

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Thomas Balthasar Forres,
acting on behalf of Marianne Cornelia Parkes

in re Account of Dr. Hildegard Grünbaum

Claim Number: 212983/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Thomas Balthasar Forres, née Grünbaum, (the “Claimant”) to the account of Dr. Hildegard Grünbaum (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”). On 12 November 2001, the Court approved the Award of the Account Owner’s custody account at the Bank.² The CRT did not reach a decision regarding the demand deposit account, pending further consideration as to whether or not the Account Owner or her heirs received the proceeds of that account. This Award is the result of further consideration as to whether the Account Owner received the proceeds of the second account.

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 mother, Dr. Hildegard Grünbaum, née Sachs, who was born on 4 December 1888 in Breslau, Germany, and was married to Max Grünbaum in 1924. According to the Claimant, his parents divorced in 1929. The Claimant stated that his mother was a child psychologist who lived at various addresses in Germany, including the city of Stuttgart from 1932 until 1935. The Claimant stated that he and his sister escaped from Germany to the United Kingdom in March 1939 on the *Kindertransport* (Children’s Transport), and that their mother followed them shortly afterward in May 1939. The Claimant further stated that Dr. Hildegard Grünbaum lived in the United Kingdom until her death in 1974. The Claimant submitted numerous documents, including his

¹ The Claimant submitted an additional claim to the account of Max Grünbaum, which is registered under the Claim Number 212982. The CRT will treat the claim to this account in a separate decision.

² See In re Account of Dr. Hildegard Grünbaum (approved on 12 November 2001), hereinafter the “November 2001 Award.”

mother's birth, marriage and naturalization certificates, as well as his and his sister's birth certificates, showing that the Claimant's mother's maiden name was Sachs.

The Claimant stated that he and his sister, Marianne Cornelia Parkes, née Grünbaum, are his mother's only children. The Claimant indicated that Marianne Parkes was born on 24 October 1925, and the Claimant was born on 22 November 1926, both in Berlin.

Information Available in the Bank's Record

The Bank's record consists of an account registration card. According to this record, the Account Owner was *Frau* (Mrs.) Dr. Hildegard Grünbaum-Sachs, who resided in Stuttgart, Germany. The Bank's record indicates that the Account Owner held a demand deposit account, opened sometime in September 1933 and closed on 31 October 1933, and a custody account closed on 4 October 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

In the November 2001 Award, it was determined that the Claimant had plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant identified his mother's title of "Dr.", which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant provided his mother's city of residence before the Second World War as Stuttgart, which matches unpublished information in the Bank's record. Moreover, the Claimant has submitted documents stating that his mother's maiden name was Sachs, which also matches unpublished information contained in the Bank's record. In support of his claim, the Claimant submitted numerous documents, including his mother's birth, marriage and naturalization certificates, as well as his and his sister's birth certificates, showing that the Claimant's mother's maiden name was Sachs. The CRT notes that there are no other claims to this account.

Status of Account Owner as a Victim of Nazi Persecution

In the November 2001 Award, it was determined that the Claimant had made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and was the target of Nazi persecution while living in Germany until 1939, and that she fled from Nazi Germany to the United Kingdom that same year.

The Claimant's Relationship to the Account Owner

In the November 2001 Award, it was determined that the Claimant had plausibly demonstrated that he is related to the Account Owner by submitting documents stating that she is his mother.

While the Claimant provided his mother's will, which indicates that his mother had one other heir besides the Claimant and his sister, to date the CRT has not received a claim from this heir.

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or her heirs received the proceeds of the demand deposit account, the CRT took into account the facts of the closing of the Account Owner's demand deposit account in 1933, and considered that: the Nazis embarked on a campaign in 1933 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; the Account Owner remained in Germany until 1939 and would not have been able to repatriate her account at the time it was closed to Germany without its confiscation; there is no record of the payment of the Account Owner's account to her; and the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the Banks' concern regarding double liability. Based on these factors and given the application of relevant Presumptions (a), (h) and (j),³ which establish a presumption of such a result in this context, 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 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 mother, 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 demand deposit account.⁴ 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5 in accordance with Article 37(1) of the Rules to produce a total award amount of 26,750.00 Swiss Francs.

³ These presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- www.crt-ii.org.

⁴ As stated above, the Court approved the Award of a custody account at the Bank on 12 November 2001.

Division of the Award

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, the Claimant is representing his sister, Marianne Cornelia Parkes, in these proceedings. Therefore, 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 30, 2003