

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

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mortgage cancellation
denial of prop

IN THE MATTER OF THE CLAIM OF

ROBERT F. SANCHEZ, EXECUTOR
OF THE ESTATE OF MARITA
DEARING de LATTRE, DECEASED

Claim No. CU-0116

Decision No. CU 3559

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, in the amount of \$95,645.00, was presented in June 1965 and validated as of November 1, 1965, by MARITA DEARING de LATTRE based upon the asserted loss of certain bank accounts, mortgage bonds, personal and household effects and art objects. MARITA DEARING de LATTRE was a national of the United States since her birth. MARITA DEARING de LATTRE died on March 1, 1967, and ROBERT F. SANCHEZ, Executor, has been substituted as claimant herein.

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 of 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.

On the basis of evidence of record, the Commission finds that the decedent was, prior to her death, the holder of bank accounts as follows:

The Trust Company of Cuba Account Number D-46	Pesos 2,428.28
The Trust Company of Cuba Account Number 506	Pesos 2,523.50
The Bank of Nova Scotia (Cuban Branch) Account Number 2269	Pesos 10,090.73
The First National City Bank of New York (Cuban Branch)	Pesos <u>3,190.75</u>
Total Balance	Pesos 18,233.26

Law 989, published in the Official Gazette on December 6, 1961, nationalized by confiscation all goods and chattels, rights, shares, stocks, bonds and other securities of persons who left the country of Cuba.

Decedent took up residence in the United States in April, 1957 and returned to Cuba twice, but not after the advent of the Castro Government in January, 1959.

The Commission finds that the decedent's above-described bank accounts were taken by the Government of Cuba on December 6, 1961, within the scope of Title V of the Act. The Commission has held that the Cuban peso was on a par with the United States dollar on the date of loss and concludes that the decedent suffered a loss in the amount of \$18,233.26, in connection with the bank accounts.

With respect to the portion of the claim that is based upon mortgage bonds, the claimant submitted receipts from the Mendoza Bank indicating that the bank had on deposit for the decedent and/or one John W. Dearing, mortgage

bonds totaling \$16,000.00. John W. Dearing died in 1957 prior to the decedent. On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Article 30 of this law provided for the cancellation of all mortgages. The Commission finds that the decedent owned mortgages totaling \$16,000.00 which were cancelled by the Government of Cuba on October 14, 1960, and that the decedent suffered a loss in the amount of \$16,000.00 on that date, within the scope of Title V.

Concerning the portion of the claim that is based upon personal effects, household furnishings, art objects, etc., the claimant submitted a joint affidavit by two friends executed on July 20, 1964 wherein the affiants state generally that the decedent, MARITA DEARING de LATTRE, owned certain personal effects, such as furniture, fixtures, art objects and family heirlooms which she left with friends in Cuba. These personal effects are not itemized, and no specific values are stated. The Executor advised by letter of April 2, 1968 that the records disclose no further supporting evidence with regard to the personalty. There is in the record insufficient description of the property, and no evidence to establish that it has been nationalized or otherwise taken by the Government of Cuba. Accordingly, this portion of the claim is denied.

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 respective dates 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 ROBERT F. SANCHEZ, EXECUTOR OF THE ESTATE OF MARITA DEARING de LATTRE, DECEASED, suffered a loss, as a result of the 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 Two Hundred Thirty-three Dollars and Twenty-six Cents (\$34,233.26) 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 Proposed
Decision of the Commission

MAR 18 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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).)