

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹
represented by Kyra M. Hall

in re Account of Charles Edouard de Liphart

Claim Number: 500677/HB

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] ([REDACTED]), (the “Claimant”) to the published account of Charles Edouard de Liphart (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 as her paternal step-uncle, Karl (Charles) Edouard von Liphart (de Liphart), who was born on 23 August 1900 in Ratshof (Tartu), Estonia. According to the Claimant, her uncle was an artist who resided in Munich, Germany, from 1923 until 1929; in Paris, France, between 1929 and 1932; and in Munich from 1933 onwards. The Claimant stated that her uncle was targeted by the Nazis because he was homosexual. The Claimant stated that she is the sole heir of her stepfather, [REDACTED], who was her uncle’s elder brother, and who was married to her mother, [REDACTED], née [REDACTED].

The CRT notes that a search of the internet for Charles Edouard von Liphart indicated that he was born in 1900 and died in 1976, and that his artworks included “*Baltisches Dorf*” (“Baltic Village”) and “*Weg Zu Den Tuillerien*” (“Path to the Tuilleries”).² The search did not reveal information about von Liphart’s life during the period from 1933 to 1945.

¹ In a letter to the CRT, dated 9 January 2003, the Claimant’s daughter, Kyra M. Hall, informed the CRT that the Claimant passed away on 25 September 2002.

² See http://www.findartinfo.com/search/listprices~keyword~148826~name~Carl_Eduard_Von_Liphart.asp.

In support of her claim, the Claimant submitted copies of: (1) her stepfather's death certificate, dated 18 July 1979, in Monterey, the United States, indicating that [REDACTED] passed away on 11 June 1979; (2) her stepfather's will, dated 13 January 1978 in Monterey, indicating that [REDACTED] bequeathed his estate to [REDACTED], who was his late wife's daughter by a previous marriage, whom he considered his sole daughter; and (3) the petition for the probate proceeding for the estate of her father, identifying [REDACTED] as the executor of [REDACTED]'s will. The Claimant indicated that she was born on 22 July 1917 in St. Petersburg, Russia.

In a letter to the CRT dated 9 January 2003, the Claimant's daughter, Kyra M. Hall, informed the CRT that her mother passed away on 25 September 2002. The Claimant's daughter submitted copies of: (1) the Claimant's will, dated 9 January 1998, and trust documents, dated 16 September 2002, indicating that [REDACTED]'s daughter, Kyra Hall, is the sole beneficiary and the executor of her estate; and (2) her mother's death certificate, dated 30 September 2002, in Washington, the United States, indicating that [REDACTED], née [REDACTED], who was born on 22 July 1917 in St. Petersburg, passed away on 25 September 2002.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database, and various balance sheets dated from 1964 to 1981. According to these records, the account Owner was *Monsieur* (Mr.) Charles Edouard de Liphart, who resided at Quai Voltaire 75008 in Paris, France. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 293752. The Bank's records further indicate that the balance of the account as of 30 June 1964 was 165.10 Swiss Francs ("SF"), that the balance steadily decreased over time, and that, as of 31 December 1981, the balance was SF 2.10.

According to the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), the account was closed by fees and charges by the Bank on 31 December 1981.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name and country of residence of the Account Owner.³ The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that the name Charles Edouard de Liphart appears only once on

³ The CRT notes that the Claimant's stepfather's death certificate indicates a family name of "von Liphart," whereas the Bank's records indicate a family name of "de Liphart." The CRT further notes that the titles "von" and "de" both mean "from" in English. The CRT also notes that the Account Owner resided both in France and Germany. Therefore, the CRT concludes that these variations indicate the same family name, and determines that the spelling discrepancy does not materially affect the Claimant's identification of the Account Owner.

the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

In support of her claim, the Claimant submitted copies of: (1) her stepfather’s death certificate, dated 18 July 1979, in Monterey, the United States, indicating that [REDACTED] passed away on 11 June 1979; (2) her stepfather’s will, dated 13 January 1978 in Monterey, indicating that [REDACTED] bequeathed his estate to [REDACTED], who was his late wife’s daughter by a previous marriage, whom he considered his sole daughter; and (3) the petition for the probate proceeding for the estate of her father, identifying [REDACTED] as the executor of [REDACTED]’s will. These documents provide independent verification that the person who is claimed to be the Account Owner had the same surname recorded in the Bank’s records as the surname of the Account Owner.

The CRT further notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Target 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 homosexual, and that he resided in Nazi Germany from 1933 onwards.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant’s uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank’s records. The CRT further notes that the Claimant submitted a copy of her stepfather’s death certificate, which provides independent verification that the Claimant’s relative bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation indicated in their report that the account was closed by fees and charges by the Bank on 31 December 1981.

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 (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Third, 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 demand deposit account. The Bank’s records indicate that the value of the demand deposit account, as of 30 June 1964, was SF 165.10. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 465.10. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 SF 26,750.00.

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 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
15 November 2007