

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Marthe Lazare

Claim Number: 217418/MO

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Marthe Lazare (the “Account Owner”) at 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 her adoptive mother, Marthe Lazare, née [REDACTED], who was born on 25 February 1904 in Cernay (Haut-Rhin), France, and was married to [REDACTED] on 19 May 1925 in Mulhouse (Haut-Rhin), France. According to the Claimant, her adoptive mother resided on rue de Modenheim, Mulhouse, until 1933, and thereafter at 40, rue Jean Mieg, Mulhouse. The Claimant stated that during the Second World War, her adoptive parents, who were Jewish, fled to Agen (Lot et Garonne), France, where they hid during the Second World War. The Claimant also explained that, after the Second World War, they returned to Mulhouse, where they resided for the rest of their lives. The Claimant stated that her adoptive father died on 18 June 1959, and that her adoptive mother died on 12 November 1986, both in Mulhouse. In support of her claim, the Claimant submitted a family tree; copies of her adoption certificate, dated 22 June 1951; an inheritance document; and a French court decision, dated 25 April 1989, that can be used by the Claimant in lieu of a birth certificate.

The Claimant stated that she was born on 5 August 1935 in Lodz, Poland.

Information Available in the Bank Records

The bank records consist of a suspense account card and a list of dormant accounts. According to these records, the Account Owner was Marthe Lazare, who resided in Mulhouse, France. The bank records indicate that the Account Owner held an account of an unknown type. The account was transferred on 31 December 1945 to a suspense account. The amount in the account on the date of its transfer was 44.50 Swiss Francs. The account was transferred on 17 June 1948 to another suspense account, and on 23 January 1964 it was taken into bank profits by the Bank itself.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her adoptive mother's name and city of residence match the published name and city of residence of the Account Owner. The CRT also notes that the bank records do not contain any specific information about the Account Owner other than her name and city of residence, Mulhouse, France. In support of the identification of her adoptive mother as the Account Owner, the Claimant submitted documents, including copies of her adoption certificate; an inheritance document; and a French court decision used by the Claimant in lieu of a birth certificate, all which state that the Account Owner lived in Mulhouse. The CRT notes that Marthe Lazare is a unique name, as it appears only once on the February 2001 published list of accounts identified by the Independent Committee of Eminent Persons ("ICEP") as being possibly or probably those of victims of Nazi persecution. The CRT further notes that there are no other claims to this account.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that the Account Owner fled from Mulhouse to Agen (Lot et Garonne), France, where she hid during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including a family tree, copies of her adoption certificate, an inheritance document, and a French court decision, dated 25 April 1989, that can be used by the Claimant in lieu of a birth certificate, demonstrating that the Claimant was adopted by the Account Owner and the Account Owner's spouse. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was taken into bank profits.

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 Governing the Claims Resolution Process, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her adoptive mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account because the account was taken into bank profits.

Amount of the Award

In this case, the Account Owner held one account of an unknown type. The bank records indicate that the value of the account as of 31 December 1945 was 44.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

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 claim 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
April 21, 2003