the amount of \$10,000.00 and \$234.45 court costs was entered against claimant and one Edward Joyce.

As to the balance of \$3,000.00 claimant states that this was based on a note in the amount of \$5,000.00, dated April 14, 1959, and payable May 15, 1960 which had been endorsed by claimant as president of the aforementioned Club. Claimant further states that in 1965 he, through his counsel, settled this matter for \$3,000.00. In support of this item of the claim claimant has submitted a copy of said note and several pieces of correspondence purporting to explain this matter.

The Commission has considered the evidence submitted in support of this part of the claim. It finds the evidence is not sufficiently probative to establish that the said debts were debts of a nationalized enterprise within the scope of the Act. Thus, the Commission is constrained to deny this part of the claim and it is hereby denied.

RECAPITULATION

Claimant's losses are summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Amount of Loss</u>
Stock interests	October 12, 1960	\$ 59,833.40
Bank account	December 6, 1961	<u>11,448.83</u>
		\$ 71,282.23

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 as follows:


<u>FROM</u>	<u>ON</u>
October 12, 1960	\$ 59,833.40
December 6, 1961	<u>11,448.83</u>
	\$ 71,282.23

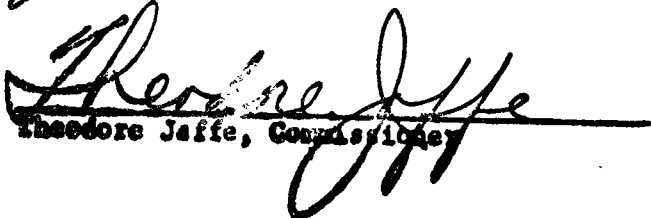
CERTIFICATION OF LOSS

The Commission certifies that WILLIAM L. HUNTLEY 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 Seventy-one Thousand Two Hundred Eighty-two Dollars and Twenty-three Cents (\$71,282.23) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

APR 14 1971

  
Lyle S. Garlock, 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).)