

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Max Kunz

Claim Numbers: 219293/SJ, 203071/SJ^{1 2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Max Kunz (the “Account Owner”) at the Zurich-Wiedikon 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 Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal grandfather, Max Kunz, who was born on 3 April 1865 in Xions Schrimm, Prussia (today known as Ksiaz, Srem, Poland), and was married to [REDACTED], née [REDACTED], on 15 July 1894. Claimant [REDACTED 1] stated that her grandfather had three children: the Claimant’s mother, [REDACTED], who died on 2 August 1977 in London, the United Kingdom; [REDACTED], who died childless in October 1977 in Holon, Israel; and [REDACTED], who died childless on 6 January 1971 in Ramat Gan, Israel. Claimant [REDACTED 1] stated that her grandfather, who was Jewish, was a businessman who bought and ran the Danzig Fashion House *Hermann Guttman* from 1898 until 1918. After 1918, and until their forced sale in 1939, Claimant [REDACTED 1] stated that her grandfather derived

¹ Claimant [REDACTED 2] submitted three Claim Forms to the account of Max Kunz, which were registered under the Claim Numbers 203071, 200847, and 203132. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 203071.

² Claimant [REDACTED 2] submitted additional claims to the accounts of [REDACTED], [REDACTED] and [REDACTED], which are registered under the Claim Numbers 209242, 211375, and 211470, respectively. The CRT will treat the claims to these accounts in separate decisions.

further income from rents received from properties that he owned at 69/70 Langgasse in Danzig, Poland. Furthermore, Claimant [REDACTED 1] provided home addresses for her grandfather in Danzig (through approximately 1940) as well as in Berlin, Germany. Claimant [REDACTED 1] submitted numerous documents in support of her claim, including a copy of her birth certificate, listing her mother as [REDACTED], nee [REDACTED]; a copy of her parents' marriage certificate, indicating that [REDACTED] was the daughter of Max Kunz; a copy of a letter addressed to the Claimant's mother from the "Association of Jewish Refugees in Great Britain" regarding the deportation of [REDACTED]'s parents, Max and [REDACTED] Kunz, to Lodz on 18 October 1941; a copy of a her mother's death certificate, listing the "informant" as [REDACTED], the "son-in-law" of the deceased; a copy of the Last Will of her mother, [REDACTED], listing the Claimant as her daughter; a copy of the Last Will of her uncle, [REDACTED], leaving two-thirds of his estate to the Claimant; copies of photos of Max and [REDACTED] Kunz; and letters from the Entschädigungsamt (Compensation Office) Berlin regarding reparations from the German government for the loss of freedom and property of Max and [REDACTED] Kunz. Claimant [REDACTED 1] indicated that she was born on 21 October 1938 in London.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his great-grandfather's brother, Max Kunz. Although Claimant [REDACTED 2] could not provide significant details about his great-grandfather's brother, he did state that Max Kunz, who was Jewish, was a chef and a restaurant owner in Berlin, Germany, for approximately 37 years. Claimant [REDACTED 2] stated that Max Kunz spent many vacations in Switzerland, but was unable to avoid Nazi persecution. Claimant [REDACTED 2] added that Max Kunz was arrested by the Nazis and deported by train to the concentration camp at Lodz, where he perished in 1942. Furthermore, Claimant [REDACTED 2] stated that much of his extended family in Germany and France were killed in concentration camps, including Lodz and Auschwitz. Claimant [REDACTED 2] submitted the death certificates of his great-grandfather, his grandfather, his mother, and his brother, as well as a detailed family tree and copies of family photographs. Claimant [REDACTED 2] indicated that he was born on 16 November 1954 in Santa Monica, California, the United States.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Max Kunz. The Bank's record does not indicate the place of residence of the Account Owner. According to the Bank's record, the Account Owner held an account, numbered 3178. The Bank's record does not indicate the type of account.

According to the Bank's record, the account was transferred on 17 August 1981 to a suspense account for dormant assets. The balance of the account of the date of its transfer was 20.65 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

Claimant [REDACTED 1]'s grandfather's name matches the published name of the Account Owner. In support of her claim, Claimant [REDACTED 1] submitted numerous documents, including a copy of her birth certificate, listing her mother as [REDACTED], neé [REDACTED]; a copy of her parents' marriage certificate, indicating that [REDACTED] was the daughter of Max Kunz; a copy of the Last Will of her mother, [REDACTED], listing the Claimant as her daughter; copies of photos of Max and [REDACTED] Kunz; and letters from the Entschädigungsamt (Compensation Office) Berlin regarding reparations from the German government for the loss of freedom and property of Max and [REDACTED] Kunz. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Max Kunz, and indicates that his date of birth was 3 April 1865, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Claimant [REDACTED 2]' great-grandfather's brother's name matches the published name of the Account Owner. In support of his claim, Claimant [REDACTED 2] submitted documents, including the death certificates of his great-grandfather, his grandfather, his mother, and his brother, in addition to a detailed family tree and copies of family photographs. The CRT further notes that there are no other claims to this account other than the claims of the two Claimants. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he was deported to Lodz concentration camp, and eventually killed there. As noted above, a person named Max Kunz, who had the same date of birth as Claimant [REDACTED 1]'s relative, was included in the CRT's database of victims.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that he perished at the concentration camp in Lodz.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting documents, including a copy of her birth certificate, listing her mother as

[REDACTED], neé [REDACTED] and a copy of her parents' marriage certificate, indicating that [REDACTED] was the daughter of Max Kunz, demonstrating that Max Kunz was Claimant [REDACTED 1]'s grandfather. Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting documents, including the death certificates of his great-grandfather, his grandfather, his mother, and his brother, in addition to a detailed family tree and copies of family photographs, demonstrating that Max Kunz was the brother of his great-grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account as of 17 August 1981 was 20.65 Swiss Francs. According to Article 29 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The current value of the amount of the award 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 a total award amount of 49,375.00 Swiss Francs.

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 descendents of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is a direct descendent of the Account Owner and, therefore, is more entitled to this award than is Claimant [REDACTED 2]. Accordingly, Claimant [REDACTED 1] receives the total award amount.

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 their 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
31 December 2003