

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

IN THE MATTER OF THE CLAIM OF

MRS. ARTHUR MARION STEELE

Claim No. CU - 3674

Decision No. CU - 5827

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimant:

Max M. Schaumberger, 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 MRS. ARTHUR MARION STEELE (MRS. JOHN F. STEELE) for \$61,601.12 based upon the asserted ownership and loss of certain unimproved realty and a bank account 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 losses as follows:

A lot in Cardenas, Matanzas	\$15,000.00
Bank Accounts in Cuban bank	<u>46,601.12</u>
	\$61,601.12

Based upon the entire record, including a passbook in the joint names of claimant and her late husband, showing a balance of 45,000 pesos on February 27, 1959 in Account P-3530 on deposit with the Havana branch of The First National City Bank of New York; a bank statement showing a balance of 1,601.12 pesos on February 18, 1959 in Account No. P-1309, in that Bank; a description of the realty apparently taken from a deed or a report regarding the property; an affidavit of inheritance from claimant's father and a certified copy of a judgement of a Louisiana court finding claimant the sole heir of her late husband, the Commission finds that claimant owned the real and personal property subject of this claim.

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. The record discloses that claimant had departed from Cuba on December 29, 1958.

In the absence of evidence to the contrary, the Commission finds that claimant's above-described bank accounts, totalling 46,601.12 pesos (which were on a par with United States dollars), and her unimproved realty in Matanzas were taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989 (see Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966]; and see Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]).

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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 record includes, in support of the claimed values, a description of the lot as a rectangular plot measuring about 1,444 square meters located in Hacienda Varadero in Punta de Hicacos, Cardenas, Matanzas, purchased in 1947 by claimant's father who died in 1955.

On the basis of the evidence of record, including evidence available to the Commission regarding the value of similar real property in Cardenas, Matanzas, the Commission finds the claimed value of \$15,000.00 for the unimproved realty in question is fair and reasonable.

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$15,000 for the loss of the lot and \$46,601.12 for the loss of the bank accounts or a total of \$61,601.12 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.

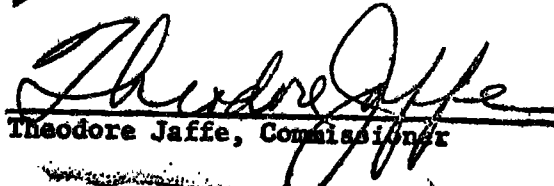
CERTIFICATION OF LOSS

The Commission certifies that MRS. ARTHUR MARION STEELE 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 Sixty-One Thousand Six Hundred One Dollars and Twelve Cents (\$61,601.12) with interest at 6% per annum from December 6, 1961 to the date of settlement.

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

SEP 9 1970

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