

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]  
also acting on behalf [REDACTED] and [REDACTED]

## **in re Accounts of Fritz Feistmann**

Claim Number: 211882/MG

Award Amount: 178,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Fritz Feistmann (the “Account Owner”) at the Basel 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.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his adoptive father, Friedrich (Fritz) Feistmann, who was born on 8 January 1900 in Offenbach a/Main, Germany, and was married to [REDACTED], née [REDACTED], on 17 June 1938 in Vaucresson, France. The Claimant stated that his father, who was Jewish, was the son of [REDACTED] and Anna Feistmann, née Becker. The Claimant stated that his father was an engineer and the owner of a family business called *J. Feistmann & Söhne*, which specialized in fine leather and was located in Offenbach. The Claimant also stated that until 1938, his father resided at Parkstrasse 37 in Offenbach, and that he frequently traveled to Switzerland, where he may have opened bank accounts himself, or through his mother, Anna Feistmann, née Becker, and his brother-in-law, Hans Beidek. The Claimant further stated that his father was persecuted by the Nazis and his business was confiscated. The Claimant added that his father then started to work for a leather factory named *J. Mayer & Sohn* for a year and a half until he was arrested by the Gestapo. The Claimant stated that after his father was released from prison, he fled Germany to Switzerland in the beginning of 1938, and in March 1938, went to France, where he married [REDACTED], née [REDACTED], in June 1938. The Claimant indicated that in 1939, his father immigrated to Canada, where he became a farmer. The Claimant stated that his father and [REDACTED] had two children: [REDACTED] and [REDACTED]. The Claimant explained that he is the son of [REDACTED] and [REDACTED], who divorced, and that his father adopted him in 1947. The

Claimant stated that his father died in 1980, and that [REDACTED] died in 1997, both in Chilliwack, British Columbia, Canada.

In support of his claim, the Claimant submitted numerous documents, including his own birth certificate, which has a notation about his adoption by Fritz Feistmann; Fritz Feistmann's death certificate, will and birth certificate, which indicates that his mother was Anna Sophie Feistmann, née Becker, and that he was born in Offenbach; [REDACTED]'s will; and a letter, dated 9 March 1938, from *J. Mayer & Sohn* to Fritz Feistmann, who was at that time in a hotel in Wengen, Switzerland, acknowledging his resignation from the factory. In his will, Fritz Feistmann bequeathed his entire estate to his wife [REDACTED]. According to [REDACTED]'s will, her heirs were the Claimant, [REDACTED], and [REDACTED].

The Claimant indicated that he was born on 5 July 1932 in Mainz, Germany. The Claimant is representing [REDACTED], née [REDACTED], his half-sister, who was born on 4 June 1939 in Montreal, Canada, and [REDACTED], his half-brother, who was born on 13 April 1943 in Chilliwack.

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

The Bank's records consist of two power of attorney forms, a signature card, a safe deposit box rental contract, and a letter dated 18 June 1933 from the Account Owner to the Bank. According to these records, the Account Owner was Fritz Feistmann, who resided in Offenbach a/Main, Germany, and the Power of Attorney Holders were Anna Feistmann, née Becker, who resided in Offenbach am Main, and Hans Beidek, who resided in Buchenbach in Breisgau, Germany. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 1040, and a custody account, numbered 38508. The safe deposit box was opened on 4 March 1933 and the custody account was opened on or before 4 March 1933. The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders, or their heirs closed the accounts and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant identified his father's city of residence, which matches published information about the Account Owner contained in the Bank's records. The Claimant also identified the published names of the Power of Attorney Holders as the Account Owner's mother, Anna Feistmann, née Becker, and Hans Beidek, the Account Owner's brother-in-law. Moreover, the Claimant submitted a sample

of his father's signature, which matches the signature samples contained in the Bank's records. In support of his claim, the Claimant submitted numerous documents, including his own birth certificate, which has a notation about his adoption by Fritz Feistmann; the birth certificate of Fritz Feistmann, his adoptive father, indicating that Fritz Feistmann's mother was Anna Feistmann, née Becker, and that he was born in Offenbach (matching information contained in the Bank's records regarding Power of Attorney Holder Anna Feistmann, née Becker who resided in Offenbach); his adoptive father's death certificate; his adoptive father's marriage certificate; his adoptive father's will which bequeathed his entire estate to [REDACTED]; and [REDACTED]'s will, which states that her heirs were the Claimant, [REDACTED], and [REDACTED]. Finally, The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

#### 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, that he was forced to relinquish his business and was arrested by the Gestapo, and that he fled Germany due to Nazi persecution after he was released from prison.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate, which has a notation about his adoption by the Account Owner, Fritz Feistmann; and the Account Owner's will, confirming that he, his sister and his brother, whom he represents, are the Account Owner's children.

#### The Issue of Who Received the Proceeds

While the Claimant has stated that the Account Owner fled Germany through Switzerland sometime in the beginning of 1938, given 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 accounts were opened in 1933; that the Account Owner remained in Germany until the beginning of 1938; that the Account Owner's business was confiscated and he was arrested by the Gestapo, and therefore would not have been able to repatriate his account while he resided in Germany from 1933 to 1938 without its confiscation; that he was in Switzerland for no more than three months in 1938; that there is no record of when the Account Owner's accounts were closed or of the payment of the Account Owner's accounts to him or to the Power of Attorney Holders; that the Account Owner, the Power of Attorney Holders or their heirs would not have been able to obtain information about the accounts after the Second World War from the Bank, due to the Swiss banks' practice of withholding or mistreating account information in their responses to inquires by account owners because of the Banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner,

the Power of Attorney Holders or their 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 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 he is the Account Owner's son, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owner held one custody account and one safe deposit box. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a safe deposit box was 1,240.00 Swiss Francs. Thus the total 1945 average value of the accounts at issue was 14,240.00 Swiss Francs. 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, to produce a total award amount of 178,000.00 Swiss Francs.

#### 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 Claimant submitted his father's will, in which he bequeathed all his assets to his spouse, [REDACTED], the Claimant's mother. The Claimant also submitted his mother's will, in which she bequeathed her assets to her three children. The Claimant is representing his brother, [REDACTED], and his sister, [REDACTED], in these proceedings. Therefore, the Claimant, his brother and his sister are each entitled to receive one-third 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  
22 December 2003