

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
acting on behalf of himself and of [REDACTED], [REDACTED], [REDACTED] and [REDACTED]

in re Account Arthur Maric

Claim Number: 209186/YL

Award Amount: 28,203.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the "Claimant") to the Account of Arthur Maric (the "Account Owner") at the Lausanne branch of the [REDACTED]. The Claimant is representing his mother and sister, [REDACTED] and [REDACTED] respectively, and two of his second cousins, [REDACTED] and [REDACTED].

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form in which he stated that the Account Owner was Arthur Maric, who was born in Zagreb, Yugoslavia, and was the brother of the Claimant's grandmother [REDACTED]. The Claimant stated that his cousins (whom he represents) were the grandchildren of the Account Owner's other sister, [REDACTED].

The Claimant identified the Account Owner as the president of the Shell Oil Company in Yugoslavia, partner in [REDACTED] & Partner, Grain Traders, Zagreb, and honorary British Consul in Zagreb. The Claimant stated that the Account Owner married [REDACTED] and that one of their daughters, [REDACTED], married [REDACTED]. In addition, the Claimant submitted that the Account Owner remained in Zagreb hoping for diplomatic protection until the Nazis killed him. Finally, the Claimant noted that the Account Owner's brother, [REDACTED], died of natural causes in Istanbul, Turkey, where he fled to together with [REDACTED] and her husband [REDACTED].

Information Available in the Bank Records

According to the bank records the Account Owner was Dr. Arthur Maric, an industrialist who used an address in Zagreb, Yugoslavia, and who used a new address as of 4 May 1941 in Akar Palas, Ayaz Paza, Istanbul, Turkey. The bank documents record that the Account Owner held a numbered demand deposit account, No. 12494, and that the value of the Account in 1962 was 832.50 Swiss Francs. Furthermore, the bank documents show that the Account was closed in December 1992 because the last contact with the Account Owner was before 1947. The balance of the Account became part of the bank's profits.

The bank documents do not record when the Account was opened, but it appears that [REDACTED] opened the Account on behalf of the Account Owner, that he signed all relevant documents and that the Account Owner never signed any bank document. In addition, the bank documents show that [REDACTED] (née [REDACTED]), [REDACTED] and [REDACTED] were the Power of Attorney Holders for the Account and that on an unknown date [REDACTED] became [REDACTED]. An unsigned power of attorney form dated 23 December 1938, indicates that [REDACTED] was the Account Owner's brother. It also appears that the bank knew of [REDACTED] death and that prior to his death he signed a power of attorney form on behalf of his brother, the Account Owner, granting a power of attorney to both [REDACTED] and [REDACTED]. It appears that [REDACTED] signed this power of attorney form also on behalf of [REDACTED] and [REDACTED].

The bank documents consist of printouts from the bank's database, an undated signature sample of [REDACTED], an overview card (titled "*Synoptic*"), a check list of account documentation (titled "*Contrôle des actes*"), a hold mail request, an unsigned power of attorney form dated 23 December 1938, a signed power of attorney form dated 30 December 1938 and a survey dated 1962 of accounts where account owners directed the bank to hold all correspondence and where there had been no correspondence with the account owners since the 1940s.

The Tribunal's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. First, his relative's name matches the published name of the Account Owner. Second, the Claimant identified the unpublished sibling relationship between Arthur and [REDACTED] Maric. Third, the information the Claimant has submitted about his relative's businesses and professional titles is consistent with the unpublished bank information which shows that the Account Owner was an industrialist from Zagreb, Yugoslavia. Fourth, the Claimant's explanation regarding the familial relationship between the Account Owner and the Power of Attorney Holders is consistent with the bank documents. Finally, although the bank records show that as of 4 May 1941 the Account Owner, who according to the Claimant stayed in Zagreb until he was killed, resided or used an unpublished address in Istanbul, Turkey, the address matches the Claimant's story of [REDACTED] flight to Istanbul, Turkey. It is likely that [REDACTED],

and not the Account Owner, changed the address. This is consistent with the fact that [REDACTED] was the contact person with the bank; the bank documents indicate that the Account was opened by him and that he signed all relevant documents.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owner was a Victim of Nazi Persecution. The Claimant has show that the Account Owner was a Yugoslav Jew, who remained in Zagreb until the Nazis killed him.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly shown that the Account Owner was his grandmother's brother, by identifying the unpublished familial relationship and has provided various documents including the marriage certificate of the Account Owner's parents [REDACTED] and [REDACTED], and documents relating to his grandmother. The credibility of the information submitted by the Claimant gives the Tribunal no basis for doubting that he and the family members he represents are the Account Owner's only surviving heirs.

In accordance with Article 29 of the Rules Governing the Claims Resolution Process (the "Rules") the Tribunal concludes that, in the absence of any further claims to the Account, [REDACTED] (Claimant's mother) would be entitled to 50% of the total award amount and [REDACTED] and [REDACTED] would each be entitled to 25% of the total award amount.

Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant, on behalf of his mother and second cousins, for the following reasons: the claim is admissible as the claimed Account belonged to a Victim of Nazi Persecution, and the Claimant has provided information establishing that the Account Owner was the uncle of the Claimant's mother and the brother of the grandmother of the Claimant's cousins (relationships that justify making an award).

Amount of the Award

The present value of the Account is calculated by multiplying the adjusted amount in the Account as established by the bank records by a factor of 11.5, in accordance with Article 37(1) of the Rules. In the present case, the bank records indicate that the assets in the Account as of 1962 were valued at 832.50 Swiss Francs. This amount is increased by an adjustment of 1,620.00 Swiss Francs which reflects standardized bank fees charged to the Account between 1945 and 1962. Consequently, the adjusted amount in the Account is 2,452.50 Swiss Francs, and the total amount of the Award is 28,203.75 Swiss Francs of which the Claimant's mother would be entitled to 14,101.87 Swiss Francs (representing 50% of the total amount of the Award), and of which each of the Claimant's cousins would be entitled to 7,050.93 Swiss Francs (representing 25% of the total amount of the Award).

The Claimant should note that according to Article 37(3) of the Rules, in cases where the Tribunal determines that an account may be subject to later competing claims, the initial payment to claimants shall be 35% of the total award amount. Such claimants may receive a second payment of up to 65% of the certified award when so determined by the Court, but not later than when all claims have been processed. In this case, 35% of the total award amount is 9,871.00 Swiss Francs of which the Claimant's mother is entitled to 4,935.66 Swiss Francs, and of which each of the Claimant's cousins are entitled to is 2,467.83 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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).

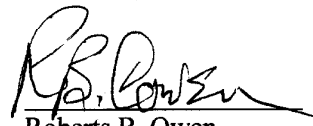
Certification of the Award

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a strong case for entitlement to an Award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same accounts will be forthcoming. Moreover, the new process of analyzing the Initial Questionnaires to determine those that can be treated as claim forms adds another element of uncertainty about the possibility of future complementary or competing claims.

The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a strong claim and that the risk of future competing claims is low, the Tribunal should prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimant has presented, on behalf of his mother and cousins, a strong claim to the Account, thus substantially reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval of the present Award by the Court for payment by the Special Masters in accordance with Article 37(3) of the Rules.

Nov. 5, 2001
Date


Roberts B. Owen
Senior Claims Judge