

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of Karl Lax and Alma Lax**

Claim Number: 501532/AE

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Karl Lax. This Award is to the published account of Karl Lax (“Account Owner Karl Lax”), which he held jointly with Alma Lax (“Account Owner Alma Lax”) (together the “Account Owners”), and to an unpublished account held jointly by the Account Owners at the [REDACTED] (the “Bank”).<sup>1</sup>

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 owners, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owners as his paternal great-uncle and great-aunt, Karl Lax and Alma Lax, née Lustig. The Claimant indicated that his great-uncle had seven brothers and sisters, including the Claimant’s grandfather, [REDACTED]. The Claimant indicated that his great-uncle was a businessman and property owner who resided in Neu Babelsberg, Germany. The Claimant further indicated that his great-uncle was Jewish but that his great-aunt, Alma Lax, was Christian. The Claimant indicated that his great-uncle was able to conceal his Jewish identity, and that he and his wife lived in Berlin for the duration of the Second World War. The Claimant further indicated that in order to save his property in Neu Babelsberg, he transferred title to his wife, but that it was nevertheless confiscated by the Nazis. According to the Claimant, Karl and Alma Lax had no children.

In support of his claim, the Claimant submitted documents, including a letter dated 12 December 1994 from a company in Israel regarding the Claimant’s inquiry about Karl Lax's property in

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<sup>1</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Karl Lax is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of two accounts owned jointly by Karl Lax and Alma Lax.

Berlin, which indicates that the property, located at Fredericastrasse 10c and 11, was transferred in trust to Alma Lax in 1938; and a letter from an attorney in Berlin, dated 27 January 1994, which references a property in Babelsberg which formerly belonged to Karl Lax, indicating that Karl Lax bequeathed this property to his wife, Alma Lax, that she in turn bequeathed it to her heirs [REDACTED] and [REDACTED], that Karl Lax was the brother of [REDACTED], who had three children: [REDACTED], [REDACTED] and [REDACTED], and that [REDACTED]'s son was [REDACTED], the Claimant. The Claimant indicated that he was born on 19 June 1928 in Berlin.

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

The Bank's record consists of a customer card. According to this record, the Account Owners were Karl Lax and Alma Lax, who both resided in Neu Babelsberg, Germany. The Bank's record indicates that the Account Owners held one demand deposit account, and one custody account, numbered L5685. The Bank's record shows that the demand deposit account was opened on 7 November 1931 and closed on 16 June 1934. The Bank's record further shows that the custody account was opened on 11 July 1931 and closed on 16 October 1937. The amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

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

#### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's great-uncle's name and country of residence match the published name and country of residence of Account Owner Karl Lax. The Claimant's great-aunt's name matches the unpublished name of account Owner Alma Lax. The Claimant also identified his relatives' city of residence as Neubabelsberg, which matches unpublished information about the Account Owners contained in the Bank's record. In support of his claim, the Claimant submitted documents, including letters indicating that Karl Lax had property in Berlin and Babelsberg, and that in 1938 he transferred his property in Berlin to his wife, Alma Lax, and that she inherited his property in Babelsberg in 1938, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's record as the names and place of residence of the Account Owners.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city or country of residence than the city or country of residence of the Account Owners.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner Karl Lax was Jewish, and that Account

Owner Alma Lax was married to a Jewish man. The Claimant further stated that the Nazi regime confiscated Account Owner Karl Lax's property in Neu Babelsberg.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Karl Lax was his great-uncle, and Account Owner Alma Lax was his great-aunt. The Claimant submitted documents, including a letter from an attorney in Berlin, regarding property in Babelsberg, Germany, owned by Account Owner Karl Lax, indicating that Karl Lax bequeathed this property to his wife, Alma Lax, who in turn bequeathed it to her heirs [REDACTED] and [REDACTED], that Karl Lax was the brother of [REDACTED], who had three children: [REDACTED], [REDACTED] and [REDACTED], and that [REDACTED]'s son was [REDACTED], the Claimant.

### The Issue of Who Received the Proceeds

With respect to the demand deposit account closed on 16 June 1934 and the custody account closed on 16 October 1937, given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owners remained in Germany for the duration of the Second World War; and would not have been able to repatriate their account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>2</sup> the CRT concludes that it is plausible that the accounts' proceeds were not paid to the Account Owners 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 the Account Owners were his great-uncle and great-aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

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<sup>2</sup> Appendix C appears on the CRT II website - [www.crt-ii.org](http://www.crt-ii.org).

### Amount of the Award

In this case, the Account Owners held one demand deposit account and one custody account. 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 custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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, to produce a total award amount of SF 189,250.00.

### **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 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  
31 March 2005