

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Frances Leopold
represented by John Leopold

in re Account of Max Wohlmuth

Claim Number: 208086/SJ

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Frances Leopold, née Wohlmuth, (the “Claimant”) to the account of Max Wohlmuth (the “Account Owner”) at 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 father, Max Wohlmuth, who was born on 18 August 1881 in Rzeszów, Poland, and was married to Malvina Soffar in 1921. The Claimant stated that her parents, who were Jewish, had two children: the Claimant, who was born on 18 July 1921, and Peter, who was born on 31 May 1923 and who was killed in Auschwitz on 9 February 1941. The Claimant further stated that her father owned a knitting factory named *The York* that was located at Albertgasse 24, Vienna VIII, Austria, and that he lived with his family at the same address. The Claimant indicated that because her father owned a business, he had many clients in Switzerland and had business partners in The Netherlands, where he most likely also maintained a business address. The Claimant explained that the Nazis confiscated her father’s business in 1938, at which time he and his family fled to Amsterdam, The Netherlands. The Claimant further explained that in November 1942 she and her parents went into hiding at different locations in The Netherlands, until its liberation in October 1944. The Claimant stated that her brother attempted to enter France and Switzerland, but was arrested and deported to the Auschwitz concentration camp, where he perished in September 1941. The Claimant further stated that she and her parents immigrated to the United States after the Second World War. The Claimant added that her father died in Vienna in 1954, and that her mother died in 1969 in the United States.

In support of her claim, the Claimant submitted documents, including a copy of her birth certificate, indicating that her father was Max Wohlmuth and her mother was Malvina

Wohlmuth; Max Wohlmuth's Austrian driver's license; Max Wohlmuth's Alien Registration Receipt Card issued by the United States Immigration and Naturalization Service; and a family tree. The Claimant indicated that she was born on 18 July 1921 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a list of dormant accounts prepared by the Bank in November 1959. According to this record, the Account Owner was Max Wohlmuth, who resided in Amsterdam, The Netherlands. The Bank's record indicates that the Account Owner held one demand deposit account. This record further indicates that the amount in the account as of 27 November 1959 was 52.00 Swiss Francs. Additionally, the Bank's record indicates that the Account Owner contacted the Bank for the last time in 1937, and that in November 1959 the account was transferred to a collective account for dormant assets, where it remains open and dormant.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Max Wohlmuth, numbered 35988 and signed by Max Wohlmuth on 14 July 1938. These records indicate that Max Wohlmuth was born on 18 August 1881, that he lived at Albertgasse 24, Vienna VIII, and that he was married to Malvine Soffer. In assessing the "Jewish Assets Tax" (*Judenvermögensabgabe*), these records indicate that Max Wohlmuth held real estate and property valued at 98,833.00 Reichsmarks, and that his wife held real and personal property valued at 74,586.00 Reichsmarks. These records also indicate that included in Max Wohlmuth's property were 9,818.00 Reichsmarks of various stocks, including *Schweizerische Bundesbahnobligationen*. Finally, these records indicate that Max Wohlmuth had total holdings valued at 269,274.00 Reichsmarks as of 1 January 1938 and, therefore, owed a "flight tax" (*Reichsfluchtsteuer*) of 67,312.00 Reichsmarks. Although the records of the Austrian State Archives contain numerous other documents and letters from and regarding Max Wohlmuth, these records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. The Claimant stated that her father had business partners in The Netherlands, where he most likely also maintained a business address, and that her father fled to Amsterdam, The Netherlands, where he remained in hiding until October 1944. This information is consistent with the published city and country of residence of the Account Owner listed in the Bank's records. In support of her claim, the Claimant submitted documents,

including a copy of her birth certificate, indicating that her father was Max Wohlmuth; Max Wohlmuth's Austrian driver's license; and Max Wohlmuth's Alien Registration Receipt Card issued by the United States Immigration and Naturalization Service. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name as recorded in the Bank's records as the name of the Account Owner. The CRT notes that the Claimant identified information about the Account Owner contained in the Austrian State Archives including his date of birth and street address. Furthermore, the CRT notes that the name Max Wohlmuth 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. Finally, 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 in 1938 the Nazis confiscated the business of the Account Owner, who was Jewish, and that the Account Owner and his family fled to Amsterdam, The Netherlands. The Claimant also stated that in November 1942 she and her parents hid in The Netherlands, until October 1944; and that the Account Owner's son perished in September 1941 in the Auschwitz concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her birth certificate, demonstrating that the Account Owner was her father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that in November 1959 the account was transferred to a collective account for dormant assets, where it remains open and dormant.

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

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's record indicates that the value of the account as of 27 November 1959 was 52.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00, 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 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 26,750.00 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 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
20 May 2004