

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

IN THE MATTER OF THE CLAIM OF

ISABELLE P. MIDDENDORF

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-8416

Decision No. CU  
3759

Represented by Cia. Cubana Primadera, S.A.

Counsel for Cia. Cubana Primadera, S.A.:

Milbank, Tweed, Hadley & McCloy  
By Adlai S. Hardin, Jr., Esq.

PROPOSED DECISION

Claimant, ISABELLE P. MIDDENDORF, who owned a stock interest in the Cia. Cubana Primadera, S.A., asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Martha P. Balme (Claim No. CU-8162 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 7, 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 preferred share as \$92.1936, leaving no value to the common stock.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Balme decision; that she was an American national at the requisite times; that she has been the owner of 220 shares of preferred stock in the Cia. Cubana Primadera, S.A. since prior to August 7, 1960; and that she suffered a loss in the amount of

The Commission has decided that in certification of losses 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 ISABELLE P. MIDDENDORF 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 Thousand Two Hundred Eighty-two Dollars and Fifty-nine Cents (\$20,282.59) with interest at 6% per annum from August 7, 1960 to the date of settlement.

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

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

JUL 23 1969

This Decision was entered as the Commission's  
Final Decision on AUG 22 1969

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Francis Thea Simon*

Clerk of the Commission

*Sidney Freidberg*

Sidney Freidberg, 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 for 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 Pro-