

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Emil Hulles

Claim Numbers: 500571/MBC; 500778/MBC

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the published accounts of Emil Hulles (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.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner, Emil Hulles, as the husband of her maternal aunt, [REDACTED], née [REDACTED]. The Claimant stated that Emil Hulles was born on 22 October 1894 in Austria, and that he lived in Vienna, Austria, at Biberstrasse 6 and later at Kaiserstrasse 183. The Claimant stated further that Emil Hulles owned a shoe store named *Hermes F. Hulles* in Vienna. The Claimant indicated that the Hulles family also owned real estate in Vienna and in Berlin, Germany. The Claimant explained that Emil Hulles traveled frequently to Switzerland on business.

The Claimant stated that Emil Hulles, who was Jewish, fled Vienna for Amsterdam, the Netherlands, in 1938. The Claimant stated further that Emil Hulles’ assets and the assets of his family in Austria and Germany were confiscated by the Nazis. According to the Claimant, her relative went to New York, New York, the United States, in 1939 and settled there. The Claimant stated that Emil Hulles was married to [REDACTED] on 10 July 1955 in Chenango, New York. The Claimant explained that Emil Hulles did not have any children and that he adopted [REDACTED]’s son from her previous marriage, [REDACTED].

The Claimant stated that she was born on 28 February 1956 in Miami, Florida, the United States. The Claimant explained that her parents died in 1961, and that Emil and [REDACTED] assumed guardianship over her and initiated an adoption procedure. The Claimant stated further that the adoption was completed after Emil Hulles’ death on 11 December 1969 in New York.

According to the Claimant, [REDACTED] died without issue on 20 September 1980 in Miami Beach, Florida. The Claimant stated that [REDACTED] was married to [REDACTED] on 28 November 1985. According to the Claimant, [REDACTED] died on 8 July 1993 in Miami Beach, and [REDACTED] died without issue on 6 September 2001 in Fort Lauderdale, Florida.

In support of her claim, the Claimant submitted numerous documents, including:

The Claimant's birth certificate showing that she is the daughter of [REDACTED] and [REDACTED], née [REDACTED];

[REDACTED]' birth certificate showing that she was a daughter of [REDACTED] and [REDACTED];

A court order, dated 18 January 1967, appointing [REDACTED] the sole guardian of the Claimant;

“Final Judgment Changing Name,” dated 17 December 1968, indicating that the Claimant changed her last name from “[REDACTED]” to “[REDACTED];”¹

An “Affidavit Regarding Change of Name,” signed by [REDACTED] on 1 May 1976, in which the latter stated that “[REDACTED] came to live with me at age five when her parents died and as I planned ultimately to adopt her her name was legally changed;”

Emil Hulle's Last Will and Testament, in which he bequeathed one-half of his Estate to his wife, [REDACTED], and one-half to a trust; the trust was established for the benefit of his wife; further in his Last Will, Emil Hulle directed that after the death of [REDACTED], unless stipulated otherwise in her will, the property of the trust should be divided in two equal parts, each part to be a separate trust for the benefit of the Claimant and of [REDACTED]; Emil Hulle directed the assets of the trust to the benefit of [REDACTED] to be added to the trust for the benefit of the Claimant, should [REDACTED] predecease Emil or [REDACTED];

Emil Hulle's death certificate, indicating that he was born in Austria and that he died on 11 December 1969;

probate order issued by the District Court (*Amtsgericht*) of Berlin-Mitte, Germany, regarding the assets of the Estate of Emil Hulle located in Germany, in which the Estate of [REDACTED] and the Claimant were named the heirs of Emil Hulle in equal parts;

An account statement of March 1969 and bank correspondence relating to Emil Hulle's account at a different Swiss bank;

[REDACTED]'s death certificate showing that he died on 20 September 1980;

[REDACTED]' death certificate showing that she was a daughter of Arthur and [REDACTED] and that she died on 8 July 1993;

[REDACTED]'s death certificate showing that he died on 6 September 2001.

¹ In her Claim Form, the Claimant explained that she reverted to her original family name “[REDACTED]” in 1986.

Information Available in the Bank's Records

The Bank's records consist of two customer cards. According to these records, the Account Owner was Emil Hulles, also referred to as Emilio Hulles. The Bank's records indicate that the Account Owner resided in Vienna, Austria, in March 1938 and in Amsterdam, the Netherlands in December 1938. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 2164, that was rented on 5 March 1938 and was closed on 27 December 1938, at which time the Account Owner resided in Amsterdam. The safe deposit box was re-opened on 27 December 1938 and closed on 18 February 1939. The contents of the safe deposit box are not known.

The Bank's records further indicate that the Account Owner held a demand deposit account in Pound Sterling that was opened on 20 March 1938 and closed on 20 February 1939. The balance of the account is not known. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's relative's name, city and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that Emil Hulles resided in Vienna and later in Amsterdam, which matches unpublished information about the Account Owner's domiciles contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including Emil Hulles' death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner and that he originated from Austria.

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

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 that he fled Austria

for the Netherlands in 1938, and later emigrated to the United States. The Claimant also stated that the assets of the Hulles family in Austria and in Germany were confiscated by the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's maternal aunt's husband. These documents include the Claimant's birth certificate, the Claimant's mother's birth certificate, [REDACTED] and Emil Hulles' marriage certificate and Emil Hulles' will. The CRT notes that no other relative of the Account Owner filed a claim to his accounts.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner held a safe deposit box that was opened on 5 March 1938 and closed on 18 February 1939 and a demand deposit account that was opened on 20 March 1938 and was closed on 20 February 1939.

The CRT notes that at the time of closure of the accounts, according to information provided by the Claimant and available in the Bank's records, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries 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 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 Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her maternal aunt's husband, and that relationship justifies an Award. Third, 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 demand deposit 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 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 (“SF”), and the average value of a safe deposit box was SF 1,240.00. Thus, the total 1945 average value of the accounts at issue is SF 3,380.00. 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, to produce a total award amount of SF 42,250.00.

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 her claims 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
25 October 2004