

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

IN THE MATTER OF THE CLAIM OF

WINNIFRED CLOVER FRODIN

Under the International Claims Settlement
Act of 1949, as amended

Claim No CU-3106

Decision No. CU

6113

Counsel for claimant:

Daisy Richards Bisz,
Attorney at Law

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 WINNIFRED CLOVER FRODIN for \$54,998.00 based upon the asserted ownership and loss of certain 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.

Claimant describes her loss as follows:

| | |
|--|------------------|
| 1/2 interest in leasehold of sugar cane farm | \$41,873.00 |
| 1/2 interest in cane crop ready to harvest | <u>13,125.00</u> |
| | \$54,998.00 |

On the basis of the record in this matter the Commission finds that one Harvey F. Clover had owned a 1/2 interest in a leasehold in a sugar cane plantation known as "La Victoria." He died in 1949 leaving him surviving, WINNIFRED CLOVER, his sole residuary legatee. WINNIFRED CLOVER is now WINNIFRED CLOVER FRODIN.

The Commission finds that WINNIFRED CLOVER FRODIN succeeded to a one-half interest in the leasehold, and as owner thereof had a one-half interest in the cane ready for harvest.

The Commission has found in Claim No. CU-3105 (Killilea) that the properties in question were taken on December 15, 1960 pursuant to the provisions of the Agrarian Reform Law, and that the value of the 1/2 interest in the leasehold of the sugar cane farm and in the cane crop was \$41,873.10 and \$13,125.00 respectively.

In view of the foregoing the Commission finds that claimant suffered a loss in the total amount of \$54,998.10 within the meaning of Title V of the Act.

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 WINNIFRED CLOVER FRODIN 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 Fifty-Four Thousand Nine Hundred Ninety-Eight Dollars and Ten Cents (\$54,998.10) with interest thereon at 6% per annum from December 15, 1960 to the date of settlement.

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

MAK 17 19/1


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 (1970).)