

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant George Ernst Arnstein
also acting on behalf of Carole Anast

in re Accounts of *Frl.* (Miss) Clare Adler

Claim Number: 204389/AA

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of George Ernst Arnstein (the “Claimant”) to the accounts of *Frl.* (Miss) Clare Adler (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his great-aunt, Clare Adler, who was born on 27 November 1866 in San Francisco, California. According to the Claimant, his great-aunt, who was unmarried, moved to Stuttgart, Germany, and lived on Hohenstaufenstrasse until 1938. The Claimant explained that sometime around 1939, his great-aunt, who was Jewish, fled Germany due to Nazi persecution and returned to San Francisco, where she lived until her death in December 1941. The Claimant submitted his great-aunt’s inheritance documents, which names the Claimant’s grandmother, who was Clare Adler’s sister, as her sole heir; his mother’s testamentary letters; and a detailed family tree. The Claimant stated that he was born on 20 September 1924 in Stuttgart, Germany. The Claimant is representing his sister, Carole Anast, née Arnstein, who was born on 11 October 1927 in Stuttgart.

Information Available in the Bank’s Record

The Bank’s record consists of an account opening card. According to this record, the Account Owner was *Frl.* (Miss) Clare Adler, who resided at Hohenstaufenstrasse 15, Stuttgart, Germany. The Bank’s record indicates that the Account Owner held a custody account and a demand deposit account, both numbered 29515, which were opened on 14 May 1930. The Bank’s record indicates that, on 21 April 1933, the Account Owner instructed the Bank not to send any correspondence to her address in Stuttgart. The Bank’s record indicates that the accounts were

closed, unknown to whom, on 20 May 1933. The amounts in the accounts on their dates of closure are also unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His great-aunt's name and city of residence match the published name and city of residence of the Account Owner. The Claimant identified his great-aunt's street address and marital status which match unpublished information about the Account Owner contained in the Bank's record. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and lived in Germany until 1939, at which time she fled Germany, due to Nazi Persecution, for the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was his great-aunt by submitting specific biographical information about his aunt; his great-aunt's inheritance documents, which names the Claimant's grandmother, who was Clare Adler's sister, as her sole heir; his mother's testamentary letters; and a detailed family tree. As stated above, the Claimant was able to identify unpublished information about his great-aunt as contained in the Bank's records. There is no information to indicate that the Account Owner has other surviving heirs, other than the Claimant and his sister, whom he is representing.

The Issue of Who Received the Proceeds

Given that Account Owner's accounts were opened in May 1930; that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner instructed the Bank, on 21 April 1933, not to send any correspondence to her address in Stuttgart; that the accounts were closed in May 1933; that the Account Owner remained in Germany until 1939 and would not have been able to repatriate her account to Germany without its confiscation; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his great-aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with both accounts here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 189,250.00 Swiss Francs.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner’s parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, Carole Anast. Accordingly, the Claimant and his sister are each entitled to one-half of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
September 15, 2003