

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

IN THE MATTER OF THE CLAIM OF

ELEANOR G. GREENFIELD,
Administratrix of the Estate of
EDWIN RANSOM GREENFIELD, Deceased
and
the Estate of GENE C. SCARBROUGH,
Deceased

Claim No. CU -3603

Decision No. CU 6136

Under the International Claims Settlement
Act of 1949, as amended

Counsel for ELEANOR G. GREENFIELD, Administratrix
of the Estate of EDWIN RANSOM GREENFIELD, Deceased:

James H. Peck, II, Esq.

Counsel for the Estate of GENE C. SCARBROUGH,
Deceased:

Dana P. Brigham, Esq.

Counsel for Original Claimants:

Jo Dunn Dolan,
Attorney at Law

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$86,050.00, was presented originally by EDWIN RANSOM GREENFIELD and GENE C. SCARBROUGH, based upon the loss of certain real and personal property in Cuba. The record shows that EDWIN RANSOM GREENFIELD, a national of the United States since birth, died on April 23, 1969, and that ELEANOR G. GREENFIELD has been appointed Administratrix of his Estate. Accordingly, she has been substituted as claimant in his place. It further appears that GENE C. SCARBROUGH, a national of the United States since birth, also died after filing this claim. However, neither the date of his death nor the identity of the legal representative of his Estate is of record, although the submission of such information was suggested by the Commission on several occasions. Accordingly, the Estate of GENE C. SCARBROUGH, Deceased, has been designated as party claimant.

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.

The late EDWIN RANSOM GREENFIELD and the late GENE C. SCARBROUGH asserted the following losses:

Land on the Isle of Pines, Cuba	\$85,550.00
Personal property in a rented office at Santa Fe, Isle of Pines, Cuba	<u>500.00</u>
	<u>\$86,050.00</u>

The evidence includes original deeds; maps, plats and blueprints of the property; reports from abroad; bank statements; check stubs; tax receipts; deposit receipts; and affidavits executed by both decedents. On the basis of the entire record, the Commission finds that the late EDWIN RANSOM GREENFIELD and the late GENE C. SCARBROUGH owned 60% and 40% interests, respectively, in certain land on the Isle of Pines, Cuba, known as the Campo Verde Subdivision.

It appears that the decedents were engaged as partners in developing the land, subdividing it into lots and selling it. In connection with these

operations, the decedents rented an office where they maintained certain tools and office furnishings. The record shows that a number of these lots were sold to individuals some of whom had filed claims with the Commission.

The decedents stated in their official claim forms that their properties had been taken by Cuba in February 1963. The record indicates that at that time the Cuban Government refused to accept any more taxes in connection with the real property herein. In the absence of evidence to the contrary, the Commission finds that the properties claimed herein were taken by the Government of Cuba on February 15, 1963.

The evidence includes a detailed listing of the properties prepared by the decedents accompanied by a copy of the literature they employed in offering the lots for sale at specific prices. The Commission has also noted the values of some of the lots sold by the decedents to individuals whose claims were favorably determined under Title V of the Act. (See Claim of Samuel Schley Lynch, et al., Claim Nos. CU-1846 through CU-1849.)

Based on the entire record, the Commission finds that the valuations of the decedents are fair and reasonable. Accordingly, the Commission finds that the properties had the following values on February 15, 1963, the date of loss, the sections and the lots being those so designated on the maps of the properties:

Section A

10 parcels	\$5,500.00	
1 larger parcel	1,000.00	
2 corner parcels	<u>1,300.00</u>	\$ 7,800.00

Section B

8 parcels	\$6,000.00	
2 corner parcels	<u>1,700.00</u>	7,700.00

Section C

10 parcels (1/2 acre each)	\$7,500.00	
2 corner parcels	<u>1,700.00</u>	9,200.00

Section D

2 parcels (1 acre each)	\$1,900.00	
1 corner parcel	1,500.00	
1 corner parcel	<u>1,150.00</u>	\$ 4,550.00

Section AA

7 business lots		17,500.00
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Section BB

24 choice parcels (1/2 acre each)		22,800.00
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Lot No. 148

Large parcels, Nos. 1 and 2		16,000.00
Office equipment and tools		<u>500.00</u>
		\$86,050.00

Therefore, the late EDWIN RANSOM GREENFIELD sustained a loss in the amount of \$51,630.00 for his 60% interest, and the late GENE C. SCARBROUGH sustained a loss in the amount of \$34,420.00 for his 40% interest.

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.


CERTIFICATIONS OF LOSS

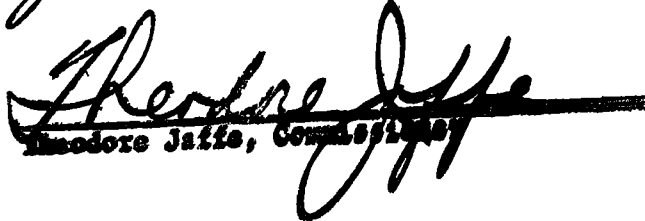
The Commission certifies that ELEANOR G. GREENFIELD, Administratrix of the Estate of EDWIN RANSOM GREENFIELD, Deceased, succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-one Thousand Six Hundred Thirty Dollars (\$51,630.00) with interest at 6% per annum from February 15, 1963 to the date of settlement; and

The Commission certifies that the Estate of GENE C. SCARBROUGH, Deceased, succeeded to and 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 Thirty-four Thousand Four Hundred Twenty Dollars (\$34,420.00) with interest at 6% per annum from February 15, 1963 to the date of settlement.

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

MAR 29 1971


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).)