

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

IN THE MATTER OF THE CLAIM OF

MEYER FUCHSBERG
and
ROSALIE FUCHSBERG

Claim No. CU -3348

Decision No. CU -6105

Under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered March 11, 1971.

Oral hearing requested and held June 30, 1971.
Testimony and argument presented by claimant Meyer Fuchsberg.

FINAL DECISION

By Proposed Decision issued March 11, 1971, the Commission certified a loss to MEYER FUCHSBERG in the amount of \$441,176.07 for real and personal property and denied a portion of the claim for lack of proof as to ownership, value and taking by the Government of Cuba.

At an oral hearing held on June 30, 1971, claimant MEYER FUCHSBERG presented testimony and subsequently submitted additional supporting evidence. Argument was made by said claimant concerning the applicability of Cuban community property laws and the valuation determined for several properties.

Based upon the record, including testimony of MEYER FUCHSBERG and the additional evidence, the Commission finds (1) the value of the residence at 118 Calle, Miramar, Havana (Item 6) at the time of loss was \$60,000.00 and claimant MEYER FUCHSBERG suffered a loss of \$30,000.00 for his one-half interest therein; (2) that he suffered a loss in the amount of \$55,000.00 for his stock interest in Textilera Dela, S.A.; (3) that the value of his interest in Textilera Tricoseda, S.A. at the time of loss was \$50,000.00; and (4) that his ownership interest in Tomasa, S.A. amounted to one-half

of one-third of the outstanding capital stock of that Cuban corporation which had a value of \$100,000.00 at the time of loss on December 6, 1961, his loss thereby amounting to \$16,666.67.

Recapitulation

Claimant MEYER FUCHSBERG'S losses within the scope of Title V of the Act are now determined to be as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Amount</u>
(1) Bank Account	December 6, 1961	\$ 1,851.53
(2) Household effects and automobile	December 6, 1961	8,026.50
(3) Las Lindas Bonds	December 6, 1961	2,186.00
(4) Madera de Rosa Bonds	December 6, 1961	12,177.60
(5) Improvements at 118 Calle 2	December 6, 1961	30,000.00
(7) 501 Calle 25	October 14, 1960	60,000.00
(8) 307 Calle O	October 14, 1960	25,000.00
(9) Textilera Dela S.A.	December 6, 1961	55,000.00
(10) Machinery with Dela	December 6, 1961	45,000.00
(11) Textilera Tricosedá S.A.	December 6, 1960	50,000.00
(12) Republic of Cuba bonds	December 31, 1960	1,874.58
(13) Plant leased to Flamingo	January 3, 1962	20,000.00
(14) Tomasa S.A.	December 6, 1961	16,666.67
(15) Barranco stock	December 6, 1961	58,893.19
(16) Guanabacoa farms	December 6, 1961	112,500.00
(17) Livestock	December 6, 1961	<u>4,500.00</u>
Total		\$503,676.07

The Commission as 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 14, 1960	\$ 85,000.00
December 31, 1960	1,874.58
December 6, 1961	396,801.49
January 3, 1962	<u>20,000.00</u>
Total	\$503,676.07

It may be noted that if probative evidence is received as to other items of claim in sufficient time to permit consideration thereof before the close of the program on June 30, 1972, the Commission will reopen the claim. Such evidence should be received on or before May 1, 1972 in order to permit adequate consideration thereof.

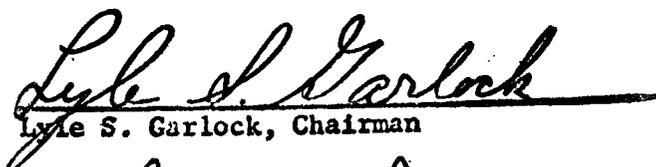
The Certification of Loss, as restated below, will be entered and the remainder of the Proposed Decision, as amended herein, is affirmed.

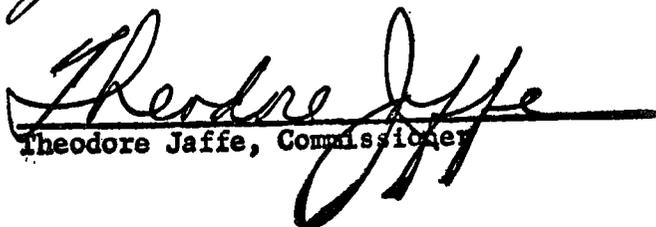
CERTIFICATION OF LOSS

The Commission certifies that MEYER FUCHSBERG 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 Five Hundred Three Thousand Six Hundred Seventy-Six Dollars and Seven Cents (\$503,676.07) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

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

OCT 6 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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

IN THE MATTER OF THE CLAIM OF

MEYER FUCHSBERG
and
ROSALIE FUCHSBERG

Claim No. CU- 3348

Decision No. CU - 6105

Under the International Claims Settlement
Act of 1949, as amended

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 MEYER FUCHSBERG and ROSALIE FUCHSBERG in the amount of \$1,291,386.26, based on the asserted ownership and loss of real and personal property, and stock interests in Cuba. MEYER FUCHSBERG has been a national of the United States since birth. ROSALIE FUCHSBERG has been a national of the United States since naturalization on June 30, 1964.

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.

Pursuant to the community property law of Cuba, claimants owned equal interests in the property acquired by either of them during coverture, except for inherited property, or gifts (See Claim of Robert L. Cheaney et al, Claim No. CU-0915).

Claimants summarize their losses as follows:

Land	\$ 580,220.00
Buildings	230,000.00
Personalty	166,506.06
Debts - bonds	<u>314,660.20</u>
	\$1,291,386.26 (asserted market value)

Claimants assert the total cost of the above items as \$711,370.26.

The record includes an affidavit of the Cuban attorney who had charge of the claimants' family affairs, who attests to the correctness of the statements in affidavits submitted by others who include the person formerly in charge of his accounting department, the father of ROSALIE FUCHSBERG, assignors of bonds, an engineer, and a real estate broker. The record also contains affidavits from others having personal knowledge of facts as well as reports from abroad. The evidence and the Commission's findings are discussed under the specific items of claim.

However, as to any items of property taken from the claimants prior to the acquisition of United States citizenship by ROSALIE FUCHSBERG in 1964, her claim therefor must be and hereby is denied.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value, or cost of replacement.

The question, in all cases, will be to determine the basis of valuation which, under the particular circumstances, is "most appropriate to the property and equitable to the claimant". This phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

(1) Bank Account

The record includes a bank statement of the National Bank of Cuba, Agencia 5-1, the former Banco Nunez, showing a balance as of January 31, 1961, in the name of MEYER FUCHSBERG of 3,703.06 pesos.

On December 6, 1961, the Cuban Government published its Law 989 which effectively confiscated all assets, personal property and real estate, rights, shares, stocks, bonds, securities and accounts of persons who left the country. The Commission finds that this law was applicable to the claimants herein, and that the account was taken, in the absence of evidence to the contrary, on December 6, 1961. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966].)

Accordingly, the Commission holds that claimant MEYER FUCHSBERG suffered a loss of \$1,851.53 (the peso being on a par with the dollar) in that connection.

(2) Household Articles and Automobile

Claimants have submitted a detailed listing of their personal property left in Cuba, including an automobile, with an estimated total depreciated value at the time of loss of \$16,053.

The Commission finds that claimants owned such personalty in Cuba, and that it was taken by the Government of Cuba on December 6, 1961, pursuant to Law 989, supra (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]).

Upon consideration of the list, and the affidavits in support the Commission finds the asserted value fair and reasonable, and holds that claimant MEYER FUCHSBERG suffered a loss in the amount of \$8,026.50 in this connection.

(3) Bonds and Mortgages of Cia. Inmobiliaria Las Lindas Palmeras, S.A.

It appears from the record that Las Lindas was formed in Cuba by document of July 6, 1956 and issued four bonds each of the value of \$10,930 for a total of \$43,720, with land the underlying asset, payable in five years. These were issued, two to Max Pincus and two to Isak Lesnick. On August 20, 1956 Pincus and Lesnick each assigned 10 per cent of their holdings to MEYER FUCHSBERG, each for 2,186 pesos, a total of \$4,372.

The Commission finds that this property interest was also taken on December 6, 1961, supra, and holds that claimant MEYER FUCHSBERG suffered a loss of \$2,186 in that connection .

(4) Bonds and Mortgages of Cia. Inmobiliaria
Madera de Rosa, S.A.

The record discloses that Madera was formed in Cuba and by document of March 3, 1956, issued two mortgage bonds each in the amount of \$121,776.00, for a total of \$243,552.00, with land the underlying asset, with a due date of March 3, 1961. These were issued one each to Max Pincus and Isak Lesnick. On the same date each assigned 10 per cent of their holdings to MEYER FUCHSBERG each for \$12,177.60 pesos, a total of \$24,355.20. Because of conditions in the Republic of Cuba these bonds, as well as the Las Lindas bonds, supra, could not be paid.

The Commission finds that this property interest was also taken on December 6, 1961, and holds that claimant MEYER FUCHSBERG suffered a loss of \$12,177.60 in that connection.

(5) Land Plot, Parcel No. 8, Manzana 32,
Calle F, Bacuranao, Sta. Maria del Mar
Guanabacoa

The record discloses that ROSALIE FUCHSBERG was the owner of a plot of land known as parcel 8, Block 32, on F Street in Bacuranao, Sta. Maria del Mar, Guanabacoa. This is in the same development from which Max Pincus made a gift to his granddaughter Marcia J. Fuchsberg (Claim No. CU-3157). It appears that parcel 8 with an asserted value of \$11,400 was also a gift from Max Pincus to ROSALIE FUCHSBERG.

It appears that such property would have been taken by the Government of Cuba on December 6, 1961, pursuant to its Law 989, supra, at which time ROSALIE FUCHSBERG was not a national of the United States.

As the record does not establish that MEYER FUCHSBERG had any interest in this lot, claim therefor is denied.

(6) Residence at 118 Calle 2 (formerly 22)
Miramar, Havana

This property described as a 3-story home with gardens and garage is asserted to have a value of \$60,000 and is said to have been acquired by gift and construction.

Max Pincus states this property was owned solely by MEYER FUCHSBERG. This is concurred in by the accountant for the Cuban attorney. Exhibit R is a 1953 tax receipt in the name of MEYER FUCHSBERG, and described by the Cuban attorney as covering construction of added 2d and 3d floors, and new facade. Such tax receipt, however, does not establish the person named therein as the owner.

A report from abroad reflects that the property has an area of 900 square meters and is valued at \$25,000. Claimant states that this does not encompass the additional 1953 construction of \$35,000. It is noted that in requesting the assistance of the Commission in obtaining evidence in support of this item of claim, it was stated that the property was a gift from Max Pincus around 1950 or 1951 of a one-story home to which new construction and renovation were added in 1953.

The Commission finds that the land and one-story house were a gift valued at \$25,000 from Max Pincus to his daughter, and that claimant MEYER FUCHSBERG had no interest therein. The Commission further finds that both claimants had an interest in the additional construction. The Commission finds that the value of \$35,000, has been accepted by the Internal Revenue Service, and is fair and reasonable.

The Commission further finds that this property was also taken by the Government of Cuba on December 6, 1961 (see Tabor, supra) and holds that claimant MEYER FUCHSBERG suffered a loss of \$17,500 in this connection.

(7) Apartment house at 501 Calle 25, Vedado

The Commission finds that claimants owned equal interests in a 4 or 5 story apartment house at 501 Calle 25, Vedado, having 26 apartments and penthouses, for which claimants assert a value of \$120,000.

On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Under this law the renting of urban properties, and all other transactions or contracts involving transfer of the total or partial use of urban properties were outlawed (Article 2). The law covered residential, commercial, industrial and business office properties (Article 15),

The Commission finds that this property was taken by the Government of Cuba pursuant to the provisions of the Urban Reform Law; and, in the absence of

evidence to the contrary, that the taking occurred on October 14, 1960, the date on which the law was published in the Cuban Gazette. (See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep., 39.)

In support of the asserted value, there has been submitted a photograph, a tax receipt, the affidavit of a person who accompanied MEYER FUCHSBERG on visits collecting rents. There has also been submitted the affidavit of a Cuban attorney who formerly managed the property who states that the property was free of mortgage indebtedness, and that the reduced gross rental was about \$1,100 per month. He states the land cost \$27,500 and the building constructed in 1954 cost \$117,500, a total of \$145,000. He estimates the market value of the building at \$120,000. It further appears that the Internal Revenue Service accepted this evaluation.

The Commission finds that this property had a value of \$120,000 on the date of loss; and holds that MEYER FUCHSBERG suffered a loss of \$60,000 in this connection.

(8) Apartment house at No. 307 Calle O,
La Puntilla, Miramar, Havana

The Commission finds that claimants owned equal interests in one-half of a 4-story apartment house at 307 Calle O, La Puntilla, Miramar; and that this property was also taken on October 14, 1960 pursuant to the Urban Reform Law, supra.

It appears that the plot of 525 square meters was acquired by ROSALIE FUCHSBERG and George Pincus in 1954 for \$8,760.90, and the building was erected in 1955 and 1956. The record includes an affidavit from the engineer who constructed the building. He has submitted a photocopy of his index card reflecting a value of \$120,000 and a print of a photograph of the property. The property had a basement, a restaurant on the ground floor, and eight apartments, with garages. It further appears that the Internal Revenue Service accepted an evaluation of \$50,000 for a one-half interest in this property.

The Commission finds that one-half of this property had a value of \$50,000 and concludes that MEYER FUCHSBERG suffered a loss of \$25,000 in this connection.

(9) Stock Interest in Textilera Dela, S.A.

Based on the evidence of record, including an affidavit of the accountant in the office of claimant's Cuban attorney, the Commission finds that claimants

each owned one-half of two-thirds of the capital stock of Textilera Dela, S.A., which manufactured knitted products.

Further, in the absence of evidence to the contrary, the Commission finds that claimants' interests in this company were nationalized by the Government of Cuba on December 6, 1961, pursuant to its Law 989, supra.

Since Textilera Dela, S.A. was organized under the laws of Cuba, it does not qualify as a corporate national of the United States as defined under Section 502(1)(B) of the Act as a corporation or other legal entity organized under the laws of the United States, or any State, the District of Columbia or the Commonwealth of Puerto Rico, whose ownership is vested to the extent of 50 per centum or more in natural persons who are citizens of the United States. In this type of situation it has been held that an American stockholder owning an interest in such a corporation may file a claim for the value of his ownership interest. (See Claim of Parke, Davis & Company, Claim No. CU-0180, 1967 FCSC Ann. Rep. 33.)

The record contains an estimate of the net worth of this company at the end of 1960, by the above-mentioned accountant, in the amount of \$175,000 as follows:

<u>Assets</u>		<u>Liabilities</u>	
Cash	40,000	Accounts Payable	5,000
Accounts Receivable	40,000	Due to R. Fuchsberg	90,000
Inventory	100,000		
Machinery	<u>90,000</u>	Capital and surplus	<u>175,000</u>
	270,000		270,000

It is not established, however, that this condition remained unchanged until the end of 1961.

After consideration of all evidence of record the Commission finds that on the date of loss Textilera Dela had a net worth of \$110,000, including cash, accounts receivable and a considerable inventory, less accounts payable. It appears that this evaluation was allowed by Internal Revenue Service.

The Commission concludes, therefore, that claimant MEYER FUCHSBERG suffered a loss of \$36,666.67 in this connection for his one-half of a two-third interest.

(10) Machinery leased to Textilera Dela S.A.

The Commission finds, based on affidavits including the above-mentioned accountant's and findings of the Internal Revenue Service that claimants owned equal interests in machinery leased to Textilera Dela; and further, that this

machinery was taken by the Government of Cuba, on December 6, 1961, when claimants' stock interests in the company were taken.

It is said that the original cost of the machinery was in excess of \$250,000 but that its depreciated value was \$90,000. It appears that this evaluation was accepted by the Internal Revenue Service.

The Commission finds that the machinery had a value of \$90,000 on the date of loss, and concludes that claimant MEYER FUCHSBERG suffered a loss of \$45,000 in that connection.

(11) Textilera Tricoseda, S.A.

The record discloses and the Commission finds that claimants owned one-third of the capital stock of Textilera Tricoseda, a Cuban corporation. Further the Commission finds that this company was taken by the Government of Cuba, on December 6, 1961, pursuant to its Law 989, supra.

The record includes several estimates of value from customers, in amounts of \$250,000, one of whom confirms the taking of the company in 1961. Additionally the record includes an estimate of the value of the company as of the end of 1960, by the aforementioned accountant, in the amount of \$222,000 as follows:

<u>Assets</u>		<u>Liabilities</u>	
Cash	\$ 20,000	Accounts Payable	\$ 15,000
Accounts Rec.	43,000		
Miscellaneous:		Capital and Surplus	222,000
Deposits, Railroad			
stock, employee loans	1,000		
Inventory	123,000		
Machinery	50,000		
	<u>\$237,000</u>		<u>\$237,000</u>

In this situation, as well as in the case of Textilera Dela, S.A., the record does not establish that the condition of the company remained unchanged until the end of 1961. However, the statement compares favorably with one for December 31, 1959, in some respects. It is indicated that the net worth of Tricoseda on the date of loss may have consisted of the following:

Account Receivable, net	28,000
Inventory	123,000
Machinery	<u>50,000</u>
	201,000

However, it appears that the Internal Revenue Service allowed \$70,000 as the value of a one-third interest. Accordingly, the Commission finds that the net worth of

Tricoseda, on December 6, 1961 was \$210,000 and concludes that MEYER FUCHSBURG suffered a loss of \$35,000 in that respect.

(12) Republic of Cuba Bonds

The record shows and the Commission finds that claimants owned equal interests in one-third of 4-1/2% Bonds of the External Debt of the Republic of Cuba having a face value of \$11,000.

In our decision entitled the Claim of Clemens R. Maise (Claim No. CU-3191 which we incorporate herein by reference), we held that the non-payment of the obligation constituted a taking of the property of the bondholders on December 31, 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 \$1,000 bond of \$1,022.50 including interest to December 31, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Maise decision; that he was an American national at the requisite times; that he has been the owner of 1/3 of said \$11,000 face value 4-1/2% External Debt bonds of the Republic of Cuba since prior to December 31, 1960; and that he suffered a loss in the amount of \$1,874.58 within the meaning of Title V of the Act.

(13) Knitting and sewing plant leased to
Textilera Flamingo, S.A.

Based on the record, including affidavits of those with personal knowledge of the facts, the Commission finds that claimants owned equal interests in certain machinery which had been purchased from Textilera Stamford, S.A., and thereafter leased to Textilera Flamingo, S.A., which machinery constituted a complete knitting and sewing plant for the manufacture of sweaters.

Evidence available to the Commission discloses that Textilera Flamingo, S.A., was listed as nationalized by the Government of Cuba in its Official Gazette on January 3, 1962. The Commission finds that claimants' machinery leased to Flamingo was taken by the Government of Cuba on the same date, January 3, 1962.

The record includes a list of machinery submitted by the former President of Flamingo, and he states that Flamingo had an option to purchase it for \$50,000,

and further that the value of \$40,000 is substantially below replacement cost or market value. Additionally, there is of record an affidavit of the accountant (formerly mentioned) who states that this machinery had a cost and value in excess of \$40,000. It appears, further, that Internal Revenue Service accepted this evaluation.

The Commission finds that the said machinery had a value of \$40,000 on the date of loss, January 3, 1962, and concludes that MEYER FUCHSBERG sustained a loss of \$20,000 in this connection.

(14) Tomasa, S.A., Guanabacoa

On the basis of the record, including the accountant's statements, the Commission finds that claimants owned equal parts in one-third of the capital stock of Tomasa, S.A., a company engaged in land development.

While there is no specific evidence of the taking of this company, the record does not otherwise support a certification of loss. It is said by the father of ROSALIE FUCHSBERG that the capital stock cost \$24,000 and at the time of asserted seizure, if under normal market conditions, the land value would have been \$192,000. The accountant mentioned states that from a cost of \$24,000 the value of the stock had increased in value by 1959 to six to eight times its original cost. These expressions of opinion are not sufficiently probative to permit the Commission to make a finding as to the value of any assets of the company, or its net worth.

Inasmuch as it is not shown that this company had any value on the date of any taking by the Government of Cuba, this part of the claim is denied.

(15) Finca El Barranco, S.A.

Based on all the evidence of record in this and several other claims, the Commission finds that claimants owned equal interests in 51 shares of Finca El Barranco, S.A.

In our Final Decision in the Claim of Ethel H. Berens (Claim No. CU-2313), which we incorporate herein by reference), we held that the properties owned by the company were nationalized by the Government of Cuba on December 6, 1961, 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 \$2,309.5369. Accordingly, the Commission holds that MEYER FUCHSBERG sustained a loss of \$58,893.19 in this connection.

(16) Farms in Guanabacoa

Based on the evidence of record, including the affidavit of a real estate broker who engineered the transactions, the Commission finds that claimant acquired between 1955 and 1959 ten per cent of the following-named farms in Guanabacoa, which were held by land companies of similar name, the purchase prices for the farms being also shown below:

Felix	\$ 22,000
Bergenstein	78,000
Ramos	48,000
Carmelita	30,000
Gonzalez	38,000
Alvarez	25,000
Andrade	30,000
Blanco	29,000
Diego Mesa	70,000
Diaz	50,000
Berros	30,000
	<u>\$450,000</u>

The Commission further finds that these properties were taken by the Government of Cuba on December 6, 1961 (see Tabor, supra).

It is contended by several affiants, including the broker, that by 1959 the land values would have increased six to eight times. Thus claimant asserted claim for the value of his 10% interest at 8 times the cost. It further appears from the record that these companies had no liabilities and the properties were not encumbered,

The Commission has considered the assertion that these lands increased in value six to eight fold, but is not convinced of the validity of the contention, which is based on the proximity of the lands to new highways which linked up with the tunnel under the Bay of Havana. The Commission considered similar assertions with respect to the value of the Barranco property (Item 15). In that item it was said that the purchase value varied from 25 cent to 80 cents per square meter and by 1960 the comparable land value was \$2 per square meter (8 times the 25 cent figure). The average of these figures, or 53 cents, increased by 2.5 results in a figure of \$1.32 which compares with the figure of \$1.30 per square meter for

the Barranco land similarly situated, which the Commission found in Claim No. CU-2313, supra.

Accordingly the Commission finds that on the date of loss the properties of these companies had a total value of \$1,125,000 and concludes that claimant suffered a loss of \$112,500 for his ten per cent interest therein.

It is noted that the affidavit of the broker included an additional farm Gacahual with a purchase price of \$25,000. However, claimant made no claim for this item and it is not included in the determination.

(17) Livestock

It is further established by the record that claimant owned 10% in certain livestock which grazed on the lands in Item (16) above, which livestock did not belong to the holding companies.

The Commission finds that this livestock was also taken on December 6, 1961, when the lands were taken.

The livestock is described as 500 head of cattle costing \$60 per head, totalling \$30,000; and 1,000 pigs costing \$15 per head, totalling \$15,000. It is said that at the time of loss livestock had an approximate market value of \$67,500; and again that the cattle sold for approximately \$120 each and the pigs for \$30 to \$40 each. However, no evidence has been submitted in substantiation of these contentions.

The Commission therefore finds that on the date of loss, the livestock had a value of \$45,000 and concludes that claimant MEYER FUCHSBERG suffered a loss of \$4,500 in this connection.

It has also been said in claimant's behalf that he MEYER FUCHSBERG owned certain sewing machines in shops of Rodriguez and Comesanas of Guanabacoa, worth approximately \$7,500 to \$10,000; and four hosiery machines in the shop of one Saez in Regla, worth approximately \$4,000. However, as no claim has been made for these items, they are not included in the determinations.

Recapitulation

Claimant MEYER FUCHSBERG'S losses within the scope of Title V of the Act may be summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Amount</u>
(1) Bank Account	December 6, 1961	\$ 1,851.53
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(17) Livestock	December 6, 1961	4,500.00
		<u>\$441,176.07</u>

The Commission as 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 14, 1960	\$ 85,000.00
December 31, 1960	1,874.58
December 6, 1961	334,301.49
January 3, 1962	20,000.00
	<u>\$441,176.07</u>

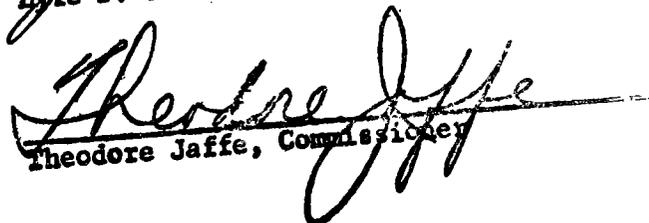
CERTIFICATION OF LOSS

The Commission certifies that MEYER FUCHSBERG 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 Four Hundred Forty-One Thousand One Hundred Seventy-Six Dollars and Seven Cents (\$441,176.07) with interest at 6% per annum from the aforesaid dates to the date of settlement.

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

MAR 11 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, 32 Fed. Reg. 412-13 (1967).)