

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

IN THE MATTER OF THE CLAIM OF

ROMAN DE LA CAMPA

Claim No. CU -8790

Decision No. CU -6069

**Under the International Claims Settlement
Act of 1949, as amended**

Appeal and objections from a Proposed Decision entered February 17, 1971.
No hearing requested.

Hearing on the record held on September 1, 1971.

FINAL DECISION

This claim was based on a one-half interest in certain real and personal property in Cuba which claimant contended he inherited on the death of his mother on October 29, 1970. The Commission held that the real properties were all subject to the law on Urban Reform and were effectively taken by the Government of Cuba on October 14, 1960, from his mother a non-United States national, and these items of claim were denied accordingly. However, the Commission found that claimant inherited a one-half interest in certain personal property which was effectively taken by the Government of Cuba on October 29, 1970, pursuant to the provisions of Cuban Law 989, which provided for the taking of all property of persons who left the Country.

Claimant contends that his mother's ownership of the six real properties was not confiscated on October 14, 1960 "but only was partially limited to receive the rent directly from the rentees."

Further, he states as follows --

"Rentees in Cuba continued paying their rents to the Government after the Urban Reform Law. The Commission created by this Law, after receiving those rents, deducting expenses, passed it to the owners limited to a maximum top. Consequently my mother at the time of her death, October 29, 1970, was collecting the monthly rent of her houses from the Commission of the Urban R.L. as a recognition of her ownership not confiscated to those properties..."
(with two exceptions)

The Commission has examined the Cuban Law on Urban Reform in depth, previously (see Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39). It has become apparent, through examination of many claims presented because of the effect of the Urban Reform Law, that occupants paid their rent to the Government of Cuba, which could be applied to a purchase price; and further, that from these receipts the Government in some cases compensated the former owners, in some part for their loss. In the absence of evidence to the contrary, the Commission affirms its holding that the rental properties of the claimant's mother passed to the Government of Cuba on October 14, 1960. These included properties at (a) 15th Avenue. Col., Marianao, (b) 132 O'Reilly, Matanzas, (c) Cuba esq. America, Matanzas, (4) 34 24th of February, Matanzas, and (e) the first floor of the property at 156 Independence, Matanzas.

However, the Commission now finds, on the basis of the entire record, that the property at 517 24th Street, Miramar and the second floor of the property at 156 Independence, Matanzas, were not subject to the Urban Reform Law, and consequently were not taken on October 14, 1960. Upon the death of claimant's mother, these properties passed in equal parts to her two children, including claimant.

The Commission further finds that claimant's interests in these latter two properties was effectively taken by the Government of Cuba on October 29, 1970, pursuant to its Law 989, similarly as his interest in the personal property, as held in the Proposed Decision.

In arriving at the value of these properties, the Commission has considered claimant's descriptions, and photographs, as well as evidence available as to similar properties in Cuba. On the basis of the entire record, the Commission finds that the 2-floor, 10-room property at 517 24th Street, Miramar, had a value of \$40,000.00 and that claimant suffered a loss of \$20,000.00 in this connection.

The Commission also finds that the 2-floor property at 156 Independence, Matanzas had a value of \$8,000.00, that the second floor had a value of \$4,000.00 and that claimant thus suffered a loss of \$2,000.00 in this connection.

The Commission therefore concludes that claimant suffered an aggregate loss in the amount \$25,560.00 within the scope of Title V of the Act, in connection with his real and personal property taken by the Government of Cuba.


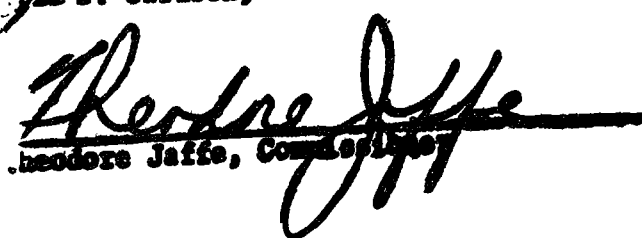
Accordingly the Certification of Loss in the Proposed Decision is set aside, the following Certification of Loss will be entered, and in all other respects, the remainder of the Proposed Decision as amended herein, is affirmed.

CERTIFICATION OF LOSS

The Commission certifies that ROMAN DE LA CAMPA 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 Twenty-Five Thousand Five Hundred Sixty Dollars (\$25,560.00) with interest at 6% per annum from October 29, 1970 to the date of settlement.

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

SFP 1 1971


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

ROMAN DE LA CAMPA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-8790

Decision No. CU - 6069

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented on February 8, 1971 by ROMAN DE LA CAMPA for \$50,560, based on his asserted one-half interest in real and personal property in Cuba. Claimant states that he arrived in the United States on May 30, 1961 and he has been a national of the United States since November 14, 1968.

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.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Commission's Regulations provide that claims under Title V of the Act (Cuban claim) shall be filed with the Commission on or before May 1, 1967 (FCSC Reg., 45 C.F.R. Sec. 531.1(d) (1969); and further that any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period (Reg., Sec. 531.1(g)).

No claim was filed with this Commission by or on behalf of claimant within the allowable period for timely filing of such claims, nor does the Commission have any record of any communication, within such period, concerning his asserted loss. The Commission has held, however, that it will accept for consideration on their merits claims filed after the deadline (see Claim of John Korenda, Claim No. CU-8255); and claims for losses sustained subsequent to the deadline (see Claim of Vivian Morales, Claim No. CU-8739) so long as the consideration thereof does not impede determination of those claims timely filed, or claims for losses which arose prior to the close of the filing period.

Claimant has described six real properties in Havana and Matanzas, and personalty. He has submitted documentation reflecting that these were recorded in the name of his mother, that his mother died on October 29, 1970, survived by claimant and his sister, and he asserts that his one-half inherited interest was taken at that time because

he was then a United States citizen and because he was outside of Cuba.

The first two properties listed are described as about ten and eight rooms and he has valued them at the asserted cost plus increased values, and the remaining four properties are houses, several of two floors, and the latter four he has valued according to the asserted income thereof.

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).

Based on the foregoing, the Commission finds that the real properties in question were taken by the Government of Cuba pursuant to the provisions of the Urban Reform Law, and 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.)

Accordingly, since the claim arising from the taking of the real properties was not owned by a national of the United States on the date of loss and continuously thereafter, as required by the Act, this portion of the claim is denied.

Claimant further asserts claim in the depreciated amount of \$3,560 for his one-half interest in personal property owned by his mother at the time of her death. Claimant has described these, and the Commission finds the evaluation fair and reasonable.

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 were not in Cuba.

The Commission finds that on October 29, 1970 claimant inherited a one-half interest in the said personal property, and further, that his title therein was taken by the Government of Cuba on that date, pursuant to its Law 989.

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$3,560 in connection with his personal property taken by the Government of Cuba.

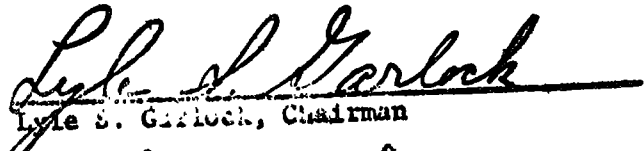
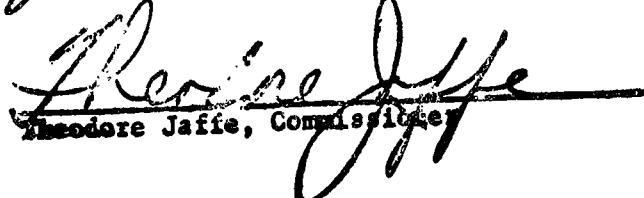
The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that ROMAN DE LA CAMPA 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 Three Thousand Five Hundred Sixty Dollars (\$3,560.00) with interest at 6% per annum from October 29, 1970 to the date of settlement.

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

FEB 17 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).)