

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. _____

FRANCISCO INDUSTRIES, INC.,

Plaintiff,

JURY DEMAND

vs.

ASR GROUP INTERNATIONAL, INC.,

Defendant.

_____ /

COMPLAINT

Plaintiff Francisco Industries, Inc. (“Francisco”), for its complaint against ASR Group International, Inc. (“ASR”), for violations of the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. § 6021, *et seq.* (“Helms-Burton”), states:

INTRODUCTION

1. This is an action for damages arising from the confiscation of property by the Cuban Government against a sugar company that trafficked in that property in violation of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, Pub. L. 104-114, 110 Stat. 785, 22 U.S.C. §§ 6021-6091, commonly known as the Helms-Burton Act.

2. Before Fidel Castro came to power, Francisco was a thriving international sugar business. Founded in New Jersey in 1899, Francisco’s 100,000-acre, sugar growing and processing operation was situated in southeastern Camagüey, Cuba, where it surrounded the Port of Guayabal. The Cuban Government confiscated Francisco’s estate on August 6, 1960. Before confiscation, Francisco owned, *inter alia*, 42,000 acres of sugar cane, two sugar mills, an alcohol

distillery, 177 miles of railroad track, an airfield, and a concession from the Cuban Government to operate and manage the Port of Guayabal. Despite confiscating its business, the Cuban Government never compensated Francisco.

3. In 1964, Congress granted jurisdiction to the quasi-judicial Foreign Claims Settlement Commission (the “Commission”), an independent agency within the Department of Justice, to determine the amount and validity of United States nationals’ expropriation claims against the Cuban Government. Francisco filed a claim and on February 9, 1971, the Commission certified Francisco’s claim for \$53,389,438.37, with interest accruing at 6% per annum from the date of loss.¹

4. In 1996, Congress observed that the Cuban Government was seeking to raise “hard currency” by “offering foreign investors” opportunities to enter into ventures that benefited from the use of property confiscated by the Cuban Government. Congress passed the Helms-Burton Act to deter such “‘trafficking’ in confiscated property” by creating a private right of action. That statute allows United States nationals to bring an action against anyone who knowingly and intentionally traffics in property confiscated by the Cuban Government. Starting in 2016 at the latest, ASR began trafficking in property known to be confiscated by the Cuban Government. That property includes Francisco-grown sugar and the Port of Guayabal.

5. Francisco now seeks damages and attorneys’ fees as provided under the Helms-Burton Act based on ASR’s violations of the Act.

¹ The Foreign Claims Settlement Commission’s Decision No. CU-6066 (Feb. 9, 1971), is attached as Exhibit 1. Through CU-6066, the Commission also certified the loss of Francisco’s wholly owned subsidiary, Compañía Gandera el Indio, S.A., for \$746,000.00, with interest accruing at 6% per annum from the date of loss.

PARTIES AND RELEVANT NONPARTIES

6. Plaintiff Francisco Industries, Inc. is a United States national and a corporation organized and existing under the laws of the State of New Jersey. Formerly known as The Francisco Sugar Company, Plaintiff is the recipient and owner of certified claim CU-6066.

7. Defendant ASR Group International, Inc., a United States corporation, is the world's largest refiner and marketer of sugar. ASR's headquarters are in West Palm Beach and it conducts substantial business in Florida.

8. The Republic of Cuba, a nonparty to this case, is a sovereign state composed of the island of Cuba, as well as Isla de la Juventud and several minor archipelagos.

9. AZCUBA, a nonparty to this case, is an alter ego of the Cuban Government. AZCUBA is a state-run monopoly that "possesses", "manages", "uses" or "holds an interest in" all of Cuba's sugar growing land, including land confiscated from Francisco.

10. Empresa Terminales Mambisas de la Habana ("Mambisas"), a nonparty to this case, is an alter ego of the Cuban Government. Mambisas presently "possesses", "manages", "uses" or "holds an interest in" all of Cuba's ports, including the Port of Guayabal.

11. Corporación Azucarera del Perú, S.A. ("Coazucar"), a nonparty to this case, is a Peruvian sugar company. Coazucar served as consignee for a shipment of Francisco-grown sugar exported from the Port of Guayabal to ASR's refinery in London, United Kingdom.

JURISDICTION AND VENUE

12. Defendant ASR is sugar company incorporated in Delaware with headquarters at 1 N. Clematis Street, West Palm Beach, Florida 33401.² This Court has personal jurisdiction over ASR because it is headquartered in Florida and conducts business activities in this forum.

13. This Court has subject-matter jurisdiction over this matter under 28 U.S.C. § 1331. Plaintiff brings a civil action that arises under federal law, 22 U.S.C. § 6082.

14. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(b)(1) because ASR resides or is deemed to reside in the Southern District of Florida under 28 U.S.C. § 1391(c) and (d). Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District, including ASR's decision to purchase Francisco-grown sugar and to export that sugar from Cuba through the Port of Guayabal. Alternatively, venue is proper under 28 U.S.C. § 1391(b)(3) because ASR is subject to personal jurisdiction in this District with respect to this action.

FACTUAL ALLEGATIONS

I. Cuba Nationalizes Francisco and Other United States Interests

15. Founded in New Jersey in 1899, Francisco was a thriving sugar enterprise with a 100,000-acre estate in Camagüey, Cuba. Francisco's estate encompassed 42,000 acres of sugar cane, 43,000 acres of pastures, 10,000 acres of timber, two sugar mills, 177 miles of railroad, and the Port of Guayabal.

² ASR Group International, Inc. is one of several sugar companies operating out of this address. These companies have the same or similar directors and are, upon information and belief, alter egos of one another. Additional companies using this same address include, for example: American Sugar Refining, Inc.; ASR Group., Inc.; Florida Crystals Corporation; and Fanjul Corp.

16. An appraisal performed by Luis Parajón, whose firm conducted appraisals for approximately 75% of all property losses caused by Cuban nationalization, states that Francisco's sugar growing lands were of "excellent quality" and capable of producing approximately 2.67 tons of sugar per acre.³ With 42,000 acres of sugar growing land, Francisco could produce as much as 112,000 tons of sugar per year. Francisco's sugar producing land had value because of their potential to grow sugar in the future, thus Mr. Parajón appraised them using a percentage of "the value of the sugar harvested" from that land.⁴

17. Mr. Parajón's appraisal also indicates that Francisco installed and owned the following at Port of Guayabal:⁵

- a. A 453 x 96 meter pier;
- b. A wharf with railroad lines running parallel to the shore in two sections—one 183 x 90 meters and the other 180 x 18 meters;
- c. Three molasses tanks with a total capacity of 4 million gallons;
- d. A dredged 2 kilometer canal leading to the pier with a depth of 32 feet;
- e. An alcohol tank with a capacity of 3 million gallons;
- f. An oil tank with a capacity of 67,000 barrels;
- g. A warehouse capable of storing 70,000 tons of sugar; and
- h. Gantry cranes for shipping sugar in bulk.

18. Francisco's development of the Port of Guayabal began in 1955 when it was awarded a 50-year concession to develop, operate, and manage docking facilities, as well as

³ The appraisal, prepared by Luis Parajón and submitted to Foreign Claims Settlement Commission (April 25, 1967), is attached as Exhibit 2.

⁴ The values Mr. Parajón ascribed to Francisco's sugar growing lands were accepted by the Commission without alteration.

⁵ See Exhibit 2.

8 acres of contiguous inland property.⁶ If 50 years proved insufficient for Francisco to earn back its capital spent developing the Port, the concession provided that Francisco could extend its operational and managerial rights beyond the initial 50-year term.

19. After Fidel Castro seized power in 1959, the Cuban Government began nationalizing every foreign-owned business on the island. On August 6, 1960, Cuba confiscated and nationalized Francisco through Resolution No. 1 of Cuban Law No. 851. The Francisco Sugar Company was explicitly identified, number 14 on the list, as having been nationalized by Cuban Law No. 851.

20. Cuba's confiscation of the sugar industry was well known to the international sugar community. Cuban laws nationalizing Francisco's property were public record as was the Commission's certification of Francisco's claim. The Castro Government passed multiple laws in 1960, including Cuban Law No. 851, ordering government agencies to confiscate all American-owned property in Cuba. As part of a broad response to the Cuban Government's actions, Congress authorized the Commission to consider claims relating to Cuba's confiscation of property. In a public decision, the Commission granted relief for claims arising from the Cuban Government's nationalization and confiscation of Francisco, including the loss of the Port of Guayabal concession.⁷

21. ASR also had actual knowledge of Cuba's confiscation of Francisco. ASR executive José F. Fanjul, Jr.'s father has owned 3,989 shares of Francisco for many years. José F. Fanjul, Jr.'s grandfather, Alfonso Fanjul, worked for Francisco prior to confiscation and

⁶ Through its wholly owned subsidiary Compañía Marítima Guayabal, S.A., Francisco was awarded the Port of Guayabal concession pursuant to Fulgencio Batista's Presidential Decree No. 3,749, dated November 10, 1955. That Decree was published in La Gaceta de La Habana on November 15, 1955.

⁷ See Exhibit 1.

served as the legal representative of Compañía Marítima Guayabal, S.A. when it acquired the Port of Guayabal concession in 1955.

22. Francisco received no compensation from the Cuban Government in 1960. Nor did the Cuban Government later compensate Francisco from 1960 to the present. Francisco's lawsuit seeks recovery for ASR's trafficking in Francisco's confiscated property, without Francisco's consent, as authorized under Helms-Burton.

II. Francisco Maintains a Certified Claim

23. In response to the Cuban Government's confiscation, Francisco filed a claim with the Commission pursuant to Title V of the International Claims Settlement Act of 1949. The Commission found that Francisco qualified as a United States national within the meaning of the International Claims Settlement Act.

24. The Commission evaluated the validity and amount of Francisco's claim and the value of Francisco's expropriated properties, rights, and interests. In support of its claim, Francisco provided the Commission with "three appraisals of the land, cultivations, buildings, installations, equipment and machinery."⁸ Francisco also submitted "affidavits of company officers, a report of losses submitted to the Department of State in August, 1960, financial statements" and photographs.⁹ After considering the evidence, including Mr. Parajon's appraisal, on February 9, 1971, the Commission certified that Francisco suffered a loss of \$53,389,438.37 as a result of the Cuban Government's expropriation. The Commission awarded interest on that amount at the rate of 6% per annum from the date of loss to the date of settlement.

25. Francisco maintains its certified claim to confiscated Cuban property.

⁸ *Id.*

⁹ *Id.*

III. Congress Enacts the Economic Embargo of Cuba and Helms-Burton

26. After Castro's rise to power, the United States sought to elevate the promotion and protection of human rights and fundamental freedoms over profits by imposing an economic embargo against Cuba. In 1996, Cuba was seeking to circumvent the embargo by using "confiscated" property to raise "badly needed" finances and expertise from "foreign investors."

27. "To deter" this "trafficking in wrongfully confiscated property," Helms-Burton provides United States nationals who were the victims of these confiscations "a judicial remedy in the courts of the United States" that "den[ies] traffickers any profits from economically exploiting Castro's wrongful seizures."

28. Title III of Helms-Burton provides that any person who traffics in property which was confiscated by the Cuban Government on or after January 1, 1959, shall be liable for monetary damages to the United States national who owns a claim to that property. "United States national" means any United States citizen or any other legal entity organized under the laws of the United States, or of any State. "Traffick[ing]" is defined broadly. It includes purchasing, receiving, possessing, controlling, managing, using, or holding an interest in confiscated property without the owner's consent. It also includes "engag[ing]" in "commercial activity using or otherwise benefiting from confiscated property" without the owner's consent. Persons who "cause[]," "direct[]," "participate[] in," or "profit[] from" trafficking by another party without the owner's consent engage in trafficking as well.

IV. ASR's Trafficking in Confiscated Property in Violation of Helms-Burton

29. ASR violated Helms-Burton by purchasing Francisco-grown cane sugar and exporting that sugar from the Port of Guayabal to ASR's refinery in London. Liability for trafficking extends to any party, including ASR, that engages in commercial activity using or

otherwise benefiting from Francisco’s confiscated lands. Liability for trafficking also extends to those that participate in or profit from traffickers growing sugar cane on or conducting commercial activity using Francisco’s confiscated property. ASR’s conduct constitutes trafficking in violation of Helms-Burton.

30. As just one example, on or about July 27, 2016, ASR knowingly and intentionally purchased a shipment of cane sugar that all presently known facts suggest derived from Francisco’s confiscated assets north of Guayabal. Francisco’s arable land, as well as sugar produced by that land, constitutes confiscated property as defined by the Helms-Burton Act. AZCUBA, an alter ego of the Cuban government, maintains a monopoly on all aspects of the sugar business in Cuba. AZCUBA is as trafficker according to Helms-Burton because it “possesses”, “manages”, “uses” or “holds an interest in” Francisco’s sugar growing land, and it engaged in “a commercial activity using or otherwise benefitting from confiscated property” when it sold Francisco-grown sugar.

31. The Francisco-grown sugar was shipped from the Port of Guayabal on July 27, 2016, and delivered to ASR’s London refinery on August 16, 2016. The bill of landing for the shipment states in relevant part:¹⁰

Bill of Lading Number	20511866210
Shipment Date	2016-07-27
Shipment Year	16
Arrival Date	2016-08-16
Shipment Origin	Cuba
Port of Lading	Guayabal (CU)
Country of Sale	United Kingdom
Transport Method	Maritime
HS Code	1701.14.0000
Consignee	Coazucar

¹⁰ See Port of Guayabal Shipment Profile, attached as Exhibit 3.

32. This shipment contained 11,000 tons of raw cane sugar. HS code 1701.14.000 is the harmonized shipping code for “Cane Sugar, Raw, In Solid Form”.¹¹

33. ASR knowingly and intentionally chose to export this shipment from the confiscated Port of Guayabal. Mambisas, an alter ego of the Cuban government operates and manages all Cuban ports, including the Port of Gauayabl. Mambisas is as trafficker according to Helms-Burton because it “possesses”, “manages”, “uses” or “holds an interest in” the confiscated Port of Guayabal, and it engaged in “a commercial activity using or otherwise benefitting from confiscated property” when Mambisas used Francisco’s port facilities to export raw cane sugar.

34. Coazucar served as consignee and importer of record for this shipment. In maritime shipping, a consignee is often a freight forwarder, taking “possess[ion]” of and moving cargo across multiple modes of transportation from a seller to the ultimate purchaser.

35. ASR received the raw cane sugar at its United Kingdom refinery on August 16, 2016. Although titled in the name of Tate & Lyle PLC, ASR admitted, on its website, that **ASR** owns and operates that refinery.¹² ASR is the only processor of cane sugar in the United Kingdom.¹³ All other sugar refineries in the United Kingdom process beet sugar.

36. ASR’s receipt, processing, and profiting from Francisco-grown sugar violated Helms-Burton in at least four ways. First, ASR “purchase[d]”, “receive[d]”, “possesse[d]”, and “use[d]” Francisco-grown sugar. Second, ASR “direct[ed]” Coazucar, as consignee for the

¹¹ See Datamyne, Cane Sugar, available at: <https://www.datamyne.com/hts/17/1701140000> (last visited April 29, 2021).

¹² It’s website, copyrighted 2021, confirms that ASR Group International, Inc. “owns and operates” the cane sugar refinery in London, United Kingdom.

¹³ See Unearthed, *Brexit-backing sugar refiner gets ‘sweetheart deal’ on cane imports* (Aug. 8, 2020), available at: <https://unearthed.greenpeace.org/2020/08/08/brexit-sugar-cane-tate-lyle-sweetheart-conservative/> (last visited April 29, 2021).

shipment, to “possess[.]”, “receive[.]”, “acquire[.] or hold[.] an interest” in Francisco-grown sugar. Third, ASR “engage[d]” in “a commercial activity using or otherwise benefitting from confiscated property” of Francisco. Fourth, ASR ultimately “profit[ed]” from AZCUBA, the Cuban entity growing cane on Francisco’s land, “sell[ing]”, “transfer[ing]”, “distribut[ing]”, “broker[ing]”, or engaging in “a commercial activity using or otherwise benefitting from confiscated property”, Francisco-grown sugar.

37. ASR further violated Helms-Burton by exporting Francisco-grown sugar from the Port of Guayabal. Francisco’s Port of Guayabal concession never expired. When confiscated, Francisco had a balance of 47 years of concessionary rights remaining. In addition, the three years Francisco operated the port were insufficient to generate a complete return of its investment, and therefore the concession remains in effect today. Exporting the Francisco-grown sugar or any other product from the Port of Guayabal violated Helms-Burton in two ways. First, ASR “engage[d] in a commercial activity using” the Port of Guayabal. Second, ASR “participate[d] in” or ultimately “profit[ed]” from Mambisas’, the Cuban state-owned port operator’s, “possess[ion]” and “use[.]” of the Port of Guayabal, as well as Mambisas’ engaging in “a commercial activity using or otherwise benefitting from” the Port of Guayabal.

38. ASR trafficked with full knowledge that Francisco’s sugar-growing lands and the Port of Guayabal had been confiscated by the Cuban Government in 1960 using public laws specifically identifying Francisco. Francisco’s certified claim also is publicly available¹⁴ and

¹⁴ See Commission, Final Opinions and Orders, available at: <https://www.justice.gov/fcsc/final-opinions-and-orders-5> (last visited April 29, 2020).

was the subject of news reports in 2015—before ASR began trafficking in Francisco’s confiscated property.¹⁵

39. Francisco never consented to ASR’s trafficking in the confiscated property.

ALLEGATIONS AS TO DAMAGES

40. Helms-Burton provides statutory measures of compensatory and treble damages that Francisco demands in these proceedings, along with attorneys’ fees and costs.

41. Francisco is entitled to compensatory damages equaling the greater of the amount certified by the Commission plus interest, or the fair market value of Francisco’s property. That fair market value is either the current value of the property, or the value of the property when confiscated in 1960 plus interest, whichever is greater.

42. Treble damages against ASR are warranted pursuant to 22 U.S.C. § 6082(a)(3)(A) and (C) because Francisco holds a certified claim.

TOLLING OR NON-ACCRUAL OF STATUTE OF LIMITATIONS

43. Each President of the United States suspended the right to sue under Helms-Burton from when it would have taken effect on August 1, 1996, through May 2, 2019, when the Executive Branch lifted that suspension. To the extent that Francisco’s claim accrued against ASR during that suspension period, ASR’s liability “can’t be extinguished subsequently.”¹⁶ The President lifted the “suspension period” on May 2, 2019, and Francisco brought suit on May 2, 2021.

¹⁵ See e.g., Nick Mirnoff, *The Largest U.S. Property claims in Cuba*, THE WASHINGTON POST (Dec. 8, 2015), (Francisco has the ninth-largest certified claim), available at <https://www.washingtonpost.com/news/worldviews/wp/2015/12/08/the-20-largest-u-s-property-claims-in-cuba/> (last visited April 29, 2020).

²⁸ See Office of the Press Secretary, Briefing on Helms-Burton Title III Suspension 7/16/96, 1996 WL 396125, at *5 (July 16, 1996).

44. ASR knowingly and intentionally profited by trafficking in Francisco's confiscated property by purchasing Francisco-grown cane sugar and exporting that sugar from the confiscated Port of Guayabal to ASR's London refinery, among other things. ASR's use of the London refinery was intended to prevent discovery by U.S. regulators. Francisco had no actual knowledge of ASR's trafficking in Francisco's property before May 2, 2019.

COUNT I
Liability for Trafficking Pursuant to Helms-Burton

45. Francisco re-alleges and incorporate paragraphs 1-44 above as if fully set forth herein.

46. Francisco respectfully request that the Court: (1) enter a judgment against ASR for monetary damages in accordance with § 6082(a), including (a) the greater of the amount of Francisco's certified claim plus interest, the current fair current value of Francisco's property, or the fair market value of the property when confiscated plus interest, and (b) treble damages; (2) award attorneys' fees and costs in accordance with § 6082(a)(1)(A)(ii); and (3) for any further relief deemed appropriate by this Court.

DEMAND FOR JURY TRIAL

Francisco requests a jury trial for any and all counts for which a trial by jury is permitted by law.

Dated: May 2, 2021

Respectfully submitted,

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

IN THE MATTER OF THE CLAIM OF

THE FRANCISCO SUGAR COMPANY
and
COMPANIA CANADERA EL INDIO, S.A.

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2500

Decision No. CU 6066

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 \$58,505,859.00 was presented by THE FRANCISCO SUGAR COMPANY based upon the asserted loss of property and investments in Cuba. COMPANIA CANADERA EL INDIO, S.A., which is a wholly-owned subsidiary organized in the United States, is joined herein as co-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.

Section 502(1)(B) of the Act defines the term "national of the United States" as a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.

An officer of THE FRANCISCO SUGAR COMPANY which was organized in 1899 under the laws of the State of New Jersey has certified that at all times pertinent hereto at least 50% of its outstanding capital stock has been owned by United States nationals and that on June 27, 1967 holders of 348,102 shares of the 350,301 shares outstanding were residents of the United States who are presumed to be United States nationals. The Commission holds that THE FRANCISCO SUGAR COMPANY and its wholly-owned subsidiary, COMPANIA GANADERA EL INDIO, S.A. qualify as nationals of the United States within the meaning of Section 502(1)(B) of the Act.

The losses for which claim is made are as follows:

Land	\$13,053,882.00
Buildings, equipment and other non-current assets	42,134,290.00
Net current assets	1,652,385.00
Securities (non-affiliated companies)	121,400.00
Investment - Cubana Primadera	<u>1,543,902.00</u>
Total	\$58,505,859.00

The record establishes and the Commission finds that THE FRANCISCO SUGAR COMPANY was the owner of land and two sugar mills in Cuba and the sole stockholder of the following Cuban enterprises, Inversiones Agricolas Santa Isabel, S.A., Manuel A. Lage y Cia. S. en C., and Cia. Maritima Guayabal, S.A. The Commission further finds that the property of both claimants and the Cuban subsidiaries was taken by the Government of Cuba on August 6, 1960 under Resolution No. 1. The Cuban firms were organized under the laws of

Cuba and do not qualify as corporate "nationals of the United States" defined under Section 502(1)(B) of the Act, supra. In this type of situation, it has been held that an American stockholder is entitled to file claim based upon an ownership interest therein. (See Claim of Parke, Davis & Company, Claim No. CU-0180, 1967 FCSC Ann. Rep. 33.) Therefore THE FRANCISCO SUGAR COMPANY is entitled to file a claim for its interest in the Cuban companies.

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 question, in all cases, will be to determine the basis of valuation which, under the particular circumstances, is "most appropriate to the property and equitable to the claimant". This phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

According to the evidence of record, FRANCISCO owned sugar mills at Elia and Francisco and with its two Cuban subsidiaries owned 3,025.835 caballerias of land, an alcohol distillery and yeast plant, approximately 177 miles of railroad track with the necessary rolling stock, warehouses, airfields, and complete facilities for operating the mills at the towns of Francisco and Elia. Land was also owned by FRANCISCO at the port of Guayabal where the other Cuban subsidiary operated under a concession from the Cuban Government, having dredged the port to a depth of 33 feet and erected a pier, warehouses and tanks for carrying out its shipping operations.

Claimant EL INDIO, S.A. organized under the laws of the State of Delaware in 1953 was engaged in cattle raising, and bred and developed cattle on land leased from its parent company.

In support of the amount claimed, claimants have submitted three appraisals of the land, cultivations, buildings, installations, equipment and machinery. The record also contains affidavits of company officers, a report of losses submitted to the Department of State in August, 1960, financial statements and photographs of Central Elia and Central Francisco.

On the basis of all the evidence of record, the Commission finds that the value of the fixed assets of FRANCISCO and its Cuban subsidiaries on August 6, 1960 were as follows:

Lands and cultivations		\$19,110,000.00
Railroad System		9,600,000.00
Port at Guayabal		3,746,000.00
Francisco Mill		
Batey & Factory Buildings	\$2,700,000.00	
Cane Handling Equipment	110,000.00	
Cane Milling Equipment	1,300,000.00	
Boiler & Furnace Plant	850,000.00	
Clarification Plant	400,000.00	
Evaporation Plant	650,000.00	
Crystallizers & Centrifugals	620,000.00	
Factory Pumps	120,000.00	
Factory Pipe Lines & Valves	200,000.00	
Electric Plant	500,000.00	
Mechanical & Locomotive Shops	<u>250,000.00</u>	7,700,000.00
Elia Mill		
Batey & Factory Buildings	1,850,000.00	
Cane Handling Equipment	80,000.00	
Cane Milling Equipment	1,000,000.00	
Boiler & Furnace Plant	800,000.00	
Clarification Plant	320,000.00	
Evaporation Plant	500,000.00	
Crystallizers & Centrifugals	600,000.00	
Factory Pumps	100,000.00	
Factory Pipe Lines & Valves	200,000.00	
Electric Plant	550,000.00	
Mechanical & Locomotive Shops	<u>200,000.00</u>	6,200,000.00
Distillery & Yeast Plant		900,000.00
Other Properties, Power Lines, etc.		400,000.00
Field Installations & Agricultural Machinery		<u>2,300,000.00</u>
Total		\$49,956,000.00

The Commission further finds that on August 6, 1960, the current assets of claimant FRANCISCO and its subsidiaries exceeded its liabilities by the amount of \$1,652,385.00 and that the total value of the property of FRANCISCO and its Cuban subsidiaries taken by the Government of Cuba on August 6, 1960 was \$51,608,385.00. Inasmuch as the Commission does not deduct liabilities

of United States nationals except for taxes due the Cuban Government (see Claim of Simmons Company, Claim No. CU-2303), claimants were requested by letter of March 2, 1970 to submit separate information concerning FRANCISCO's subsidiaries. However no reply was received and the determination of liabilities is based upon the consolidated report for August 7, 1970 (claimant's Exhibit 8).

COMPANIA GANADERA EL INDIO, S.A.

According to the information filed with the Department of State in 1960 EL INDIO did not own any land but operated its cattle raising business on land leased from FRANCISCO and its Cuban affiliates. On August 6, 1960, EL INDIO was the owner of 9,317 head of cattle, of which 241 were pure Santa Gertrudis breed and the remainder part Santa Gertrudis, and 144 horses and mules. The amount of \$746,000.00 is asserted as the value of the livestock at the time of loss.

On the basis of the evidence herein and other evidence available to the Commission concerning the value of livestock, the Commission finds that the value placed on these cattle is a fair and reasonable one and concludes that EL INDIO suffered a loss in the amount of \$746,000.00 for the taking of its livestock on August 6, 1960 within the meaning of Title V of the Act.

Investments

Claimant FRANCISCO has asserted claims totalling \$1,665,302.00 for its investments in Cia. Cubana Primadera, S.A., Ferrocarriles Occidentales de Cuba, S.A., Cuban Venezuelan Oil Voting Trust, Trans-Cuba Oil Company and Kenaf Corporation.

On the evidence of record, the Commission finds that FRANCISCO owned shares of the listed corporations on August 6, 1960 as follows:

Cia. Cubana Primadera, S.A.	306,000 Common Stock Shares
	9,980 Preferred Shares
Ferrocarriles Occidentales	1,089 Shares
Trans-Cuba Oil Company	15,000 Shares
Cuban Venezuelan Oil Trust	10,000 Shares
Kenaf Corporation	5,686 Shares

In the Claim of Martha P. Balme, Claim No. CU-8162, the Commission determined that the value of preferred stock of Cia. Cubana Primadera on

- 6 -

August 7, 1960 was \$92.1936 per share, with the common stock having no value. The Commission therefore finds that FRANCISCO as the owner of 9,980 preferred shares suffered a loss in the amount of \$920,092.13 for its ownership interest in Cia. Cubana Primadera, S.A. when its Cuban assets were taken on August 6, 1960.

In the Claim of Ruth Anna Haskew, Claim No. CU-0849, the Commission held that the value of the common stock of Ferrocarriles Occidentales de Cuba, S.A., which enterprises were required to purchase under Cuban laws, was the original cost price. Claimant paid \$100.00 per share or a total of \$108,900.00 and the Commission finds that claimant suffered a loss in the amount of \$108,900.00 for its ownership interest in Ferrocarriles Occidentales de Cuba, S.A. on August 6, 1960.

In the Claim of D. R. Wimberly, Claim No. CU-3417 and Claim of Felix Heyman, Claim No. CU-0412, the Commission determined the values of shares of the Trans-Cuba Oil Company and the Cuban Venezuelan Oil Voting Trust to be \$0.1198 and \$0.11971 per share, respectively, on November 23, 1959 the date the properties of those companies were taken by the Government of Cuba. Accordingly, the Commission finds that FRANCISCO suffered a loss in the amount of \$1,797.00 for its interest in the Trans-Cuba Oil Company and \$1,197.10 for its interest in Cuban Venezuelan Oil Voting Trust on November 23, 1959.

Concerning the Kenaf Corporation, the Commission held in the Claim of Manati Sugar Company, Claim No. CU-2525, that stockholders of this New York corporation could file a claim for their ownership interest since the company was dissolved in 1962 after assets valued at \$22,382.95 were taken by the Government of Cuba on May 25, 1960. Accordingly, the Commission finds that FRANCISCO as the owner of 5,686 shares or 13.703% of the outstanding stock suffered a loss in the amount of \$3,067.14 on May 25, 1960 within the meaning of Title V of the Act.

RECAPITULATION

Accordingly, the claimants suffered the following losses within the meaning of Title V of the Act:

THE FRANCISCO SUGAR COMPANY		
Net Assets with Subsidiaries	August 6, 1960	\$51,608,385.00
Cia. Cubana Primadera	August 6, 1960	920,092.13
Ferrocarriles Occidentales	August 6, 1960	108,900.00
Trans-Cuba Oil Company	November 23, 1959	1,797.00
Cuban Venezuelan Oil Trust	November 23, 1959	1,197.10
Kenaf Corporation	May 25, 1960	<u>3,067.14</u>
		\$52,643,438.37
COMPANIA GANADERA EL INDIO, S.A.		
Livestock	August 6, 1960	\$746,000.00

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 as follows:

<u>FROM</u>	<u>ON</u>
THE FRANCISCO SUGAR COMPANY	
November 23, 1959	\$ 2,994.10
May 25, 1960	3,067.14
August 6, 1960	<u>52,637,377.13</u>
	\$52,643,438.37
COMPANIA GANADERA EL INDIO, S.A.	
August 6, 1960	\$746,000.00

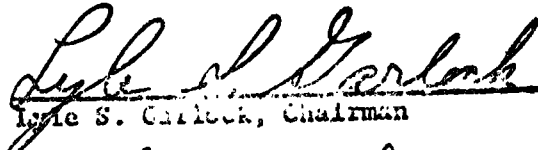
CERTIFICATIONS OF LOSS

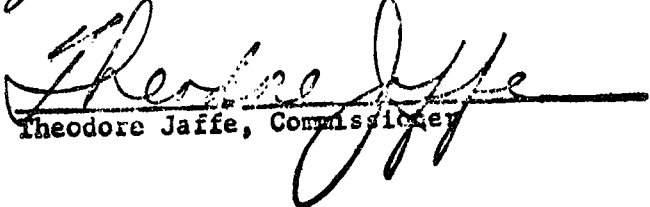
The Commission certifies that THE FRANCISCO SUGAR COMPANY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-two Million Six Hundred Forty-three Thousand Four Hundred Thirty-eight Dollars and Thirty-seven Cents (\$52,643,438.37) with interest at 6% per annum from the respective dates of loss to the date of settlement; and

The Commission certifies that COMPANIA GANADERA EL INDIO, S.A. 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 Seven Hundred Forty-six Thousand Dollars (\$746,000.00) with interest at 6% per annum from August 6, 1960 to the date of settlement.

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

FEB 9 1971


Lyle S. Carlbeck, Chairman


Theodore Jaffe, 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 claimants establish retention of the securities or 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.

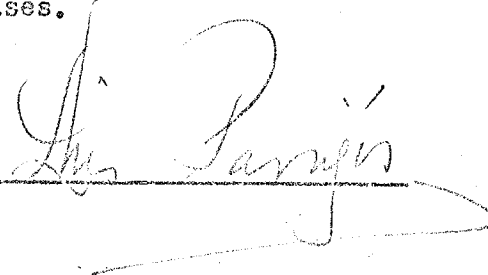
NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended (1970).)

FOREIGN CLAIMS SETTLEMENT COMMISSION

CLAIM OF LOSS

THE FRANCISCO SUGAR COMPANY
120 Wall Street
New York, New York

The undersigned, Luis Parajon, is aware that this statement is to be submitted to the Foreign Claims Settlement Commission of the United States in connection with the claim of The Francisco Sugar Company, and that any willfully false statement herein may subject the undersigned to the criminal penalties provided by law in such cases.



A handwritten signature in cursive script, reading "Luis Parajon", is written over a horizontal line. The signature is fluid and extends below the line with a long, sweeping tail.

April 25, 1967

Report on the properties of:

Francisco Sugar Company
Inversiones Agrícolas Santa Isabel S.A.
Manuel A. Lage y Cia S. en C.
Cia. Marítima Guayabal S.A.

with a foreword indicating:

Qualifications of Mr. Luis Parajón.
Method used in the appraisal.

The main report with:

Descriptions and valuations,
Centrals Francisco and Elia.

And an appendix containing:

A chart of construction costs in Cuba.
Letters in support of qualifications.

I have been retained to prepare an independent objective appraisal report on the value of certain equipment and property owned by the Francisco Sugar Company, and or its subsidiaries, Cia. Marítima Guayabal, S.A., Inversiones Agrícolas Santa Isabel, S.A., Manuel A, Lage y Cia. S. en C.

I am qualified to conduct such an appraisal, and herewith respectfully submit my personal background and qualifications.

Since 1950 to 1960, I was a partner in the firm of Parajón e Hijo, of Havana, Cuba. This firm engaged in engineering and appraisal work, was the direct successor of Aguiar y Hno., the name having changed to that of Parajón e Hijo in 1950 when I entered the firm.

Aguiar y Hno. was founded in 1910 by Antonio G. de Aguiar and Octavio G. de Aguiar also to engage in engineering and appraisal work. In 1925, my father S.M. Parajón entered the firm, a nephew of both founders, upon his graduation from the University of Havana as Engineer and Architect. He was a partner until 1944 when, the last of the Aguiars having died, he became the sole proprietor. In 1950 I entered the firm after graduating from the University of Havana as Civil

Engineer and a year of graduate work at the Mass. Institute of Technology. At this time the name was changed and I became a partner.

Over the years, the main activity of the firm was the conduct of appraisals and adjusting work for insurance companies relating to property losses caused by fires, cyclones and other similar risks. In 1959 we were conducting approximately 75% to 80% of the appraisal work in property losses in Cuba for domestic or foreign companies.

In addition of this appraisal activity, we also inspected buildings or other structures in course of construction for mortgage lenders, like Banks, Life Insurance Companies, and other institutions. Also, valuations were conducted of industrial concerns, mainly sugar estates for insurance purposes or otherwise. Being the main industry in Cuba, the largest proportion of the valuations were in the sugar industry, and therefore we have had considerable experience in the valuation of sugar plants and properties.

Some of the sugar plants and properties appraised by our office over the years were:

Centrals Gómez Mena, Mercedita, Santa Teresa, Algodonal, Resolución, Santa Lutgarda, Natividad, San José, Soledad (Cienfuegos) , Perseverancia, Washington and Ermita. Miranda, Palma, Alto Cedro and Santa Ana of the West Indies Sugar Co. Agramonte, Estrella and Vertien-

tes of the Vertientes-Camagüey Sugar Co.

Boston and Preston of the United Fruit Sugar Co. and Baraguá, Florida, Macareño of the former Punta Alegre Sugar Corp. Finally Chaparra, Delicias and Mercedesita of the former Cuban American Sugar Company.

In the Dominican Republic we appraised Boca Chica, Barahona Consuelo, Quisqueya and Las Pajas; in Haiti Centrales Hasco and Dessalines.

We appraised the properties of the Cuba Distilling Company and the Old Time Molasses, which consisted mainly of molasses pipes and tanks; also the Arechabala Refinery for sugar, the largest in the Island. We visited every sugar Mill in Cuba to evaluate the possibility of changing the warehousing system to ship sugar in bulk. We designed new warehouses, ports, piers and even ships specially adapted to this technique in the early fifties. To this effect we visited not only all the Mills in Cuba, but every major installation in the world handling bulk sugar, as those in Hawaii, Trinidad, Puerto Rico and Jamaica.

To many sugar companies we served as consultants in their building needs, and carried on an active engineering and construction business. We followed closely construction costs in Cuba keeping the only statistical chart that to my knowledge was maintained in that country from 1913 to 1959, a copy of which is attached.

These activities were carried on by the firm and directed by one or the other of the partners, but from the middle fifties I was the managing partner of the firm. In addition I personally took over the inspection of properties for mortgage purposes, the appraisal of sugar properties in general, the design of engineering structures, the appraisal of some of the losses for the Insurance Companies, and the financial end of the operations.

Of the thirty four mills listed above and appraised by our firm at one time or another, I personally inspected fourteen, Santa Lutgarda, Natividad, Perseverancia, Miranda, Palma, Alto Cedro, Santa Ana and Washington, Barahona, Consuelo, Quisqueya, Las Pajas, Hasco, and Dessalines. The other twenty were inspected by three or four different members of our staff under the general direction of my father. In addition I appraised Mercedita, Chaparra and Delicias Mills.

I also directed the entire project described above to study the feasibility of changing the warehousing system to handle sugar in bulk at all the mills, and all ports in Cuba.

The work included the study of the shipping system also, not only for the marine end but also for the transportation from the Mills to the ports, for which a special system of containers was designed.

Under my direction all the mills were inspected by one or more members of our staff, and then after adequate drawings were prepared in the field and the office, a special system designed for every one of them. It was part of my duties to design a special bulk carrier ship, which was designed in a preliminary way under my instructions at the Mass. Institute of Technology.

I also co-directed with another firm the inspection of all the sugars in Cuba at another time in order to certify the amount of sugar bags then in existence, which again carried the combined staffs of both firms under my direction to every sugar mill and port in Cuba. This undoubtedly, if not in a strictly personal way, certainly involved me personally in a very intimate way with all the sugar mills again.

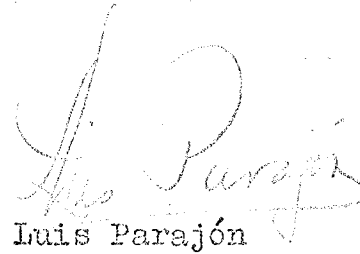
Appraisals of losses for Insurance Companies, under my supervision were those of commercial risks, group losses of catastrophe proportions, in which several blocks in one town were destroyed, and losses at sugar mills and other industries. I also supervised all the other losses and every report that was sent to an Insurance Company during those years went over my signature. Included were marine inspections of both cargo and hulls, in a new department that I inaugurated in the middle fifties with very good results and ever expanding business.

In engineering I had under my direct supervision the design of all the structures which during my time, were either built or studied by our office, and I worked with some American firms, like Frederick Snare Corp. of New York, Raymond International,

John Graham and Co. of New York and Seattle, with whom I worked in the design of several buildings for Aminlife Ins. Co. in Port au Prince, Santo Domingo and of course Havana.

There were many other projects, special and interesting, and other activities and duties carried on by me during those years, but I should think the above gives an idea of my capabilities.

April 1967



Luis Parajón

Report on the value of Centrals Francisco and Elia, in the Province of Camagüey, Cuba, and the lands, cultivations, and railroad owned by the Francisco Sugar Company or its subsidiaries, Inversiones Agrícolas Santa Isabel S.A. or Manuel A. Lage y Cia. S. en C. and the Port of Guayabal situated in the South Coast of Cuba, in the Province of Camagüey, owned by Cia. Marítima Guayabal S.A.

This appraisal has been prepared from the available information, which is in the files of the Company in New York and includes not only balance sheets, but also physical inventories, budgets, expenditures over the years in the different departments of the mills, all of which have been carefully examined. It has been supplemented by a wealth of other information on prices, values, maps, depreciation and personal experience, but certainly can not be as accurate if this valuation had been made after a careful inspection of the properties.

I feel that the values contained herein reflect the actual values of Centrals Francisco and Elia, and in this connection it should be emphasized that valuations are far more accurate than descriptions, because they are derived from the personal knowledge of this and similar properties. Also the fact that

depreciate values are utilized throughout, lessens the possibility of error. Values do not depend so much on the manufacturer of a specific piece of machinery.

Values are always debatable. Even replacement costs may vary several percentage points, depending on the manufacturer or seller of the equipment, and the particular time of the purchase.

I expect the margin of error in this valuation to be less than 10% as an average in the individual items shown. In every case an effort has been made to remain very conservative, and the overall valuation will be a low one because despite all the research there inevitably will be many items and properties not remembered and therefore not included.

All values shown are actual values. They have been arrived at by first determining the replacement cost of the property involved, and then applying a factor of depreciation. The replacement value has been determined from that of a similar piece of property, which would be used in 1959 if replacement were contemplated. The reason for the 1959 date is that it is the year when values were not yet distorted in Cuba.

Several problems arise immediately from the above statement as for example the meaning of the word similar. There is practically no similar piece of machinery identical to those used thirty or more years ago. New units to perform the

same function are far more efficient, smaller, requiring less maintenance. They are probably of higher speed. The old piece may have been entirely discontinued as the whole design or even concept may have radically changed. This would normally call for a lower value for these parts, but not always, as is the case of narrow gauge railroads, where the replacement of a rail is very expensive due to the scarcity of these rails.

Another problem arises in attaching a value to smaller pieces that are very numerous, like the electric motors, or pumps, regulators, valves etc. It is usually not the same price if \$ 200,000 worth of motors are bought at one time, than if a single \$ 50.00 motor is purchased.

Depreciation is even more debatable. It is a more complex subject, and obsolescence is not the only factor that enters into it. Excepting very few things, as a railroad embankment which actually improves with age, all others lose value during the course of their lives. Physical deterioration gradually destroys the life of an object or make the business of preserving it so expensive as to render the whole maintenance problem uneconomical.

Expenditures on repairs do not completely off set depreciation. Expenditures may maintain the operating usefulness of an object, and in some cases may even prolong its life, but only when they are very substantial in relation to its replacement value.

No comparison has been attempted with resale values, and none should be attempted. This value depends on supply and demand which makes it very inaccurate for valuation purposes. Return on invested capital has only been used in the appraisal of the land and cultivations, as this is the only possible scientific way of establishing value. The method is fully explained elsewhere in this report. Installation and construction costs have been estimated as of October 1959.

Buildings have been valued on the basis of square foot area of construction, and a unit price per square foot has been established in each case. Depreciation has been then applied usually at a rate of between 10% and 40%. The exception has been the case with the field properties where some have had to be estimated.

Some of the mill machinery has been appraised in groups as there was not enough information to permit individual machinery appraisal. Depreciation averages 35%.

This appraisal does not include inventories of materials and supplies, nor small tools, sugars or molasses, and in general nothing not expressly included, because they are items my information and or knowledge does not enable me to value with certainty.

It has been made from sources I believe accurate, but no responsibility is accepted for them nor representation is made

as to ownership or anything else except values, which I believe are fair and reasonable.

Summary of abbreviations used in this report:

Caballería (cab) is 33.1 acres

Kilometer (KM) is 1,000 meters

3,280 feet.

0.62 miles.

Meter is equivalent to 3.28 feet.

Square meter is equivalent to

10.68 square feet.

Arroba (©) is equal to 25 pounds.

Centrals Francisco and Elia were actually one single sugar estate with two sugar mills on it.

Situated in the Province of Camagüey, between the Main Highway and the south coast, about 40 Km. from its own deep water port. Elia is only 12 Km. away from Guáimaro, a town on the Main Highway 650 Km. east of Havana. There was an airport at the Francisco Batey, with one strip one mile long where the Cubana Airlines DC 3 used to land.

Francisco had a grinding capacity of 575,000 arrobas of cane per 24 hours, and Elia 530,000 which made them very similar in grinding capacity. Both produced sugars with high polarization, over 97.

During the 1959 crop, Elia produced 488,462 bags, and Francisco 655,325 bags. This year Francisco ranked 16 among the 161 Mills, and Elia 23, in terms of sugar production.

Central Francisco was built in 1902, and Elia was probably older, but Elia was practically rebuilt in most of its essentials in the 1940's.

Being operated by the same Company, they were both very well and similarly maintained.

FRANCISCO SUGAR COMPANY

INVERSIONES AGRICOLAS SANTA ISABEL S.A.

MANUEL A. LAGE S. en C.

CIA. MARITIMA GUAYABAL S.A.

Summary of values:

Lands and cultivations:	\$ 19,110,000.00
Railroad system:	9,600,000.00
Port at Guayabal:	3,746,000.00
Francisco and Elia Mills:	13,900,000.00
Distillery, yeast plant and other properties:	1,300,000.00
Fields properties and agricultural machinery:	<u>2,300,000.00</u>
T O T A L :	<u>\$ 49,956,000.00</u>

Lands and cultivations:

The lands owned by the Francisco Sugar Company, and or, its wholly owned subsidiaries, Inversiones Agrícolas Santa Isabel S.A., Manuel A. Lage S. en C. and Cia. Marítima Guayabal S.A. together with the cane, forests, and other cultivations planted thereon, may be described as follows:

Total area:	<u>3,025.835 caballerías</u>
Cane lands	1,275,230 cabs.
Pasture lands	1,316.034 cabs.
Reforestation	13.500 cabs.
Forests	306.650 cabs.
Reserve lands	50.000 cabs.
Industry:	
Port	0.2500 cabs.
RR and roads	33.4710 cabs.
Elia batey	7.2300 cabs.
Francisco batey	20.5654 cabs.
Rep. Rionda	1.1400 cabs.
Primadera	1.7060 cabs.
Sevilla Distill.	<u>0.0586 cabs.</u>
Total for Industry:	<u>64.421 cabs.</u>
T O T A L :	<u>3,025.835 cabs.</u>

Valuation:

The cane lands were of excellent quality as shown by the agricultural yield obtainable from them of 60,000 arrobas of cane per caballería.

To determine the value of these lands use has been made of the rent produced by them as determined by the Cuban Sugar coordination Law, which stipulated that the rent to be paid to the land owner was 5% of the value of the sugar harvested from the caballería.

Therefore as the price of sugar in 1959, according to the Cuban Ministry of Agriculture was 3.891 cents, or \$ 0.973 per arroba, and as the combined industrial yield for the 1959 crop (abnormally low) was 11.80% for Francisco and Elia, then the value of the sugar produced is calculated as follows:

60,000 arrobas of cane produced per caballería x 11.80% x \$ 0.973 per arroba are \$ 6,888.00 per caballería.

The rent to be paid by law by the farmer was 5% of the above amount, and 5% of \$ 6,888.00 is \$ 344.40.

This rent capitalized at a rate of 6% would give a value per caballería of \$ 5,750.00 and is the value that will be used for the lands planted with cane and harvested in the 1959 crop.

The fields not harvested in this crop although as good as

those harvested, are not being valued at the same amount, solely in order to be consistent with the above reasoning, in as much as they did not produce any rent that year, and a value of 60% of the harvested fields is used. The figure therefore will be \$ 3,450.00 per caballería.

Pasture lands:

These lands had been improved with good pastures, and were always well maintained. Their value will also be determined as above by means of the rent they were producing.

In the late fifties, the prevailing rent for pasture land was at least \$ 1.25 per animal per month, and assuming the normal population of 25 animals per caballería, the rent would then be \$ 375,00 per year, and per caballería. Again using a capitalization rate of 6% this means a value of \$ 6,250.00 per caballería.

Reforestation:

These were the product of a program instituted in 1949, and where about 270,000 trees were growing of these varieties, among others: eucaliptus, caoba, ocuje, najagua, najagüilla, sabicú, bacona, cedro, roble, ácana, caoba de Honduras, bijaragua, guana y fustete. Valued at \$ 350,000.00

Forests:

Natural forests, of native woods. Valued at \$ 750,000.00

Reserve lands:

For different reasons, not in use at the time. Valued at \$ 1,000.00 per cab.

Valuation of cane stools:

The only cane the Company owned was through its wholly owned subsidiaries, Inversiones Agrícolas Santa Isabel S.A., and Manuel A. Lage S. en C.

During the 1959 crop these two subsidiaries operated the cane fields and at the end the situation was as follows:

	Harvested	Not harvested
Sta. Isabel:	14,800,000 @	3,200,000 @
Lage:	<u>8,700,000 @</u>	<u>2,000,000 @</u>
T O T A L S :	<u>23,500,000 @</u>	<u>5,200,000 @</u>

To value the cane stools, use has been made of the profit allowed by the Cuban Government to the farmer in order to pay taxes.

The average of this profit for the years 1956 to 1959 was 96.66 cents for 100 arrobas of cut cane. This figure capitalized at 10%, on the assumption that agriculture is a business which carries far more risk than ownership of land, gives a value of \$ 9.66 for 100 arrobas, of cut cane. Including the value of the molasses, to which the farmer was also entitled, and rounding the figure, the value becomes \$ 10.00, and it shall be used for all the harvested cane. For the unharvested, which produced no profit that

year, a value of only \$ 5.00 per 100 arrobas shall be used,
although the cane was as good as the other cut one.

Lands and cultivations: Summary of values.

Francisco Sugar Company.

Inversiones Agrícolas Santa Isabel S.A.

Manuel A. Lage S. en C.

Cane lands, harvested:	950	cabs at \$5,750	\$ 5,463,000.00
Cane lands, unharvested:	325	"	3,450
Pasture lands:	1,316.034	"	6,250
Reforestation:	13.500	"	
Forests:	306.650	"	
Reserve lands:	50.000	"	1,000
Industry:	64.421	"	
Cane:			<u>2,610,000.00</u>
Total for land and cultivations:			<u>\$ 19,110,000.00</u>

Port at Guayabal:

The Company had owned some facilities at this port for several years, and in 1956 we understand, obtained a concession from the Cuban Government to develop jointly with the Government a modern port for handling sugar and general cargo, and then operate the facilities that would be built there.

Not entering at all into the question of finance or ownership and limiting this report only to the appraisal of the physical facilities these were as follows:

One pier approximately 453 x 96 meters of concrete construction built on piles.

A wharf running parallel to the shore in two sections, one 183 x 90 meters, and the other 180 x 18 meters, with railroad lines, and built partially on piles.

Two old molasses tanks, and one new tank with a total capacity of 4,000,000 gallons.

One canal which was dredged as part of this project, and which lead to the above mentioned pier, 2 Km long, with a depth of 32'.

One alcohol tank, with a capacity of 3,000,000 gallons.

One oil tank, all steel also with a capacity for 67,000 barrels.

One concrete and steel warehouse for sugar in bulk, that would have been able to store 70,000 tons of sugar, equivalent to 500,000 bags.

Equipment, like gantry cranes and other for the shipping of sugar in bulk, and partially constructed structures or in process like railroad lines not yet in place, have been valued considering the amount already spent on them, as this Terminal for all practical purposes was completed.

Value of the above described construction, already erected, or in process, including equipment paid for, all legal and financing expenses, engineering fees, but not land which has been appraised under the Land and cultivations heading, at actual costs, without depreciation as it was so new that was not finished,

\$ 3,746,000.00

Railroad system:

Francisco and Elia Mills owned a system of 283.2 Kilometers of standard gauge railroad, plus 16 more Kilometers of also standard gauge switches.

This system was very well maintained, by the Mill personnel assigned to this system.

In addition there was the following equipment:

Elia Division:

Four steam locomotives.

One small steam locomotive.

299 cane cars of 30 tons each

4 flat cars

4 caboose cars

4 wooden flat cars.

12 tank cars.

2 track cars.

Francisco Division:

9 Diesel locomotives.

313 cane cars also 30 tons.

81 flat cars

2 box cars

12 gondolas

1 railroad crane

1 steam hammer

14 track cars.

20 tank cars.

Total depreciated value: \$ 9,600,000.00

Sevilla Distillery:

This plant, was built in 1943, as several others in Cuba, when, because of war conditions the scarcity of fuels was very acute, and it became very profitable to operate these plants.

It had a daily capacity of 16,000 gallons of absolute alcohol. In 1959 it enjoyed a quota of 2,000,000 in the 133 days it was producing, working 24 hours a day.

When it was built it only had two distillation columns, but a third one was added afterwards.

It had the following equipment:

Building

Agitators, alcohol tanks, for receiving and storage.

Pumps, valves, pipes.

Electrical installation.

Scales and weigh tanks.

Jet mixers.

Gin plant.

Laboratory, furniture and fixtures.

Yeast tanks.

Fermentation equipment.

Condensers.

Two alcohol tanks.

Distillation columns and equipment.

Benzol equipment.

Yeast Plant:

In 1955 a plant with a capacity of 2,000 short tons of yeast, was built. It had the following equipment:

One holding tank.

One level tank.

Three centrifugals.

One reslurry tank.

Two sludge trailers.

One secondary mixer.

Four yeast separators.

One mixing tank.

One drum dryer.

Bagging equipment, conveyors, hopper;

liquor, slurry and yeast pumps.

Instruments, agitators, compressors,

filters and other equipment.

Depreciated value of Distillery

and yeast plant:

\$ 900,000.00

Other properties:

Under this heading there are included some pieces of equipment not easily identifiable as belonging to the Francisco or Elia Divisions.

They are the following:

- Furniture and fixtures.
- Laboratory equipment.
- Water and sewerage.
- Telephone lines and equipment
- Lighting, and power lines and equipment in the field.
- Tools, and medical and hospital supplies.
- Drinking water treatment plant
- Several concrete mixers, rock crushers, concrete block machines.

Depreciated value \$ 400,000.00

Distillery and yeast plants: \$ 900,000.00

Other properties: 400,000.00

Total for Distillery, yeast

plant and other properties: \$ 1,300,000.00

Field buildings and agricultural machinery:

These properties, in the field or utilized thereon are owned either by Francisco Sugar Company or its subsidiaries as described below:

Owned by Inversiones Agrícolas Santa Isabel S.A.:

600 dwellings of different types in the field.

100 plows, 50 graders, seven tractors, 5 cultivators

5 power graders.

Irrigation equipment, pipes, canals, ditches, tanks, reservoirs, pumps, motors, wells and cane hoists, and cane scales.

Owned by Manuel A. Lage S. en C.:

140 dwellings, pipings, pumps, wells, fences, and other irrigation and agricultural equipment.

Owned by Francisco Sugar Company; used by either the Francisco or Elia Divisions:

Trucks, jeeps, tractors, bulldozers, caterpillars, road building equipment.

50 buildings in the field.

20 buildings used by the railroads.

Depreciated value \$ 2,300,000.00

FRANCISCO SUGAR MILL

Summary of values

Capacity: 575,000 arrobas
per 24 hours.

Batey and factory buildings:	\$ 2,700,000.00
Cane handling equipment:	110,000.00
Cane milling equipment:	1,300,000.00
Boiler and furnace plant:	850,000.00
Clarification plant:	400,000.00
Evaporation plant:	650,000.00
Crystallizers and Centrifugals:	620,000.00
Factory pumps:	120,000.00
Factory pipe lines and valves:	200,000.00
Electric Plant:	500,000.00
Mechanical, Locomotive and other shops:	<u>250,000.00</u>
	<u>7,700,000.00</u>

Batey and factory buildings:

Scale and cane conveyor building, steel.

Mill building proper, steel and galvanized iron

Boiler house, steel and galvanized iron.

Electric plant, steel.

Clarification, evaporation and centrifugals.

Acid house.

Ice Plant.

Carpenter shop.

Water purification plant.

Mill supply storehouse.

Huacales factory.

Dryer building.

Shops and foundry.

Laboratory.

Steel water tanks.

Locomotive oil tank.

Two steel oil tanks for 750,000 gallons each.

Sugar warehouses:

There are five warehouses, one of them adjacent to the Mill house, is of the same steel construction. There is another also of steel, and a thirs built of bricks, all of them with galvanized iron roofing.

There are two of frame construction and galvanized iron roofing.

Their measurements are as follows:

One is 94 x 32 meters.

One 58 x 14 "

One 15 x 20 "

One 92 x 20 "

One 75 x 22 "

Molasses tanks:

Two tanks 50' x 28' with a capacity of 400,000 gallons, each.

Two tanks 43' x 28' with a capacity of 300,000 gallons each.

Two tanks 93' x 25' 8" with a capacity of 1,300,000 gallons.

Batey buildings and structures:

Manager's house, brick.

Assistant Manager's house.

Another comparable dwelling

Guest house.

Twelve dwellings for junior management, some frame and tiles.

Hospital, brick and tile.

Doctor's dwelling.

Police headquarters

Stables building.

Office building

Mess Hall.

Garage.

Eleven barracks.

Two hundred and twenty five dwellings,
mostly frame, some brick.

Several school buildings.

Kingston Subdivision.

Buenavista subdivision.

Base ball field.

Post Office

Drug Store.

Cane car repair shop.

Cooling ponds.

Rain water deposit.

Filter house.

Motor repairs shop.

Machine shop and foundry

Lumber deposit.

Materials warehouse.

Ice plant.

Gin factory building.

Rock crusher.

Dry cleaning building.

Traffic building.

Telephone equipment repair shop.

Laboratory

Pañol building.

Old Pañol building.

There were several other smaller ones.

Fences, piping, power lines, lighting lines and fixtures, roads, sidewalks, landscaping of grounds, sewerage and water supply, telephone lines and equipment, railroad lines and switches, airport with landing strip of one mile in length.

Total value:

\$ 2,700,000.00

Cane weighing and unloading equipment:

One Fairbanks scale for cars, which are pulled by a Fulton winch 6" x 8".

One Link Belt car dump with lateral discharge, 80 gpm pump and 5 hp motor.

The bagasse conveyor is 47'9" long by 9' wide, discharging on the inclined conveyor, all driven by electric motors.

One Fairbanks scale automatic with Link Belt lateral discharge car dump. Bagasse conveyor 40' x 9' which in turn discharges onto another 120' long.

Two Cliver hoists for cane carts.

Total value: 110,000.00

Cane grinding equipment:

One tandem with Fulton crusher 34"x72" driven by Fulton engine 18"x42". Two H. Stillman mills 35"x72" driven by Corliss engine 30"x60". Two more Fulton mills 35"x72" driven by two 450 hp Murray turbines.

One tandem with Fulton crusher 40"x84",
driven by 26"x48" Hamilton engine.

Five Fulton mills, the first one is
39"x84", the second and third 38"x84",
and the fourth and fifth 37"x84".

The first three mills are driven by
Corliss engine 42"x60", and the last
two by Corliss engine 34"x60".

Two traveling cranes and

One mill roll lathe.

Hydraulic pressure pumps, accumulators,
juice strainers, raw juice pumps, macer-
ation water scale and pumps, trash pumps,
chlorinators, juice canals, pump pits, pi-
nions and gearings.

Total value: \$ 1,300,000.00

Boiler equipment:

Four Babcock and Wilcox 56,000 pounds per
hour each at 160 pounds per square inch,
equipped for bagasse burning.

One Babcock and Wilcox 70,000 pounds of
steam per hour at 160 psi, with a Cohen
oil burner.

One concrete stack for the B. and W.
boilers, 18'x225'.

Feed pumps: One De Laval pump 5 $\frac{1}{2}$ "-400 gpm

One Black & Knowles 16"x10"x24".

One Allis Chalmers 750 gpm with Terry turbine 125 hp.

One Ingersoll Rand 1,000 gpm also with Terry turbine of 165 hp.

Two Allis Chalmers 250 gpm driven by 200 hp, 3,500 rpm. motor.

Heaters, fans, water system for feed, four tanks with 930,000 gallons of total capacity for condensate. One treating plant for water with a capacity of 90,000 pounds.

Bagasse carriers, fuel oil pumps, underground flues, blowers.

There is a separate plant at Francisco, containing two Combustion Engineering boilers new, installed in 1958, one for 105,000 pounds per hour at 160 psi., and the other for 100,000 pounds at 600 psi. and 750 degrees F, the first to give steam to the board factory, the second just for a new 3,000 Kw. turbogenerator to produce electricity for the same board factory. These two boilers not valued here.

Total value: \$ 850,000.00

Clarification equipment:

Two Richardson scales for juice.

One tank for juice 11' diameter and 7700 gallons.

Five heaters, with 1444 square feet of heating surface, each.

One heater with 1,000 square feet of heating surface.

Four Clarifiers Rolston, Petree & Dorr, 20 ft. and 6 compartments.

One Dorr clarifier 30' and five compartments.

Three Oliver Campbell filters 8'x16' with condenser 6'x24'.

Mud tanks, pumps, molasses tanks, Bristol automatic alkalization, instruments, controls.

Total value: \$ 400,000.00

Evaporation equipment:

One cell with 7,200 square feet of heating surface.

One pre-evaporator J&G of 4,000 square feet, 8' 4" diameter.

One quadruple Coil with 20,000 square feet and its condenser.

One Treadwell 13'6" and 27,400 square feet of heating surface and condenser.

Two calandria Vacuum pans 12' in diameter and 1,500 cubic feet and 2,050 square feet of heating surface.

Two calandria Vacuum pans Kelvin 12' in diameter, 1170 cubic feet capacity and 2,324 square feet of heating surface.

One Kilby 14' in diameter also calandria type, and 1,805 cubic feet and 3,522 square feet of heating surface.

One Treadwell 12' in diameter, calandria type 1,162 ' of capacity and 2,308 square feet of heating surface.

Five meladura tanks with a total capacity of 26,300 gallons.

Five molasses tanks with a capacity of 22,500 gallons.

Six molasses tanks with 28,200 gallons.

Five vacuum pumps, three injection pumps, and three return pumps from the cooling pond, which has 576 sprays Yarway, type Klein, 2".

Rack evaporator has its own condenser, and also each pan, as well as they are all connected to a central condenser.

Gauges, indicators, molasses tanks, syrup settling tanks, air compressors, pan charging tanks, condensation, syrup and other pumps.

Total value: \$ 650,000.00

Crystallizers, centrifugals, weighing and stacking equipment:

Thirty two crystallizers, of 1,250 cubic feet each, used for massecuite, molasses and seed.

Eight Hepworth centrifugals 40"x24" belt driven.

Four Hepworth 40"x24" electrically driven by G.E. motors.

Two Cresson-Morris 40"x24" also electrically driven by individual Westinghouse motors.

Sixteen Hepworth 40"x24", belt driven

Four Hepworth 40"x24", belt driven.

Four Hepworth 40"x24", individually driven by G.E. motors.

Six Hepworth 40"x24" high speed, electrically driven.

Three automatic Richardson scales, conveyors, sewing machines, sugar troughs, molasses troughs, receiving tanks, sugar washers, conveyors, elevators, sugar bins, platform scales belt conveyors, sugar coolers, fans, air ducts

sugar elevators, hopper and ducts, magma pumps,
scales, bag elevators, etc.

Total value: \$ 620,000.00

Factory pumps:

Total value: 120,000.00

Factory pipe lines, fresh water tanks,
valves, etc.:

Total value: 200,000.00

Machine and carpenter shops, foundry,
locomotive shop, ice plant, car shop.

Total value: 250,000.00

Electric plant:

Two G.E. turbo-generators 1,500 Kw. each
and 3,600 rpm. at 440 V.

Two C.C. generator groups for the
cranes and roll lathe.

Exciters, switchboards, load centers,
power lines in the factory, transformers,
breakers, protection equipment, motors etc.,

Total value: 500,000.00

ELIA SUGAR MILL

Summary of values

Capacity: 530,000 arrobas
per 24 hours.

Batey and factory buildings:	\$ 1,850,000.00
Cane handling equipment:	80,000.00
Cane milling equipment:	1,000,000.00
Boiler and furnace plant:	800,000.00
Clarification plant:	320,000.00
Evaporation plant:	500,000.00
Crystallizers and Centrifugals:	600,000.00
Factory pumps:	100,000.00
Factory pipe lines and valves:	200,000.00
Electric Plant:	550,000.00
Mechanical, Locomotive and other shops:	<u>200,000.00</u>
	<u>6,200,000.00</u>

Batey and factory buildings:

Scale and cane conveyor building, steel and galvanized iron.

Mill building, proper, steel and galvanized iron.

Boiler house, steel structure.

Bagasse shed, steel structure.

Small sugar warehouse, for 35,000 bags, of steel and galvanized iron.

New sugar warehouse, built in 1958, for sugar in bulk, of steel and concrete, some cement blocks. Value included below but not depreciated.

Electric plant and machine shop buildings.

Two water coolers.

One steel water tank for locomotives.

Molasses tanks:

One of 500,000 gallons steel structure.

one of 1,000,000 gallons also of steel.

Two of 380,000 gallons, steel.

One of 305,000 gallons also of steel.

One of 300,000 gallons steel.

Batey:

Manager's house.

165 different dwellings frame and shingles.

Church.

Hospital

Laboratory building.

Club house.

Office building.

Agricultural implements building.

School.

Mill supply building.

Mess hall .

Smaller office building.

Ice plant.

Post Office.

Firemen's headquarters.

Nine barrack buildings for employees.

Store.

Carpenter shop.

Two locomotive shops.

Butcher shop.

Two garage buildings.

Telephone office and exchange.

Foundry.

Traffic and telephone houses for the railroad.

Railroad station.

Fences, piping, sports field, power lines,
lighting lines and fixtures, roads, sidewalks,
landscaping of grounds, sewerage and water sup-
ply, telephone lines and equipment, railroad lines
and switches:

Total value:

\$ 1,850,000.00

Cane weighing and unloading equipment:

One cane car dump, Link Belt, lateral discharge, 10' 4" x 40' driven by steam engine, and with a Gould 2", 80 gpm pump.

One Oliva hydraulic dump for trucks.

One conveyor 10' x 65' driven by a 20 hp 600 rpm motor, which delivers cane to the main conveyor, which is 7' x 166' driven by Fulton steam engine with twin cylinders 12"x12", and has cane kickers.

Total value: \$ 80,000.00

Cane grinding equipment:

One Fulton tandem, with a 40"x87" pre crusher, and a crusher 38"x87", both driven by a Corliss engine 30"x54". First mill 36 $\frac{1}{2}$ "x84", second 37"x84", third 37 $\frac{1}{2}$ "x84, fourth and fifth 38"x84". The first three mills driven by Corliss engine 38"x60", and the last two by another Corliss 38"x60".

Hydraulic pressure pumps, accumulators, juice strainers, raw juice pumps, maceration water scale and pumps, trash pumps, chlorinators, juice canals, pump pits, pinions and gearings.

Two traveling cranes.

One mill roll lathe.

Total value: \$ 1,000,000.00

Boiler equipment:

Two Babcock and Wilcox boilers of 580 cubic feet each, with independent Ward furnaces.

One Babcock and Wilcox of 860 cubic feet, and Ward furnace.

One concrete stack 108x175' connected to the above three boilers.

Three Edge Moor boilers of 860 cubic feet each of capacity and Ward furnaces. One concrete stack 14'x210' connected to the three Edge Moor boilers.

Six Murphy boilers of 200 cubic feet and one concrete stack 9'x150' with forced draft equipment.

Two more boilers of 580 cubic feet each, and one smaller with only 200 cubic feet capacity, with oil Ray burners.

Water pumps, bagasse carriers, boiler feed pumps with motors, fuel oil pumps, underground flues, blowers etc.

Total value: 800,000.00

Clarification equipment:

Two Richardson automatic scales.

Two Mac Farlane heaters 1500 square feet of heating surface each, and one H.I.W. of 970 square feet.

Two heaters Factory Sales and Engineering of 970 square feet.

One Dorr clarifier 24' in diameter and five compartments.

One Graver 30' and five compartments.

One Dorr 20' and with four compartments.

Four tanks for cachaza of 7,000 gallons each.

Two Oliver filters 8'x16'.

Mud tanks, pumps, molasses tanks, Bristol automatic alkalization, instruments, control equipment:

Total value: 320,000.00

Evaporating plant:

One Kilby pre evaporator with 4,000 square feet of heating surface.

One Kilby quadruple effect with 26,000 square feet of heating surface.

One Bancroft quadruple effect of 13,000

square feet of heating surface.

Two Vacuum pans of 11' diameter, and 833 cubic feet each, and two condensers.

Two Vacuum pans of 13' diameter and 1,400 cubic feet each, also with two condensers.

One Vacuum pan of 13' and 1,350 cubic feet with its own condenser. All Vacuum pans are of the calandria type.

Three vacuum pumps, three injection pumps, and three rejection pumps.

Evaporators condensers, one cooling pond, gauges, indicators, molasses tanks, syrup settling tanks, air compressors, pan charging tanks, condensation pumps, syrup and soda pumps.

Total value: \$ 500,000.00

Crystallizers, centrifugals, weighing and stacking equipment:

Four open of 1,600 cubic feet.

Six open of 1,600 cubic feet, Rolston .

Four also open of 1,000 cubic feet, and two closed of 1,000 cubic feet.

Ten W.S. Robert of 1,400 rpm 40"x30" driven by two 250 hp motors through belts.

Eight Hepworth 40"x24", and 1,200 rpm. by one 75 hp and 580 rpm motor through belts.

Twelve C-M Rolston high spees, 40"x24",
driven by individual electric motors at
1,200 rpm.

Automatic scales for bagging sugar,
sewing machines, sugar troughs, molasses tr-
oughs, receiving tanks, sugar washers, convey-
ors, elevators, sugar bins, platform scales,
belt conveyors, sugar coolers, fan, air ducts,
sugar elevators, hopper and ducts, magma pumps,
scales, etc.

Total value: \$ 600,000.00

Factory pumps:

Total value: 100,000.00

Factory pipe lines, fresh water tanks,
valves etc.:

Total value: 200,000.00

Machine and carpenter shops, foundry,
locomotive shop.

Total value: 200,000.00

Electric plant:

Two turbo generators G.E. 1,000 Kw,
3,600 rpm, 60 cycles and 480 Volts.

One Allis Chalmers 1,000 Kw, with the same
other characteristics as the two G.E.'s.

One Allis Chalmers 800 Kw, also with the same electrical specifications as the other three.

One Alternator Westinghouse 70 Kw. driven by Diesel engine. of 390 hp. for the dead season. Exciters, switchboards, load centers, power lines in the factory, transformers, breakers, protection equipment, motors, etc.

Total value: \$ 550,000.00

The construction cost curve that follows, was prepared in our office in Cuba around 1940 at the request of several Insurance Companies.

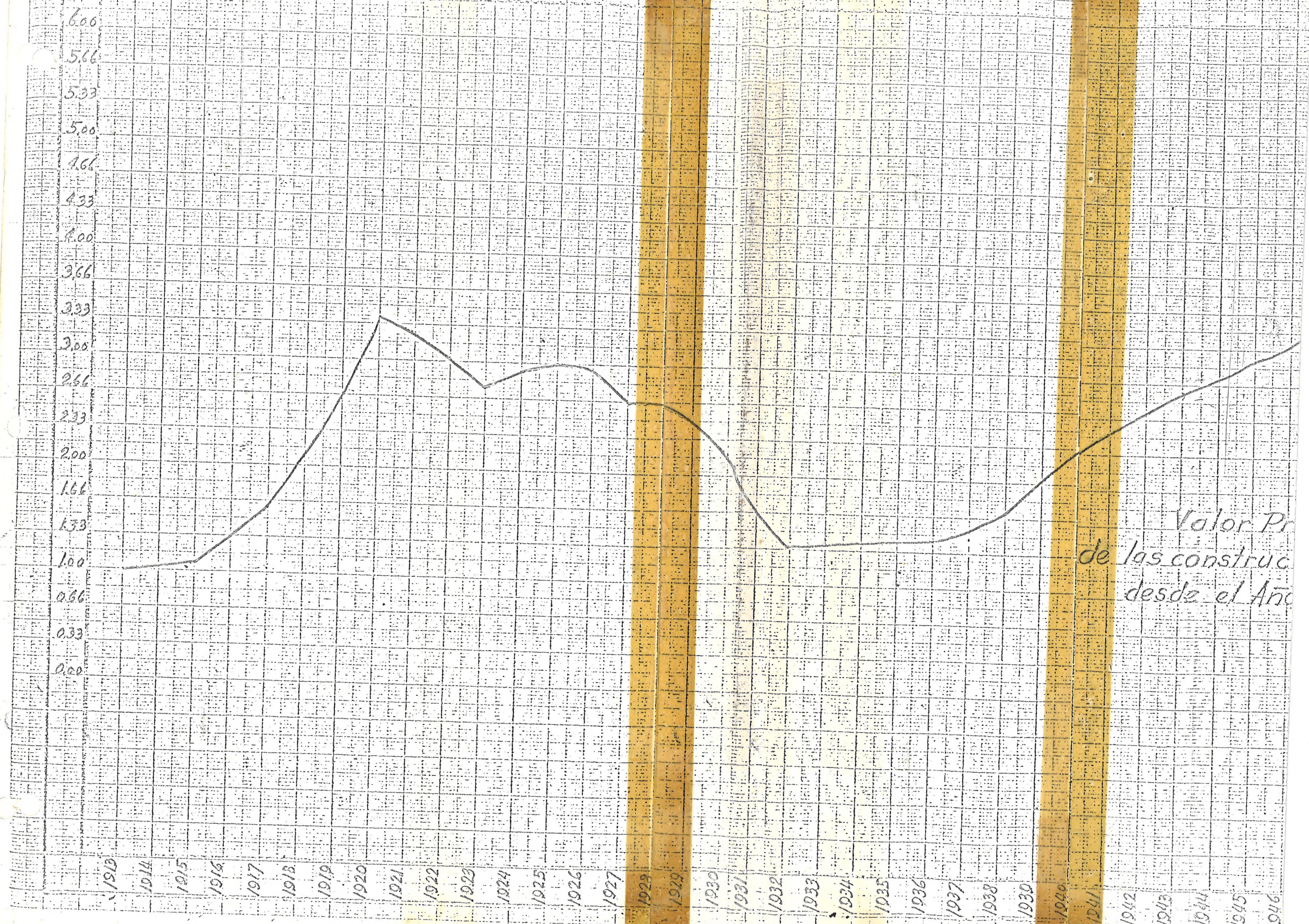
The curve starts in 1913 and the data for the years between 1913 and 1940, was obtained from records in our office derived from the actual constructions done by our firm in those years. Once prepared it was kept current by posting every year the necessary information and continuing the graph.

The curve reflects costs in the construction industry, both of materials and labor, and therefore is not a statistic of costs of items like machinery, which was mainly imported, although it could be used as a very good guide in evaluating installation costs by Cuban labor. It really shows an overall cost of construction.

On the vertical axis the numbers express what usually are shown as percentages. If construction costs in 1913 were 100% then the scale could be re-written as 133%, 166%, 200%, etc. up to 600%, the highest figure on that scale. Instead we used numerals which express the same concept, 1, 1.33, 1.66, 2, and so forth.

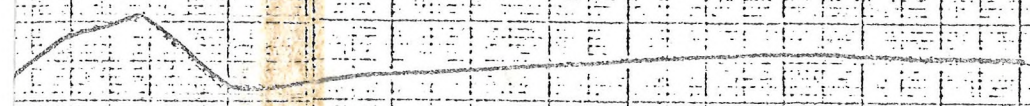
As may be seen from the above explanation, the curve does not show absolute figures, but the relative increase taking the costs in 1913 as a base.

51



Valor Pr
de las construc
desde el Año

San Francisco Form 666 C



Comedios Proporcional
ciones en la República de Cuba
1913 hasta el Año 1959

S. M. Parajón
Arquitecto

Luis Parajón
Ingeniero

1947
1948
1949
1950
1951
1952
1953
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1955
1956
1957
1958
1959
1960

DESPARD & CO., INC.

161 WILLIAM STREET
NEW YORK, N. Y. 10038
TELEPHONE 964-9100

INSURANCE BROKERS
CONSULTANTS

ADJUSTERS OF AVERAGE
WORLDWIDE SERVICE

January 6th, 1967

Mr. Luis Parajon,
55 Mallard Drive,
Greenwich, Conn.

TO WHOM IT MAY CONCERN:

I have known the firm of Aguiar y Hino. and its successor, Parajon e Hijo, for approximately thirty years. On numerous occasions, I have had to call upon the principals, Mr. S. M. Parajon and Mr. L. Parajon, for appraisals and loss surveys pertaining to properties in Cuba as well as Puerto Rico. The properties involved were primarily sugar mills and contents and properties of leading tobacco interests in Cuba. Mr. Luis Parajon has always done an outstanding and thorough job in a workmanlike manner, as regards to all of the appraisals and surveys requested. Approximately twelve years ago, Mr. Luis Parajon undertook an appraisal of several hundred buildings for one of the leading tobacco companies in Cuba, with the result that the principals were very well satisfied and complimentary as to the outcome of the work which had been done.

We have observed, on numerous occasions, that the principals of the firm of Parajon e Hijo were the outstanding appraisers of properties of sugar interests in Cuba; and at no time did the writer ever question their integrity or ability. Many of our outstanding clients were very well satisfied with their services, and at no time were we advised of any criticism of their work. The principals of this firm, Messrs. S. M. Parajon and Mr. Luis Parajon, are outstanding, honorable citizens and very capable and honest in their profession. The writer has been very happy with having had the benefit of their ability and knowledge in the past and does not hesitate to recommend them very highly in undertaking appraisals of properties.

DESPARD & CO., INC.

Chairman

PRICE WATERHOUSE & CO.

60 BROAD STREET

NEW YORK 10004

January 5, 1966

Mr. Luis Parajon
55 Mallard Drive
Greenwich, Connecticut

Dear Mr. Parajon:

I understand that you have been engaged by one or more companies to make appraisals of sugar cane properties and mill facilities in connection with claims against the Government of Cuba to be filed with the Foreign Claims Settlement Commission of the United States, Washington, D.C. You have asked whether I am in a position to comment on your professional qualifications to make such appraisals.

At the outset, I wish to explain that since July 1, 1943 I have been a partner of Stagg, Mather & Hough and since the early 1950s I have been associated with Price Waterhouse & Co. as a manager in its New York office and a partner in its West Indian firm. The independent accounting practice of Stagg, Mather & Hough was combined with that of Price Waterhouse & Co. in the West Indies in 1952 and elsewhere in 1954.

During the years the aforementioned firms practiced in Cuba, my partners and I were well acquainted with the firm of Parajon & Hijo, of which I understand you became a partner in about 1950. Although I do not personally know you, I can attest that the firm of Parajon & Hijo had gained an excellent professional reputation as appraisers and particularly as appraisers of cane sugar properties and mill facilities. On many occasions we recommended that firm to our clients and others both in Cuba and the Dominican Republic and, to the best of my knowledge, the several companies that made use of its services were entirely satisfied. Several years ago, the Chairman of the Board of one of the largest American-owned raw sugar companies operating in Cuba stated to me that, in his opinion, the firm of Parajon & Hijo, because of its extensive practice in Cuba and elsewhere and because of its intimate knowledge of conditions in Cuba, was better qualified to perform an appraisal of Cuban sugar properties than any of the major continental appraisal companies.

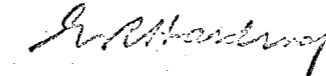
Mr. Luis Parajon

- 2 -

January 5, 1966

Anyone desiring to confirm the foregoing should feel free to communicate with me or with Mr. T. L. Wilkinson or Mr. G. F. Gardner at Price Waterhouse & Co., 60 Broad Street, New York, N. Y. 10004 (telephone: 212 - 943-5900).

Sincerely yours,



E. Reginald Harding
Certified Public Accountant

JULIO FORCADE
440 E. 82ND ST (APT. 4V)
NEW YORK, N. Y. 10028

I, Julio Forcade, a Cuban citizen, of legal age, married, a lawyer, residing at 440 East 82 Street, New York City, do hereby depose and affirm:

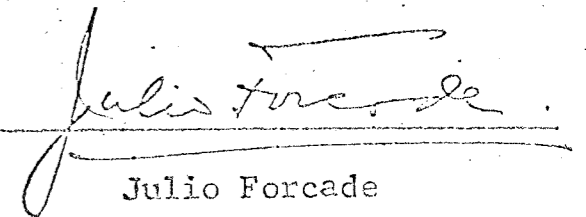
That in Cuba I was President of La Cubana, Cia. Nacional de Seguros S.A. of Aguiar 411, Havana, one of the oldest and largest insurance companies in Cuba;

That La Cubana, Cia. Nacional de Seguros S.A. used, as official appraisers, Messrs. S. M. Parajon and Luis Parajon, members of the firm of Parajon e Hijo, one of the best, if not the best, appraisers in the country;

That besides being the appraisers for the above-mentioned company, they inspected all construction done by La Cubana;

That at all times their work was most satisfactory, and that they enjoyed an exceptionally fine reputation, not only because of their professional knowledge, but also because of their integrity;

That since 1960 I have been employed by Messrs. Carl Marks & Co., Inc., Foreign Securities Specialists of 20 Broad Street, New York City, and that I have kept in touch with Mr. Luis Parajon, and have always heard people refer to him very highly.


Julio Forcade

January 9, 1967

201 East 79th Street,
New York, New York.
January 21st, 1967.

Mr. Luis Parajon,
55 Mallard Drive,
Greenwich, Conn.

TO WHOM IT MAY CONCERN:

This is to certify that I was a partner of the firm Carrillo y La Guardia, and later vice-president of Carrillo y La Guardia, S.A., General Agents in Cuba for the Great American Insurance Company, the Phoenix Insurance Company of Hartford, and the St. Paul Fire and Marine Insurance Company from the time of their admittance - 1913, 1923, and 1949, respectively - until October 1960, when their interests were confiscated.

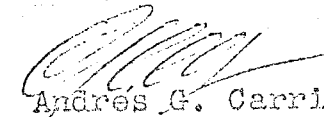
I joined the firm in 1927, and I can certify that at that time our principals used the services of Mr. S. M. Parajon, of the firm of Aguilar y Hermano, as their main loss adjuster.

Later on Mr. S. M. Parajon was joined by his son, Luis, and the firm became Parajon e Hijo (in English "Parajon & Son"). The Companies represented by us continued to use their services.

The fact that these companies utilized their services over this period of over forty years should be sufficient proof of the ability and integrity of Mr. S. M. Parajon and his son, Luis.

As Cuba's principal industry was the sugar industry it stands to reason that Parajon & Son should have been proficient in the appraisals of sugar properties.

I was very happy to have had the benefit of the above mentioned ability and integrity when settling losses for the account of the underwriters represented by us, and do not hesitate to recommend S. M. Parajon and Luis Parajon, jointly or individually, in undertaking appraisals of property values.


Andres G. Carrillo

104-40 Queens Blvd.
Apt. 4 X
Forest Hills, N.Y.

The Federal Ins. Co.
90 John St.
New York, N.Y.

Lorenzo Toral

January 9, 1967

Mr. Luis Parajón
55 Mallard Dr.
Greenwich, Conn.

Dear Luis:

I am pleased to confirm our conversation of to day regarding the length of time I have known your firm in Cuba.

As you know I was President of Dussaq y Toral S.A. for twenty years, since 1941. Dussaq y Toral S.A. was General Agent and Manager for The Federal Insurance Company of Cuba, Prudential Assurance Co. Ltd. of London, England, and Union Assurance Society of London, American Institute of Marine Underwriters, and U.S. Salvage Association, in addition to several steamship companies among them The Havana-Florida Car Ferry Operating Co. and the Holland America Line.

Personally, I was also a VicePresident of The Federal Insurance Company of Cuba.

I have known the firm of Aguiar y Hno. since 1919, and later when the name was changed to Parajón e Hijo in 1951, using always your services in the appraisal of losses in which our Companies were involved, among them several sugar mills. I know that since the time I knew your firm you were one of the leading firms for appraisals and valuations in Cuba and that your services were utilized by Insurance Companies, both Cuban, American and British, as well as Banks and other institutions.

I knew you and your father, the principals of the firm not only in a business way, but also socially for many years, having also known your grandfather, and found you all persons of the highest character and moral standards.

Your ethics as well as the high degree of professional ability were the reasons why my firm as well as the Insurance Companies we represented used the services of your firm without interruption for forty-one years.

Yours sincerely,

Lorenzo Toral



ROLLINS BURDICK HUNTER CO.
NEW YORK

LAWRENCE E. GILBERT
VICE PRESIDENT

INTERNATIONAL DIVISION
ROOM 5400-30 ROCKEFELLER PLAZA
AREA CODE 212-CIRCLE 7-3000

January 11, 1967

Mr. Luis Parajón
55 Mallard Drive
Greenwich, Connecticut

Dear Luis:

As you know, I was resident in Cuba from the beginning of 1940 until mid 1960. As a Director of American International Corporation, and later as Vice President and General Manager of Marsh & McLennan of Cuba, I was almost continually in business contact with the firm of Parajón e Hijo of which you and your father S. M. Parajón, were the principals. You will recall that these contacts were of a professional nature due to the fact that our business activities comprised insurance brokerage on behalf of most of the major U. S. companies in the Sugar and other industrial operations. We utilized your services, including appraisals and loss adjusting not only in Cuba but throughout the Caribbean area, including Central America, because of your demonstrated professional competence combined with integrity and character, for which you were recognized as outstanding.

Although due to present circumstances it is rather painful to recall, during the last 8-10 years of my residence in Cuba my principal contact with your firm was through you and in all respects you demonstrated the afore-mentioned qualities, both personally and professionally. Almost constantly during the period indicated, we dealt with all aspects of the sugar industry, due to our representation of the interests of the American Sugar Refining Co., The Cuban American Sugar Co. (now North American Sugar Industries) as well as other producers, totalling approximately 12% of the entire sugar producing facilities in Cuba.

As a Director of the American Chamber of Cuba and active in the business community, I had ample confirmation of your reputation, from many sources other than my own.

With best wishes, I am,

Sincerely,

LEG:caf

UNITED STATES: CHICAGO NEW YORK DETROIT ST. LOUIS SAN FRANCISCO SEATTLE BOSTON LOS ANGELES TULSA
SOUTH AMERICA: RIO DE JANEIRO SAO PAULO RIO DE JANEIRO BUENOS AIRES CARACAS VALENCIA BOGOTA CALI
CANADA: ROLLINS-REEO, LTD. MONTREAL REGINA CALGARY EDMONTON VANCOUVER ENGLAND: LONDON ASIA: TOKYO BANGKOK

Royal-Globe Insurance

COMPANIES

ROYAL INSURANCE COMPANY • LIVERPOOL & LONDON & GLOBE
INSURANCE COMPANY • ROYAL INDEMNITY COMPANY • GLOBE
INDEMNITY COMPANY • QUEEN INSURANCE COMPANY OF AMERICA

LONDON AND LANCASHIRE INSURANCE COMPANY
SAFEGUARD INSURANCE COMPANY • STANDARD MARINE
INSURANCE COMPANY • THE MARINE INSURANCE COMPANY

NEWARK INSURANCE COMPANY • AMERICAN AND FOREIGN
INSURANCE COMPANY • BRITISH & FOREIGN MARINE INSURANCE
COMPANY • THAMES & MERSEY MARINE INSURANCE COMPANY



150 WILLIAM STREET

NEW YORK, N. Y. 10038

January 17, 1967

Mr. Luis Parajon
55 Mallard Drive
Greenwich, Connecticut

Dear Luis:

You have asked me to set down my knowledge of your professional activities as a civil engineer and property insurance adjuster in Havana, until you were forced to leave Cuba with your family five years ago.

Our business in Cuba was transacted through general agencies in Havana, the largest of whom was G. F. Kohly S.A. who had represented us there for over 100 years. It was their business in The Liverpool and London and Globe Insurance Company Ltd. and Queen Insurance Company of America that I helped to underwrite and service for over 20 years. I feel, therefore, I can speak with some authority of the insurance industry in Cuba.

Our property losses were adjusted exclusively by your father's firm, Parajon e Hijo, not only in Cuba but also in the Dominican Republic and Haiti. We have no hesitation in saying that Parajon e Hijo were the outstanding adjusters in the area, with an unrivalled knowledge of the sugar industry in all its property aspects. Our risks were extensive--many of the largest sugar producers were our insureds--and we had on occasion to settle some very substantial claims. These were adjusted by you and your father with great technical skill and always to the highest ethical standards. I can also vouch for the high regard in which Parajon e Hijo were held by all other insurance companies who used your services.

I am happy to send this commendation to you. You are at liberty to use it as you deem necessary, and I will indeed be pleased to expand on the above or answer additional questions from any person whom you may refer to me.

Sincerely,

R. H. Gerrard
Secretary

BHG:sl



FIFTY NINE MAIDEN LANE • NEW YORK 8, N. Y.

ROBERT G. BODET
VICE PRESIDENT AND SECRETARY

January 12, 1967

PERSONAL

Dear Luis:

Following our recent conversation I am pleased to address this letter to you to be used for reference purposes.

My position as Vice President of my Company's activity outside the United States included supervision of our branch office operation in Cuba up to 1960, when our business was nationalized. That association began in 1939 when I was first employed by The Home. At that time I became acquainted with the firm of Aguiar y Hno., which was later succeeded by Parajon e Hijo who not only maintained, but if possible enhanced a well-deserved superior reputation as property damage adjusters and appraisers.

The Home's adjusting needs were principally directed to that office by our branch and handled personally either by your father, Mario Parajon, or yourself. Our experience to my understanding was characterized by the excellent handling of our assignments and demonstrated insight into the specialized varying aspects of the sugar industry, so prominent in Cuba's economic life.

It is a pleasure unreservedly to offer these comments to attest your ability and integrity.

Cordially and sincerely yours

Mr. Luis Parajon
55 Mallard Drive
Greenwich, Conn.

Shipment Profile for Bill of Lading

20511866210

ARRIVED ON JULY 27, 2016 | DATA SOURCE: PERU IMPORTS

Shipper

Company not Provided

Contents

9,979,584 kg • \$4,154,002
 AZUCAR CRUDA DE CUBA DE COSECHA ACTUAL, CON UN MINIMO DE 98.5 GRADOS DE POLARIZACION AL MOMENTO DE

Consignee

Corporacion Azucarera Del Peru Sociedad

Shipment Details

Bill of Lading Number	20511866210
Shipment Date	2016-07-27
Shipment Year	16
Arrival Date	2016-08-16
Shipment Origin	Cuba
Port of Lading	Guayabal (CU)
Country of Sale	United Kingdom
Transport Method	Maritime
HS Code	1701.14.0000
Goods Shipped	AZUCAR CRUDA DE CUBA DE COSECHA ACTUAL, CON UN MINIMO DE 98.5 GRADOS DE POLARIZACION AL MOMENTO DE EMBARQUE, PARA USO INDUSTRIAL, A GRANEL,
Is Containerized	
Volume (TEU)	
Item Quantity	9979.58
Item Unit	KG3
Gross Weight (kg)	9979584
Net Weight (kg)	9979584
Freight Value	217500

Series FOB Value	4154001.84
Condition	10
Import Quantity	9979584
Import Unit	KG
Packages Class	GRN
Packages Quantity	9979584
Series Quantity	2
Average Value	
Cancellation Bank Code	7
Cancellation Date	2016-08-05
Cancellation Type	2
Customs Agent Code	7558
Customs Manifest Code	82
Customs Manifest Date	115
Customs Manifest Year	2016
Customs Code	82
Document Date	2016-08-03
Document Type Code	4
DUI Number	183
DUI Reception Date	2016-08-03
Financial Entity Code	
IGV Value	702400
Insurance Value	10000
IPM Value	87800
Modification Date	2016-08-29
Teledispatch Indicator	T
Treatment Type	1
Warehouse Code	9998

Company Details

<p>Consignee</p>	<p>Corporacion Azucarera Del Peru Sociedad</p>  <p>26 Shipments since September 2015</p>
<p>Consignee (Original Format)</p>	<p>CORPORACION AZUCARERA DEL PERU SOCIEDAD</p>
<p>Consignee Global HQ</p>	<p></p>
<p>Consignee Domestic HQ</p>	<p></p>
<p>Consignee Ultimate Parent</p>	<p></p>
<p>Carrier SCAC</p>	<p></p>

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

Francisco Industries, Inc.

DEFENDANTS

ASR Group International, Inc.

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Palm Beach County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

Kozyak Tropin & Throckmorton, LLP, 2525 Ponce de Leon Blvd., 9th

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Grid of categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes items like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge or Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Title III of Helms-Burton, 22 U.S.C. 3021, et seq. LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE SIGNATURE OF ATTORNEY OF RECORD

5/2/2021

/s/ Javier A. Lopez

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment)”.

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an “X” in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge’s decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an “X” in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FRANCISCO INDUSTRIES, INC,

Plaintiff(s)

v.

ASR GROUP INTERNATIONAL, INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ASR Group International, Inc.
c/o Armando Tabemilla
1 N. Clematis St., Ste. 200
West Palm Beach, Florida

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Francisco Industries, Inc. c/o Javier A. Lopez, Esq. Kozyak Tropon & Throckmorton, LLP 2525 Ponce de Leon Blvd., 9th Floor Miami, Florida 33134 - United States of America

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: