

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Stephen Harnik

**in re Accounts of Gertrud Schneider, Hugo Schimmelburg,
Elsbet Marianne Bloch, and Elisabeth Ballin**

Claim Numbers: 501121/AX; 501134/AX; 501141/AX; 501150/AX; 501157/AX

Award Amount: 925,268.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Elisabeth Ballin, Elsbet Marianne Bloch, Gertrud Schneider, Hugo Schimmelburg and [REDACTED]. This Award is to the published accounts of Elisabeth Ballin (“Account Owner Ballin”), over which [REDACTED] (“Power of Attorney Holder [REDACTED]”) held power of attorney, the published accounts of Gertrud Schneider (“Account Owner Schneider”), over which [REDACTED] (“Power of Attorney Holder [REDACTED]”) held power of attorney,¹ and the published accounts of Hugo Schimmelburg (“Account Owner Schimmelburg”) and Elsbet Marianne Bloch (“Account Owner Bloch”) (together the “Account Owners”),² over which [REDACTED] (“Power of Attorney Holder [REDACTED]”) (together the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).³

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.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of victims of Nazi persecution (the “ICEP List”), that both the names Gertrud Schneider and Gertrud Schimmelburg are published. Upon careful review, the CRT concludes that they are the same person. The CRT further notes, that on the ICEP List, [REDACTED], [REDACTED] and Hugo Schimmelburg are listed as holding power of attorney over the accounts of Gertrud Schneider. Upon careful review, the CRT concludes that the Bank’s records show that only [REDACTED] held power of attorney over these accounts, and that [REDACTED] and Hugo Schimmelburg were in fact the heirs of Gertrud Schimmelburg.

² The CRT notes that, on the ICEP List, Hugo Schimmelburg is indicated as having three accounts and Elsbet Marianne Bloch is indicated as having one account. Upon careful review, the CRT concludes that the Bank’s records evidence the existence of only one account, which was jointly owned by Hugo Schimmelburg and Elsbet Marianne Bloch.

³ The CRT notes that, on the ICEP List, [REDACTED] is indicated as owning one account. Upon careful review, the CRT has concluded that the Bank’s records evidence that [REDACTED] in fact did not own an account, but held power of attorney over the account jointly owned by Elsbet Marianne Bloch and Hugo Schimmelburg.

Information Provided by the Claimant

The Claimant submitted Claim Forms identifying Account Owner Ballin and Account Owner Bloch as being the same person, who was her mother, Elisabeth Bloch, née Schimmelburg. The Claimant identified Account Owner Schneider as her maternal aunt, Gertrud Schneider, née Schimmelburg, and Account Owner Schimmelburg as her maternal grandfather, Hugo Schimmelburg. The Claimant stated that her mother was born on 1 August 1900 in Zurich, Switzerland, and was first married to Richard [REDACTED] in Munich, Germany, and subsequently to [REDACTED]. According to the Claimant, her mother resided in Munich, Germany, with her first husband, who was the Claimant's father, at Scheinerstrasse 7. The Claimant indicated that her mother, who was Jewish, divorced [REDACTED], and was remarried to [REDACTED]. The Claimant stated that in 1930 she moved with her mother and stepfather to Switzerland and later to Liechtenstein, while her father remained in Munich. According to the Claimant, her father fled Germany in the late 1930s to France to escape Nazi persecution. The Claimant stated that her mother died in 1972 in Flushing, New York, the United States.

The Claimant indicated that her aunt, Gertrude Schneider-Schimmelburg, was married to Adam [REDACTED]. The Claimant indicated that her aunt resided in Berlin. The Claimant indicated that she believes her aunt died in the mid-1930s as a result of a mountain climbing accident.

The Claimant further stated that her maternal grandfather, Hugo Schimmelburg, was married to [REDACTED]. In a telephone conversation with the CRT on 14 January 2005, the Claimant indicated that her grandfather, Hugo Schimmelburg, had a successful fur business and resided at Wiedermayerstrasse 34 in Munich. The Claimant indicated that her grandmother was mentally disabled and was placed in a nursing home. According to the Claimant, her grandfather was able to use his business connections to flee Germany to Switzerland in the late 1930s, but that when he arrived in Switzerland, he was placed under house arrest because he was Jewish. The Claimant indicated that her grandfather died in 1938 in Montreux, Switzerland, that she does not know the fate of her grandmother during the Second World War, but that she was not heard from after the War.

In support of her claim, the Claimant submitted her mother's will, showing that her mother's name was Elisabeth Bloch, that her mother's parents were Mr. and Mrs. Hugo Schimmelburg, and that the Claimant was her daughter.

The Claimant stated that she was born on 13 July 1925 in Munich.

Information Available in the Bank's Records

Account Owner Schneider

The Bank's records consist of a customer card; a power of attorney form; a consent form signed by Account Owner Schneider's husband; a custody account statement; inter-bank correspondence; a certificate of inheritance relating to the Estate of Account Owner Schneider; a letter from Account Owners Hugo Schimmelburg and [REDACTED] to the Bank, dated 16 July 1934; a letter, dated 27 July 1934 from the Munich branch of the *Dresdner Bank* and the Bank's reply; documents from the Swiss Clearing Office relating to the 1945 freeze of assets held in Switzerland by citizens of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"); and printouts from the Bank's database.

According to these records, Account Owner Schneider was Gertrud Schneider, née Schimmelburg, who resided at Witzlabenstrasse 33/11 in Berlin-Charlottenburg, Germany, and Power of Attorney Holder [REDACTED] was her husband, [REDACTED]. The Bank's records indicate that Account Owner Schneider also used addresses at Schorlemerallee 13 in Berlin-Dahlem and Buggestrasse 10 in Berlin-Steglitz. The Bank's records indicate that Account Owner Schneider held four accounts: one custody account, numbered 37078, and three demand deposit accounts.

The Bank's records indicate that the custody account 37078 contained the following securities on 31 March 1934:

- 7 1/2% *äussere Königlich Ungarische Staatsanleihe 1924/44 Schweizer Tranche* bonds with a total nominal value of 15,000.00 Swiss Francs ("SF");
- 100 "A" shares of *Schweizerisch-Amerikanische Elektrizitätsgesellschaft*;
- 50 "A" shares of *Motor Columbus A.G. für elektrische Unternehmungen*;
- 5% *Schuldverschreibungen Vereinigte Stahlwerke A. G. 1934* bonds with a total nominal value of 9,000.00 Reichsmark ("RM"), which were deposited at the *Reichskreditgesellschaft A. G.* in Berlin; and
- 6% *Gold Bonds Republic of Argentine 1924/58*, series "B" with a total nominal value of 5,000.00 United States Dollars, which were deposited at the *Bank of the Manhattan Company* in New York, New York, the United States.

The Bank's records indicate that Account Owner Schneider died on 10 May 1934 in Saint-Martin-le-Vinoux, France, and that her assets were transferred to her estate. The Bank's records further indicate that, according to her inheritance certificate, her husband, [REDACTED] was entitled to one-half of Account Owner Schneider's estate, and her parents, Hugo and [REDACTED], were each entitled to one-quarter of Account Owner Schneider's estate.

The Bank's records indicate that on 11 July 1934, Hugo Schimmelburg and [REDACTED] ordered the Bank to transfer the securities from the custody account to a joint custody account of Hugo and [REDACTED] at the Munich branch of the *Dresdner Bank*. The Bank's records further indicate that the securities were transferred to the *Dresdner Bank* on 14 July 1934, and that the custody account was closed on 11 January 1938.

The Bank's records indicate that one of the demand deposit accounts was closed on 28 September 1933. The Bank's records do not indicate the balance of that account. With regard to the two remaining demand deposit accounts, the Bank's records indicate that the balance in the demand deposit accounts held by Account Owner Schneider was SF 699.60 in July 1934. According to the Bank's records, the second demand deposit account was closed no later than 11 January 1938. The Bank's records indicate that the third demand deposit was blocked in the 1945 Freeze, that it had a balance of SF 104.50 SF on 17 February 1945, and that it was unblocked on 27 October 1953. According to a letter dated 30 September 1947 from the Bank to the Swiss Clearing Authority, the Bank indicated that it had not heard from Account Owner Schneider's heirs, and that it was not aware if they were still alive.

With regard to the third demand deposit account, the Bank's records do not show when this account at issue was closed. 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 third demand deposit account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Schneider, the beneficiaries of Account Owner Schneider's estate, Power of Attorney Holder [REDACTED], or their heirs closed the demand deposit accounts and received the proceeds themselves.

Account Owners Schimmelburg and Bloch

The Bank's records consist of a customer card, a letter from the Bank's Zurich branch to the Lausanne branch, and printouts from the Bank's database. According to these records, the joint Account Owners were Hugo Schimmelburg and *Frau* (Mrs.) Elsbet Marianne Bloch, and Power of Attorney Holder [REDACTED] was [REDACTED]. The Bank's records indicate that Account Owner Schimmelburg resided at Wiedenmayerstrasse 34 in Munich. The auditors who carried out the ICEP Investigation reported that Account Owner Schimmelburg also resided at Bahnhofstrasse 31 in Zurich, and that Account Owner Bloch and Power of Attorney Holder [REDACTED] resided at Scheinerstrasse 7 in Munich, and then at Kurhaus Rivabella and Tenuta Motta in Brissago, Switzerland. The Bank's records indicate that Account Owners Schimmelburg and Bloch owned a special custody account, numbered 42085, which was opened no later than 1934. The Bank's records do not show when the account at issue was closed nor do these records indicate the value of this account. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Schimmelburg, Account Owner Bloch, Power of Attorney Holder [REDACTED] or their heirs closed the account and received the proceeds themselves.

Account Owner Ballin

The Bank's records consist of a power of attorney form signed on 3 October 1927 and printouts from the Bank's database. According to these records, Account Owner Ballin was *Frau* (Mrs.) Elisabeth Ballin, who resided at Scheinerstrasse 7 in Munich, and Power of Attorney Holder [REDACTED] was [REDACTED], who also resided in Munich. The Bank's records indicate

that Account Owner Ballin held a custody account.⁴ The Bank's records further indicate that the power of attorney to [REDACTED] was canceled on 6 March 1928. The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Ballin, Power of Attorney Holder [REDACTED], 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 five claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's mother's names, city and country of residence match the published names, city and country of residence of Account Owners Ballin and Account Owner Bloch. The Claimant's grandfather and aunt's names, cities and country of residence match the published names, cities and country of residence of Account Owners Schimmelburg and Schneider. The Claimant's mother's husband's names match the published names of Power of Attorney Holders [REDACTED] and [REDACTED]. The Claimant also identified the name of her aunt's husband as Adam [REDACTED], which matches the published name of Power of Attorney Holder [REDACTED]. In addition, the Claimant identified her grandmother as [REDACTED], whose name matches the unpublished name of one of Account Owner Schneider's heirs contained in the Bank's records.

The Claimant identified her parents' and her grandparents' street addresses, which match unpublished information about the Account Owners contained in the Bank's records. Furthermore, the Claimant indicated that her aunt died in the mid-1930s, which is consistent with unpublished information about Account Owner Schneider contained in the Bank's records. According to the Claimant, her mother left Germany for Switzerland in 1930, which is consistent with Account Owner Bloch's unpublished addresses in Switzerland.

In support of her claim, the Claimant submitted documents, including her mother's will, showing that her mother's parents were Mr. and Mrs. Hugo Schimmelburg, and that the Claimant was her daughter, providing independent verification that the people who are claimed to be Account

⁴ The Bank's records contain a power of attorney form that references a "*Titeldepot*," which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that Account Owner Ballin held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that she held such an account.

Owner Schimmelburg and Account Owner Bloch had the same names recorded in the Bank's records as the names of Account Owner Schimmelburg and Account Owner Bloch.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence and different maiden name from the country of residence and maiden names of Account Owners Bloch and Schneider.

Status of the Account Owners as a Victim of Nazi Persecution

The CRT notes that while Account Owner Bloch, whom the Claimant identified as being the same individual as Account Owner Ballin, was not a Victim of Nazi Persecution, her father, Account Owner Hugo Schimmelburg, with whom she jointly owned an account, was a Victim of Nazi Persecution. The Claimant stated that Account Owner Schimmelburg was Jewish and that in 1938 he fled Nazi Germany for Switzerland, where he remained under house arrest. The Claimant also stated that Account Owner Schneider was Jewish, and that she lived in Nazi Germany until her death in 1934.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Claimant's mother was both Account Owner Ballin and Account Owner Bloch, that Account Owner Schimmelburg was the Claimant's grandfather, and that Account Owner Schneider was the Claimant's aunt. These documents include her mother's will, indicating that her mother's name was Elisabeth Bloch, that her mother's parents were Mr. and Mrs. Hugo Schimmelburg, and that the Claimant was her daughter. The CRT notes that the Bank's records indicate that Hugo and [REDACTED] were the parents of Account Owner Schneider. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

With respect to Account Owner Schneider's demand deposit account closed on 28 September 1933 and custody account, given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that Account Owner Schneider remained in Germany until her death in 1934; that the Bank's records indicate that Account Owner Schneider's assets in her custody account were transferred to a joint custody account belonging to Hugo and [REDACTED] at the Munich branch of the *Dresdner Bank* in July 1934; that Hugo and [REDACTED], as Account Owner Schneider's heirs, would not have been able to repatriate these assets without losing ultimate control over them; that Account Owner Schneider's heirs would not have been able to obtain information about her accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (See

Appendix A) and Appendix C,⁵ the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Schneider, Power of Attorney Holder [REDACTED], 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 or their heirs received the proceeds of their accounts.

With respect to two of Account Owner Schneider's remaining demand deposit accounts, Account Owner Schimmelburg and Account Owner Bloch's custody account, and Account Owner Ballin's custody account, given that Account Owner Schneider died in 1934, that Account Owner Schimmelburg, who is also one of Account Owner Schneider's heirs, fled Germany for Switzerland in the late 1930s to escape Nazi persecution, and was placed under house arrest upon his arrival in Switzerland; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of Account Owner Schimmelburg and Account Owner Bloch's custody account and Account Owner Ballin's custody account; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) 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 Owners, the Power of Attorney Holders, 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 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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owners Ballin and Bloch were in fact one person, who was her mother, that Account Owner Schimmelburg was her grandfather, and that Account Owner Schneider was her aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts or retained control over them.

Amount of the Award

In this case, Account Owner Schneider held one custody account and three demand deposit accounts, Account Owner Schimmelburg and Account Owner Bloch jointly held one custody account, and Account Owner Ballin held one custody account.

With respect to Account Owner Schneider's custody account, the Bank's records indicate that it contained the following securities:

⁵ Appendix C appears on the CRT II website -- www.crt-ii.org.

- 7 1/2% *äussere Königlich Ungarische Staatsanleihe 1924/44 Schweizer Tranche* bonds with a total nominal value of SF 15,000.00 Swiss Francs, which had a total market value of SF 4,762.50;
- 100 “A” shares of *Schweizerisch-Amerikanische Elektrizitätsgesellschaft*, which had a total market value of SF 2,550.00;
- 50 “A” shares of *Motor Columbus A.G. für elektrische Unternehmungen*, which had a total market value of SF 9,150.00;
- 5% *Schuldverschreibungen Vereinigte Stahlwerke A.G. 1934* bonds, which had a total market value of RM 8,696.25, which was equivalent to SF 10,567.68; and
- 6% *Gold Bonds Republic of Argentine 1924/58*, series “B,” which had a total market value of 4,715.62 United States Dollars (“US \$”), which was equivalent to SF 14,571.26.⁶

Thus, the total value of the securities in the account was SF 41,601.44. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules to produce an award amount of SF 520,018.00 for this account.

With respect to Account Owner Schneider’s two demand deposit accounts, which were closed in 1933 and 1938, respectively, Account Owner Schimmelburg and Account Owner Bloch’s joint custody account, and Account Owner Ballin’s custody account, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00 and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 30,280.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount for these accounts of SF 378,500.00.

With respect to Account Owner Schneider’s third demand deposit account, the Bank’s records indicate that the value of the third demand deposit account as of 17 February 1945 was SF 104.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the demand deposit account between the beginning of 1945 and 17 February 1945. Consequently, the adjusted balance of the account at issue is SF 119.50. 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 an award amount of SF 26,750.00 for this account.

Thus, the total award amount is SF 925,268.00.

⁶ The market values of the securities are as of 31 December 1934. The CRT uses official exchange rates to convert amounts in foreign currencies into 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 claims 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