

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Renate Kahn
also acting on behalf of Steven Fulda

in re Account of Frieda Weiler

Claim Number: 214275AG¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Renate Kahn (the “Claimant”) to the account of Frieda Weiler (the “Account Owner”) at the Zurich 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, Frieda Weiler, née Dellevie, who was born on 7 July 1881 in Kassel, Germany to Adolf and Rosa Dellevie, and was married to Hermann Weiler in Kassel in 1904. The Claimant stated that her grandparents, who were Jewish, had two children: Margot, the Claimant’s mother, who was born in 1905 in Kassel, and Karla, who was born in 1912, also in Kassel. The Claimant indicated that her grandmother was a pianist and piano teacher in Kassel, where she lived with her family at Kölnischestrasse 4. The Claimant further indicated that in addition to teaching piano, her grandmother may have been part-owner of a company, *Firma Carl Weiler*, which was located at the same address as her grandmother's home in Kassel before it was destroyed in November 1938. According to the Claimant, her grandmother traveled extensively and had many friends abroad who could have helped her open a Swiss bank account, including Luise Stevenhagen from Lausanne, Switzerland and Alice Philipp from Zurich, Switzerland. The Claimant submitted two storage receipts from a company in St. Gallen, Switzerland, one for the Claimant's grandmother and the other for her grandmother's

¹ The Claimant submitted an additional claim to the account of Alfred Dellevie, which is registered under the Claim Number 214276. The CRT will treat the claim to this account in a separate decision.

brother, Dr. Alfred Dellevie, indicating the names of Stevenhagen and Phillip. The Claimant explained that Alfred Dellevie intended to immigrate to St. Gallen and that he transported his belongings there, but died on 3 April 1941. The Claimant indicated that after his death, Alfred Dellevie's stored property was likely sold at auction in Switzerland, the proceeds of which may have been deposited in a Swiss bank account.

The Claimant stated that her grandfather perished in the Sachsenhausen concentration camp in 1939 and that in October or November 1941, her grandmother fled from Germany to Bogota, Colombia, via France, Spain and Portugal, arriving in Bogota in early 1942. The Claimant further stated that her grandmother left Bogota for Dallas, Texas, the United States in 1943, where she lived until her death during a visit to Shrewsbury, England on 15 November 1975. The Claimant stated that her mother, Margaret Fulda, née Weiler, died in Dallas in 1966. In support of her claim, the Claimant submitted documents, including copies of storage receipts from St. Gallen, indicating the names of the Claimant's grandmother, Frieda Weiler, and great-uncle, along with the names of their Swiss contacts; correspondence between *Danzas & Cie*, a Swiss transport company, and the Claimant's grandmother; a copy of an American Savings Association joint Certificate of Deposit issued to Frieda Weiler and the Claimant; and the Claimant's grandmother's will, which bequeathed Frieda Weiler's estate to her daughters, Margaret Fulda, née Weiler, and Karla Ewing, née Weiler, in equal shares, and appointed the Claimant, her granddaughter, as the executrix of the will.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Frieda Weiler. The Claimant indicated that she was born on 3 June 1926 in Kassel. The Claimant is representing Steven Fulda, her brother, who was born on 20 December 1932 in Kassel.

Information Available in the Bank's Record

The Bank's record consists of printouts from the Bank's database of accounts frozen in the 1945 freeze of German assets held in Switzerland. According to this record, the Account Owner was Mrs. Frieda Weiler, who resided in Germany. The Bank's record indicates that the Account Owner held one account of unknown type, which had a balance of 2,214.00 Swiss Francs as of 17 February 1945. The Bank's record does not indicate when the account at issue was closed, or to whom it was paid. 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 this 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 this account after 1945. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name and country of residence match the published name and country of residence of the Account Owner. The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Frieda Weiler, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. In support of her claim, the Claimant also submitted a joint Certificate of Deposit, issued to the Claimant and her grandmother; and her grandmother's will, in which Frieda Weiler appointed her granddaughter, the Claimant, as the executrix, providing independent verification that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's records as the Account Owner and that the Claimant is the granddaughter of that person. The CRT notes that the name Frieda Weiler appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT 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 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, that her husband perished in the Sachsenhausen concentration camp, and that she fled Germany for Colombia in 1941 to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a family tree, detailed biographical information, and documents, including the Account Owner's will, demonstrating that she is the Account Owner's granddaughter. The CRT notes that the specific information identified by the Claimant indicates that the Account Owner was well known to the Claimant, and this information supports the plausibility that the Claimant is related to the Account Owner.

The Issue of Who Received the Proceeds

Given that the Account Owner was Jewish and resided in Nazi occupied Germany before she fled in 1941; that the account survived the War with a recorded balance of 2,214.00 Swiss Francs in 1945, and was blocked in the Swiss freeze of German assets; that there is no record of the payment of the Account Owner's account to her or her heirs either before or after the War; that the Account Owner or her heirs would not have been able to obtain information about her account 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 she and her brother, whom she represents, are the Account Owner's grandchildren, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 record indicates that the value of the account as of 17 February 1945 was 2,214.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) 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. In this case, the Claimant is representing her brother, Steven Fulda. Accordingly, the Claimant and the Claimant's brother are each entitled to receive 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 December 2003