

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant [REDACTED]

in re Account of Berthold Buchholz

Claim Number: 213446/UM¹

Award Amendment Amount: 14,250.00 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Berthold Buchholz (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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

On 2 January 2003 the Court approved an Award to the Claimant for a demand deposit account owned by the Account Owner (the “January 2003 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the January 2003 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of the demand deposit account was 2,140.00 Swiss Francs (“SF”), and that given the foregoing, the January 2003 Award amount shall accordingly be increased by SF 14,250.00.

The CRT notes that in the January 2003 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that she plausibly demonstrated that she is related to the Account Owner, and that she made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held one demand deposit account and that the value of the demand deposit account was SF 1,000.00 as of 1937. Additionally, in the January 2003 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his demand deposit account. Finally, the CRT determined that the January 2003 Award amount was SF 12,000.00.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 213446 and 219709. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 213446.

The CRT's Analysis

Amount of the Award Amendment

In the January 2003 Award, the CRT determined that the value of the Account Owner's demand deposit account was SF 1,000.00, which is the amount recorded in the Bank's records as the value of the demand deposit account as of 1937.

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 demand deposit account shall be determined to be SF 2,140.00.

The CRT notes that in the January 2003 Award, the Claimant was awarded the amount recorded in the Bank's records as the balance of the account, rather than SF 2,140.00. Upon further consideration, the CRT has determined that this balance is not sufficient evidence to rebut the presumption of Article 29 of the Rules, and in the absence of additional corroborating evidence, the CRT concludes that the value of the Account Owner's demand deposit account shall be determined to be SF 2,140.00. The amount of SF 1,000.00, which is the value for this account used in the January 2003 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 1,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules.

Consequently, the amount of the January 2003 Award is increased by SF 14,250.00, which reflects the adjusted difference between the value of the Account Owner's demand deposit account recorded in the Bank's records and the value determined by Article 29 of the Rules.

Certification of the Award Amendment

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

Claims Resolution Tribunal
30 December 2004