

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 *Maison Frères J. Avramoff*

Claim Numbers: 218252/MG; 218264/MG

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of *Maison Frères J. Avramoff* (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as Claimant [REDACTED 2] has done in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants each submitted a Claim Form identifying the Account Owner as the company of their father, [REDACTED], who was born on 11 January 1897, in Sofia, Bulgaria, to [REDACTED] and [REDACTED] [REDACTED], and was married to [REDACTED], née [REDACTED], in 1922 in Sofia. The Claimants stated that they are the couple’s only children, and that their father, who was Jewish, was a successful Bulgarian trader, who owned several hardware stores and was a partner in the family company, *Gebrüder Avramoff* (Avramoff Brothers), located on Nischka Street in Sofia. The Claimants stated that *Gebrüder Avramoff* was the German translation for *Bratija Avramovi*. The Claimants further stated that their father and his brother, [REDACTED], as well as the latter’s son, [REDACTED] (later known as [REDACTED]) were the three owners of the family business. The Claimants also stated that their father had a third brother, [REDACTED], who died when he was very young. According to the Claimants, their father and his two other partners were the only persons authorized to represent and manage the company, which had many employees. The Claimants stated that their father resided in Sofia on Iskar Street until 1942 and on Nischka Street until 1943; in Pleven, Bulgaria, on Hr. Botev Street until 1944; and in Sofia on Dunav Street after 1944. The Claimants indicated that after the enactment of the Law for Defense of the Country (*Gesetz für den Nationschutz*) in 1941, the family business and all of their father’s stores and houses were taken over by the pro-Nazi Bulgarian regime, and the entire family was forced to leave Sofia in 1943. The Claimants stated that their parents died in Sofia. Their father died on 26 February

1956, and their mother died on 29 January 1979. The Claimants stated that their uncle, [REDACTED], who had a Spanish passport, left Bulgaria in 1937 for Spain and afterward went to Israel, where he died; and that his son, [REDACTED], also left for Israel, where he also died.

In support of their claims, the Claimants submitted their father's birth and death certificates, a certificate of inheritance, stating that the Claimants are the lawful heirs of their father's possessions, and a sample of their father's signature. Claimant [REDACTED 1] indicated that she was born on 8 March 1927 in Sofia, and Claimant [REDACTED 2] indicated that he was born on 28 November 1934 in Sofia.

Information Available in the Bank Records

The bank records consist of two ledgers: one dated 7 September 1959, which followed an internal bank survey identifying dormant accounts, and one dated 15 November 1963, which was carried out by the Bank during an internal bank survey pursuant to the 1962 Federal Decree regarding dormant assets of foreigners and stateless persons persecuted due to race, religion or politics.

The bank records also consist of two printouts from the Bank's electronic database. According to these records, *Maison Frères J. Avramoff* held one account at the Bank. The bank records indicate that the Account Owner was located in Sofia, Bulgaria. These records indicate that the Account Owner held a demand deposit account in Pounds Sterling, which was opened in 1931. In addition, the bank records indicate that the account had a balance of 10.18 Pounds Sterling as of 7 September 1959 and 7 Pounds Sterling as of 15 November 1963.

The bank records do not show if or when the account at issue was closed, or to whom it was paid, nor do they indicate the value of the account. 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") did not find the account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on the account after 1945 and also that the account was not registered in the 1962 Survey. There is no evidence in the bank records that the Account Owner or their heirs closed the account 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 claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The initial of their father's first name and the name "Avramoff" match the published name of J. Avramoff. The CRT notes that the name [REDACTED] also could be spelled with a "J." The Claimants identified that the Account Owner was a company, which matches published information contained in the bank records.

With respect to the Account Owner, the Claimants stated that their father was a partner of *Bratija Avramovi* (in Bulgarian) or *Gebrüder Avramoff* (in German) which means "Avramoff Brothers" and corresponds to the French translation: *Maison Frères J. Avramoff*. In addition, the Claimants stated that the family business, *Gebrüder Avramoff*, was established in Sofia, Bulgaria, which coincides with the published location of the Account Owner. In support of their claim, the Claimants submitted documents, including their father's birth and death certificates, a certificate of inheritance, stating that the Claimants are the lawful heirs, and a sample of their father's signature. The CRT notes that three other claims to this account were disconfirmed due to inconsistent information about the Account Owner provided by the other claimants.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants have indicated that their father was Jewish, and that the family business *Bratija Avramovi* was taken over by the Bulgarian pro-Nazi regime following the enactment of the Law for Defense of the Country (*Gesetz für den Nationschutz*), which restricted the rights of the Jews in Bulgaria. Furthermore, the Claimants stated that their father, a co-owner of the company, was forced to flee Sofia in 1943.

The Claimant's Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting a certificate of inheritance showing that they are the only heirs of their father, [REDACTED], one of the co-owners of the company. The Claimants have also indicated that the other company co-owners, [REDACTED] and his son, [REDACTED], are both deceased.

The Issue of Who Received the Proceeds

Given the application of Presumptions (b), (h), (i) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, its 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, its 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules.

Second, the Claimants have plausibly demonstrated that the co-owner of the Account Owner was their father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, its owners or their heirs received the proceeds of the account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The bank records indicate that the value of the demand deposit account as of 1959 was 10.18 Pounds Sterling and 7.00 Pounds Sterling as of 1963, both less than 2,140.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 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 an award amount of 25,680.00 Swiss Francs.

Division of the Award

According to Article 23(1) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Therefore, in this case both Claimants are entitled to one-half of 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 they 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
May 15, 2003