

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Annette Sylvie Duchêne
also acting on behalf of Colette Dominique Levy

in re Account of Ida Marx

Claim Number: 215115/TW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Annette Sylvie Duchêne, née Marxheimer (the “Claimant”) to the published account of Ida Marx (the “Account Owner”) at the Locarno branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her maternal grandmother, Ida Marx, née Oppenheimer, who was born on 10 September 1877 in Würzburg, Germany, and was married to Bernhard Marx on 23 December 1898 in Nuremberg, Germany. According to the Claimant, the couple had two daughters: Yvonne Renée Marx, who was born on 7 July 1906 and died on 25 January 1996, and Alice Marxheimer, née Marx, the Claimant’s mother, who was born on 17 July 1900 and perished in Auschwitz on 7 August 1942.

The Claimant indicated that her grandmother, who was Jewish, resided at Wolfgangstrasse 20 in Frankfurt am Main, Germany, until 1934. The Claimant indicated that her grandmother fled to Switzerland in 1934, where she resided in the municipality of Muralto in Locarno at Via Sempione 8. The Claimant stated that her grandmother moved to London, the United Kingdom, in 1940, to take care of her ill sister, and could not go back to Switzerland until 1945. The Claimant stated that her grandmother died in Zurich, Switzerland, on 5 November 1962.

In support of her claim, the Claimant submitted her own birth certificate, showing that her mother was Alice Marxheimer, née Marx; her grandmother’s marriage certificate, indicating that her name was Ida Marx, née Oppenheimer, and that she resided in Germany; a declaration from the municipality of Muralto, confirming that Ida Marx resided in the municipality of Muralto from 1934 onwards; Ida Marx’s last will and testament, declaring her daughter Yvonne Renée Marx and her granddaughter, the Claimant, as her heirs; the death certificate of Yvonne Renée

Marx, stating that she was the daughter of Ida Marx; and the birth certificate of the Claimant's cousin, Colette Dominique Levy, née Marx, showing that she was adopted by Yvonne Renée Marx.

The Claimant stated that she was born on 20 January 1925 in Karlsruhe, Germany. The Claimant represents her cousin, Colette Dominique Levy, née Marx, who was born on 8 September 1940, in Paris, France.

Information Available in the Bank's Records

The Bank's records consist of lists of accounts. According to these records, the Account Owner was Ida Marx, who resided in Locarno, Switzerland. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. According to the Bank's records, the account was opened no later than 4 June 1938.

The Bank's records indicate that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 7 December 1951. The amount in the account on the date of its transfer was 44.00 Swiss Francs ("SF"). The Bank's records indicate that the account was closed to fees by the Bank no later than 13 January 1965.

The CRT's Analysis

Identification of the Account Owner

The Claimant's maternal grandmother's name matches the published name of the Account Owner. The Claimant stated that her grandmother resided in Locarno, Switzerland, which matches unpublished information about the Account Owner's place of residence, as contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including the marriage certificate of Ida Marx; a declaration from the municipality of Muralto, and the last will and testament of Ida Marx, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and the city of residence of the Account Owner.¹

The CRT further notes that the other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence of the Account Owner. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

¹ The CRT notes that Locarno and Muralto are adjacent towns and are often referred to as Locarno-Muralto.

Status of the Account Owner as a Victim 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 Jewish, and that in 1934 she fled from Germany to Switzerland. The Claimant also indicated that the Account Owner's daughter perished in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother, and the grandmother of the Claimant's cousin, Colette Levy, whom the Claimant represents. These documents include the Account Owner's last will and testament, stating that the Claimant was the Account Owner's granddaughter; the death certificate of Yvonne Renée Marx, which documents that her mother was Ida Marx; and Colette Levy's birth certificate, showing that she was adopted by Yvonne Marx.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to fees by the Bank on or before 13 January 1965.

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 grandmother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 7 December 1951 was SF 44.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 105.00, which reflects standardized bank fees charged to the account between 1945 and 1951. Consequently, the adjusted balance of the account is SF 149.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. The Claimant submitted Ida Marx's last will and testament, declaring her daughter Yvonne Renée Marx and her grand-daughter, the Claimant, as her heirs. Further, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity.

In this case, the Claimant represents her cousin, Colette Dominique Levy, the daughter of Yvonne Renée Marx. The CRT notes that the Claimant and her cousin did not submit a will or other inheritance documents pertaining to Yvonne Renée Marx. According to Article 23(1)(c) of the Rules, if an 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. Accordingly, the Claimant and her cousin, Colette Dominique Levy, are each entitled to one-half of the total award amount.

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
31 March 2005