

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2] and [REDACTED 3]  
represented by Eyal Dolev

and to Claimant [REDACTED 4]  
also acting on behalf of [REDACTED 5]

## **in re Accounts of L. Berliner**

Claim Number: 222635/JW; 402072/JW

Award Amount: 820,725.63 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of [REDACTED] and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the account of [REDACTED], née [REDACTED].<sup>1</sup> This Award is to the published accounts of the Estate of Dr. Lippmann Berliner (the “Account Owner”), in which [REDACTED] (“Beneficiary Fritz Pick”), [REDACTED] (“Beneficiary [REDACTED]”), [REDACTED] (“Beneficiary [REDACTED]”), [REDACTED] (“Beneficiary [REDACTED]”), [REDACTED] (“Beneficiary [REDACTED]”), and [REDACTED] (“Beneficiary [REDACTED]”) (together the “Beneficiaries”) were beneficiaries, at the Basel branch of the [REDACTED] (the “Bank”).<sup>2</sup>

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

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<sup>1</sup> The CRT did not locate an account belonging to Lili Berliner in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

<sup>2</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), L. Berliner is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of two accounts. Furthermore, the CRT notes that on the list of account owners published on 13 January 2005, Kurt Pick is published as the owner of an account. Upon careful review of the records from the German Archive, the CRT determined that the assets were held by the Estate of Lippmann Berliner, and that Kurt Pick was one of the beneficiaries of Lippmann Berliner’s estate. See discussion *infra*.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying Beneficiary [REDACTED] as her father, [REDACTED], who was born on 21 November 1890 in Lissa, Prussia (now Leszno, Poland), and was married to [REDACTED], née [REDACTED], on 14 December 1920 in Berlin, Germany. Claimant [REDACTED 1] stated that her parents had one other child, [REDACTED], who died in March 1995 in Israel. Claimant [REDACTED 1] indicated that her father, who was Jewish, resided in Berlin from 1903 until 1920, when he moved to Frankfurt am Main, Germany. Claimant [REDACTED 1] indicated that her father was an architect and that he lived at Beethoven Strasse 59 in Frankfurt. In a telephone conversation with the CRT on 23 January 2006, Claimant [REDACTED 1] stated that her father fled Germany to Palestine on 12 September 1933 with his family through Trieste, Italy, where they waited for permission to enter Palestine. Claimant [REDACTED 1] stated that Kurt Pick died on 27 July 1959 in Tel-Aviv, Israel.

In support of her claim, Claimant [REDACTED 1] submitted an application for Palestinian citizenship, submitted by [REDACTED] on 11 March 1938, indicating that [REDACTED] was born on 21 November 1890 in Lisa, Poland, that he was a German national, that he was an architect, that he was married to [REDACTED], née [REDACTED], that he had two children, [REDACTED] and [REDACTED 1], and that he entered Palestine for the first time on 15 June 1933 and resided at Achad Ha'am 81 in Tel-Aviv.

Claimant [REDACTED 1] indicated that she was born on 21 September 1921 in Frankfurt. Claimant [REDACTED 1] is representing her nephews, [REDACTED 2] and [REDACTED 3].

### Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying Beneficiary Berliner as her maternal grandfather, Professor Dr. [REDACTED], who was born on 26 July 1888 in Lissa, Germany (now Leszno, Poland), and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 4] stated that the couple, who were Jewish, had two daughters: [REDACTED], who was born in 1920, and [REDACTED], Claimant [REDACTED 4]' late mother, who was born on 13 June 1918 in Berlin. Claimant [REDACTED 4] further stated that the family resided in Berlin, and that [REDACTED] was a physician and a professor at the University of Berlin until 1933. According to documents submitted by Claimant [REDACTED 4], Prof. Dr. [REDACTED] and his family fled Germany to the United States, and resided at 650 Ocean Avenue in Brooklyn, New York, the United States as of 1 November 1935. Claimant [REDACTED 4] indicated that [REDACTED] died in 1960 in New York.

In support of her claim, Claimant [REDACTED 4] submitted copies of: (1) her grandfather's birth certificate, indicating that [REDACTED] was born on 26 July 1888 in Lissa; (2) a document from the Berlin Police Department, indicating that Prof. Dr. [REDACTED] did not have a criminal record; (3) her grandfather's application to the American Foreign Service for an immigration visa completed on 1 November 1935, identifying him as [REDACTED] and

indicating that he was a doctor and a professor and that he resided at Bleibtreustrasse 20 in Berlin; (4) a Petition for Naturalization from the United States Department of Justice completed by [REDACTED], dated 22 December 1936, indicating that he was married to [REDACTED], that he resided in Brooklyn, and that his children were [REDACTED] and [REDACTED]; (5) her grandmother's death certificate, indicating that [REDACTED] died on 3 May 1973; (6) [REDACTED]'s Last Will, dated 28 February 1973, dividing her estate among her two daughters, [REDACTED] and [REDACTED]; and (7) [REDACTED]'s Last Will, dated 2 December 1974, dividing her estate among her two children, [REDACTED 5] and Claimant [REDACTED 4].

Claimant [REDACTED 4] indicated that she was born on 29 January 1951 in Florida, the United States. Claimant [REDACTED 4] is representing her brother, [REDACTED 5], who was born on 9 July 1947 in Salinas, California, the United States.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was *Sanitätsrat* (public health counselor - a title used by medical doctors) Dr. L. Berliner, who resided in Berlin-Reinickendorf, Germany. The Bank's record indicates that the Account Owner held one demand deposit account and one custody account, numbered 6796. The Bank's record further indicates that the Account Owner died, but the recorded date of death is not legible.

The Bank's record indicates that the accounts were closed on 4 January 1939. The amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

### **Information Available from the German Archives**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Archive of the Regional Tax Office in Berlin (*Oberfinanzdirektion Berlin*), there are documents concerning the assets of the Estate of Lippmann Berliner, numbered 902/5768, and the assets of [REDACTED], numbered 918/II/63.<sup>3</sup>

According to these records, *Sanitätsrat* Dr. Lippmann Berliner resided in Berlin, Germany and died on 24 August 1933. These records further indicate that his heirs were:

1. *Rechtsanwalt* (Attorney) Fritz Pick, who resided at Knesebeckstrasse 46/47 in Berlin, and was married to Lotte Pick, née Türk;

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<sup>3</sup> The files of this archive have since been moved to the Federal Office for Central Services and Unresolved Property Issues, Restitution Archive: Documents from the Nazi Era (*Bundesamt für zentrale Dienste und offene Vermögensfragen, Rückerstattungsarchiv: Archivalien aus der NS-Zeit*).

2. *Frau* (Mrs.) [REDACTED], née [REDACTED], who resided at Schulterblatt 26 in Altona, Germany, and was married to [REDACTED];
3. *Frau* [REDACTED], née [REDACTED], who resided at Loogestieg 8 in Hamburg, Germany, and was a widow;
4. *Prof. Dr. med.* [REDACTED], who resided at 650 Ocean Avenue in Brooklyn, New York, the United States, previously resided at Bleibtreustrasse 20 in Berlin, and was married to [REDACTED], née [REDACTED];
5. *Frau* [REDACTED], née [REDACTED], who resided on Versperdene Road in Cape Town, South Africa, previously resided at Trautenaustrasse 17 in Berlin, and was married to [REDACTED]; and
6. *Regierungsbaumeister* (government architect) [REDACTED], who was born on 21 November 1890, resided at Achad Ha'am 81 in Tel-Aviv, Palestine (now Israel), previously resided at Burgfeld 61 in Frankfurt, Germany, and was married to [REDACTED], née [REDACTED].

These records indicate that these heirs were each entitled to a one-sixth share of the Estate of Lippmann Berliner, which had a net value of 163,560.62 Reichsmark (“RM”). According to these records, the executor of the Estate of Lippmann Berliner was [REDACTED]. These records further indicate that these heirs each filed an asset declaration pursuant to the 1938 Census.

Moreover, these records indicate that the Estate of Lippmann Berliner included accounts held at the Bank. More specifically, the records indicate that the Estate of Lippmann Berliner included two accounts held at the Basel branch of the Bank: one demand deposit account, which contained 460.04 Swiss Francs (“SF”) as of 27 April 1938, and one custody account, which contained the following securities as of 27 April 1938:

1. 4% *Schweizerische Bundesbahnen von 1931* bonds, with a nominal value of SF 3,000.00 and a market value of 106.25 percent or SF 3,191.50<sup>4</sup>;
2. 4¾% *Kanton Waadt von 1928* bonds, with a nominal value of SF 15,000.00 and a market value of 101.75 percent or SF 15,610.85;
3. 4½% *Kanton Neuenburg von 1930* bonds, with a nominal value of SF 1,000.00 and a market value of 103.50 percent or SF 1,045.85;
4. 4% *Kanton Bern von 1930* bonds, with a nominal value of SF 2,000.00 and a market value of 104.50 percent or SF 2,126.00;
5. 4% *Kanton Genf von 1931* bonds, with a nominal value of SF 1,000.00 and a market value of 100.75 percent or SF 1,020.40;
6. 4¾% *Stadt Bern von 1928* bonds, with a nominal value of SF 5,000.00 and a market value of 104.75 percent or SF 5,353.60;
7. 4% *Stadt Genf von 1931* bonds, with a nominal value of SF 2,000.00 and a market value of 101.9 percent or SF 2,040.65;
8. 5% *Grossherzogtum Luxemburg von 1930* bonds, with a nominal value of Dutch Gulden 2,000.00 and a market value of 112.50 percent or SF 5,482.65;

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<sup>4</sup> According to Special Master Helen B. Junz, this value, and those following, is the sum of the market quotation in percent plus accrued interest.

9. 6% *Lütticher Kauttechnik-Manufaktur O. Englebert fils & Co., Lüttich von 1930* bonds, with a nominal value of SF 6,000.00 and a market value of 102.00 percent or SF 6,236.00;
10. 2-4% *Gemeinde La Chaux-de-Fonds von 1931* bonds, with a nominal value of SF 2,000.00 and a market value of 80.00 percent or SF 1,602.15;
11. 6% *Aeussere Chilenische Anleihe von 1929* bonds, with a nominal value of SF 1,000.00 and a market value of 16.50 percent or SF 165.00;
12. 6% *Aeussere Anleihe der Stadt Santiago de Chile von 1929* bonds, with a nominal value of SF 2,000.00 and a market value of 14.00 percent or SF 280.00;
13. 6% *Aeussere Chilenische Anleihe von 1930* bonds, with a nominal value of SF 1,000.00 and a market value of 16.50 percent or SF 165.00;
14. 6½ % *Freistaat Württemberg von 1931 ohne Affidavit* bonds, with a nominal value of SF 1,000.00 and a market value of 31.50 percent or SF 315.00;
15. 7% *Internationale Stabilisierung-Goldanleihe des Königreiches Jugoslawien von 1931* bonds, with a nominal value of SF 2,030.50 and a market value of 26.50 percent or SF 538.10;
16. 4¾% *Kommunal-Schuldscheine Tirolische Landes-Hypothekenanstalt, Innsbruck von 1931* bonds, with a nominal value of SF 2,000.00 and a market value of 34.00 percent or SF 686.85;
17. 5½% *Rheinkraftwerk Albruck-Dogern A.G. Waldshut von 1930* bonds, with a nominal value of SF 2,000.00 and a market value of 69.50 percent or SF 1,425.75;
18. 4% *Chemins de fer du Midi S.A. Paris von 1930, Série étrangère* bonds, with a nominal value of 25,000.00 French Francs (“FF”) and a market value of 34.50 percent or SF 1,772.80;
19. 5% *Cie des Chemins de fer de l’Est. Tranche A Type 1921* bonds, with a nominal value of FF 5,000.00 and a market value of 55.40 percent or SF 371.20;
20. 5% *Jugoslavische Fundierungs-Goldanleihe von 1933* bonds, with a nominal value of FF 1,750.00 and a market value of 27.50 percent or SF 96.90;
21. 5% *Jugoslavische Fundierungs-Goldanleihe von 1933 Tranche 1936/37* bonds, with a nominal value of FF 500.00 and a market value of 27.50 percent or SF 27.70;
22. 5% *Gold Bond Canadian Pacific Railway Co. Collateral Trust due Dec. 1, 1954* bonds, with a nominal value of 2,000.00 United States Dollars (“US \$”) and a market value of 98.00 percent or SF 8,697.40;
23. 3 shares in *Internationale Gesellschaft für Chemische Unternehmungen A.G. (I.G. Chemie), Basel*, with a total market value of SF 1, 785.00.

According to these records, the total market value of the custody account was SF 60,036.35 as of 27 April 1938. With respect to both the custody account and the demand deposit account, the records contain no information regarding the disposition of the accounts.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

### Identification of the Account Owner and the Beneficiaries

The CRT notes that on 2 February 2001, the name "L. Berliner" was included on the published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). Subsequent to that publication, Claimant [REDACTED 4] filed a claim form with the CRT identifying L. Berliner as her maternal aunt, Lili Berliner. Claimant [REDACTED 4] did not identify Dr. Lippmann Berliner in her claim form. After reviewing this claim and comparing the information Claimant [REDACTED 4] provided about her aunt with the information in the Bank's records, the CRT determined, based on inconsistencies in the information, that Claimant [REDACTED 4]' aunt, [REDACTED], was not the Account Owner.

Subsequently, on 13 January 2005, additional account owner names were published, including the name "[REDACTED]." The inclusion of this name was based on research conducted in several archives in Germany that identified asset declarations filed pursuant to the 1938 Census. According to this research, [REDACTED]'s asset declaration contained information regarding assets contained in a Swiss bank account. Following this publication, Claimant [REDACTED 1] filed a claim to this account, identifying [REDACTED] as her father. Claimant [REDACTED 1] did not identify Dr. Lippmann Berliner in her claim form. In 2006, following an unfortunate delay in obtaining the actual documents from the archival sources, the CRT compared the information Claimant [REDACTED 1] provided about her father with the information contained in the records obtained from the German archival sources. During the review of this material, the CRT determined that, although [REDACTED] was published as the owner of an account, the archival records indicate that the assets were held by the Estate of Lippmann Berliner, that [REDACTED] was one of the beneficiaries of Lippmann Berliner's estate, and that the [REDACTED] who was the beneficiary of Lippmann Berliner's estate was also Claimant Pickard's father.

Furthermore, the CRT noted that the archival records identified an additional beneficiary of Lippmann Berliner's estate as [REDACTED], who was married to [REDACTED]. The CRT compared the information provided by Claimant [REDACTED 4] about her relative to the information contained in the archival records regarding this beneficiary of Lippmann Berliner's estate and regarding the Estate of Lippmann Berliner, and concluded, based on the consistency of the information, that Beneficiary Berliner was Claimant [REDACTED 4]' uncle, who was married to her aunt [REDACTED]. Moreover, a comparison of the information contained in the archival sources regarding Lippmann Berliner with the information contained in the Bank's record (obtained during the ICEP audit) shows that he was the "L. Berliner" whose name was

published on the 2001 ICEP List and whom Claimant [REDACTED 4] identified in her 2001 claim as her aunt, Lili Berliner.

In summary, although the Claimants have not identified the Account Owner, they have each plausibly identified one of the Beneficiaries of the Account Owner's Estate.

Claimant [REDACTED 1]'s father's name matches the unpublished name of Beneficiary [REDACTED]. Claimant [REDACTED 1] also identified Beneficiary [REDACTED]'s city and country of residence, professional title, and the name of his spouse, which matches unpublished information about Beneficiary [REDACTED] contained in the 1938 Census records. In support of her claim, Claimant [REDACTED 1] submitted her father's application for Palestinian citizenship, identifying him as [REDACTED] and indicating that he was a German national and that he resided at Achad Ha'am 81 in Tel-Aviv, providing independent verification that the person who is claimed to be Beneficiary [REDACTED] had the same name and resided in the same town recorded in the 1938 Census records as the name and city of residence of Beneficiary [REDACTED].

Claimant [REDACTED 4]' maternal grandfather's name matches the unpublished name of Beneficiary Berliner. Claimant [REDACTED 4] also identified Beneficiary Berliner's cities and countries of residence, professional title, and the name of his spouse, which matches unpublished information about Beneficiary Berliner contained in the 1938 Census records. In support of her claim, Claimant [REDACTED 4] submitted documents, including her grandfather's application to the American Foreign Service for an immigration visa, identifying his as [REDACTED] and indicating that he resided at Bleibtreustrasse 20 in Berlin, providing independent verification that the person who is claimed to be Beneficiary Berliner had the same name and resided in the same town recorded in the 1938 Census records as the name and city of residence of Beneficiary Berliner.

The CRT notes that there are no other claims to these accounts.

#### Status of the Account Owner and the Beneficiaries as Victims of Nazi Persecution

The CRT notes that the Account Owner resided in Nazi Germany until his death on 24 August 1933 and that the assets in his estate were registered pursuant to the 1938 Census.

Claimant [REDACTED 1] has made a plausible showing that Beneficiary [REDACTED] was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that Beneficiary [REDACTED] was Jewish, and that he fled Germany to Italy and subsequently to Palestine in 1933. The CRT notes that Beneficiary [REDACTED] registered his share in the estate, as well as other assets, pursuant to the 1938 Census.

Claimant [REDACTED 4] has made a plausible showing that Beneficiary Berliner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that Beneficiary Berliner was Jewish and that he fled Nazi Germany to the United States in 1935. The CRT notes that the 1938 Census records available from the German Archive indicate that Beneficiary Berliner also registered his share in the estate, as well as other assets, pursuant to the 1938 Census.

### The Claimants' Relationships to the Beneficiaries

Claimant [REDACTED 1] has plausibly demonstrated that she is related to Beneficiary [REDACTED] by submitting specific information and documents, demonstrating that Beneficiary [REDACTED] was her father. These documents include Beneficiary [REDACTED]'s application for Palestinian citizenship, identifying Claimant [REDACTED 1] as his daughter.

Claimant [REDACTED 4] has plausibly demonstrated that she is related to Beneficiary Berliner by submitting specific information and documents, demonstrating that Beneficiary Berliner was Claimant [REDACTED 4]' maternal grandfather. These documents include copies of Beneficiary Berliner's Petition for Naturalization, indicating that [REDACTED] was Beneficiary Berliner's daughter, and [REDACTED]'s Last Will, indicating that Claimant [REDACTED 4] was her daughter.

There is no information to indicate that Beneficiary [REDACTED] and Beneficiary [REDACTED] have other surviving heirs other than the parties whom the Claimants are representing.

### The Issue of Who Received the Proceeds

The CRT notes that the Bank's record refers to the accounts held by the Account Owner and indicate that the Account Owner was deceased, and that the 1938 Census documents refer to accounts held by the Estate of the Account Owner. Given that both sources refer to a demand deposit account and a custody account held at the Basel branch of the Bank, and that the closing dates indicated in the Bank's record are consistent with the accounts having been reported in the 1938 Census, the CRT concludes that these records refer to the same accounts.

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that the accounts were reported in the 1938 Census; that the accounts were closed on 4 January 1939; and given the application of Presumptions (a), (d), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Beneficiary [REDACTED] was her father and Claimant [REDACTED 4] has plausibly demonstrated that Beneficiary [REDACTED]

was her maternal grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Beneficiaries, nor their heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Estate of the Account Owner held one demand deposit account and one custody account. With respect to the demand deposit account, the 1938 Census declaration indicates that the value of the account was SF 460.64 as of 27 April 1938. The CRT determines that it is unable to rely on the balance amounts declared in the 1938 Census as it has no evidence regarding the circumstances of the Account Owner's declaration. The CRT notes that, as evidenced in a number of cases, the Account Owner may not have declared all of his assets, or understated their value, in the belief that this might help him safeguard some of them. Pursuant to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. In this case, the CRT does not find that the value of the account indicated in the Account Owner's 1938 Census declaration constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of the Account Owner's demand deposit account shall be determined to be SF 2,140.00. The current value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 26,750.00.

With respect to the custody account, according to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the nominal value of bonds not in default shall be awarded if the market value was below the nominal value on the date the account owner is deemed to have lost control over the account. The CRT presumes that the account owner, if able to decide freely, could have opted to hold the respective bond to maturity to avoid a capital loss.

With respect to the bonds listed below, which were of good quality and whose market value was greater than the nominal value, the CRT has determined the value of these bonds to be the following amounts:

- 4% *Schweizerische Bundesbahnen von 1931* bonds, with a market value of SF 3,191.50;
- 4<sup>3</sup>/<sub>4</sub>% *Kanton Waadt von 1928* bonds, with a market value of 15,610.85;
- 4<sup>1</sup>/<sub>2</sub> % *Kanton Neuenburg von 1930* bonds, with a market value of SF 1,045.85;
- 4% *Kanton Bern von 1930* bonds, with market value of SF 2,126.00;
- 4% *Kanton Genf von 1931* bonds, with a market value of SF 1,020.40;
- 4<sup>3</sup>/<sub>4</sub>% *Stadt Bern von 1928* bonds, with a market value of SF 5,353.60;
- 4% *Stadt Genf von 1931* bonds, with a market value of SF 2,040.65;
- 5% *Grossherzogtum Luxemburg von 1930* bonds, with a market value of SF 5,482.65;
- 6% *Lütticher Kauttechnik-Manufaktur O. Englebert fils & Co., Lüttich von 1930* bonds, with a market value of SF 6,236.00.

The total market value of these bonds was SF 42,107.50 as of 27 April 1938.

With respect to the bonds listed below, which were of good quality and whose nominal value was greater than the market value, the CRT has determined the value of these bonds to be the following amounts:

- 2-4% *Gemeinde La Chaux-de-Fonds von 1931* bonds, with a nominal value of SF 2,000.00;
- 6½ % *Freistaat Württemberg von 1931 ohne Affidavit* bonds, with a nominal value of SF 1,000.00;
- 5½% *Rheinkraftwerk Albruck-Dogern A.G. Waldshut von 1930* bonds, with a nominal value of SF 2,000.00;
- 4% *Chemins de fer du Midi S.A. Paris von 1930* bonds, with a nominal value of FF 25,000.00, which at that time was equivalent to SF 3,140.00;<sup>5</sup>
- 5% *Cie des Chemins de fer de l'Est. Tranche A. Type 1921* bonds, with a nominal value of FF 5,000.00, which at that time was equivalent to SF 628.00;
- 5% *Jugoslavische Fundierungs-Goldanleihe von 1933* bonds, with a nominal value of FF 1,750.00, which at that time was equivalent to SF 219.80;
- 5% *Jugoslavische Fundierungs-Goldanleihe von 1933 Tranche 1936/37* bonds, with a nominal value of FF 500.00, which at that time was equivalent to SF 62.80;
- 5% *Gold Bond Canadian Pacific Railway Co. Collateral Trust due Dec. 1, 1954* bonds, with a nominal value of US \$2,000.00, which at that time was equivalent to SF 8,740.00.

The total nominal value of these bonds was SF 17,790.60 as of 27 April 1938.

With respect to the bonds listed below, whose nominal value was much greater than the market value, according to Special Master Junz, these bonds were in default. The CRT therefore determines their values to be the following amounts:

- 6% *Aeussere Chilenische Anleihe von 1929* bonds, with a market value of SF 165.00;
- 6% *Aeussere Anleihe der Stadt Santiago de Chile von 1929* bonds, with a market value of SF 280.00;
- 6% *Aeussere Chilenische Anleihe von 1930* bonds, with a market value of SF 165.00;
- 7% *Internationale Stabilisierung-Geldanleihe des Königreiches Jugoslawien von 1931* bonds, with a market value of SF 538.10; and
- 4¾% *Kommunal-Schuldscheine Tirolische Landes-Hypothekenanstalt, Innsbruck von 1931* bonds, with a market value of SF 686.85.

The total market value of these bonds was SF 1,834.95 as of 27 April 1938.

With respect to the shares in *Internationale Gesellschaft für Chemische Unternehmungen A.G. (I.G. Chemie), Basel*, the CRT uses the market value of these stocks to determine the amount of

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<sup>5</sup> The CRT uses official exchange rates when making currency conversions.

the award. The records indicate that the Estate of Lippmann Berliner held three shares of this stock, which had a total market value of SF 1,785.00 as of 27 April 1938.

Thus, the combined value of the bonds and securities held in the custody account as of 27 April 1938 was SF 63,518.05. The current value of the amount of the award is determined by multiplying this value by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of SF 793,975.63.

Consequently, the total award amount is SF 820,725.63.

#### Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Beneficiaries of the Estate of the Account Owner are identified in the 1938 Census records. These documents indicate that Beneficiary [REDACTED] and Beneficiary [REDACTED] were heirs of the Account Owner. Accordingly, Claimant [REDACTED 1] and the parties she represents are entitled to one-half of the award amount, and Claimant [REDACTED 4] and the party she represents are entitled to one-half of the award amount.

With respect to Claimant [REDACTED 1], according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is the daughter of Beneficiary [REDACTED], and she is representing her nephews, [REDACTED 2] and [REDACTED 3]. Accordingly, Claimant [REDACTED 1] is entitled to one-fourth of the total award amount, or SF 205,181.41, and [REDACTED 2] and [REDACTED 3] are each entitled to one-eighth of the total award amount, or SF 102,590.70 each.

With respect to Claimant [REDACTED 4], according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 4] is representing her brother, [REDACTED 5], and they are the grandchildren of Beneficiary Berliner. Accordingly, Claimant [REDACTED 4] and [REDACTED 5] are each entitled to one-fourth of the total award amount, or SF 205,181.41 each.

The exact payment amount per Claimant and represented party is set forth in the table below.

<b>Party Name</b>	<b>Amount (in SF)</b>
Claimant [REDACTED 1]	205,181.41
[REDACTED]	102,590.70
[REDACTED 3]	102,590.70
Claimant [REDACTED 4]	205,181.41
[REDACTED 5]	205,181.41
<b>TOTAL</b>	<b>SF 820,725.63</b>

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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  
20 October 2006