

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant George Wolf
also acting on behalf of Maria Brody

in re Accounts of Dr. Hugo Wolf

Claim Number: 204768/GH

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of George Wolf (the “Claimant”) to the accounts of Dr. Hugo Wolf (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 his father, Dr. Hugo Wolf, who was born on 19 April 1888 in Wiener Neustadt, Austria, and was married to Dr. Margarete Wolf, née Schönberger, on 22 March 1919 in Lajta Sent Miklos, Hungary. The Claimant stated that his father, who was Jewish, was a prosperous attorney-at-law who held a “Dr.” title and whose office was located at Teinfaltstrasse 7 in Vienna, Austria, as of 1922. The Claimant further stated that his father resided in Vienna, at Neue Weltgasse 5, from 1922 until 1936, and at Wenzgasse 24, from 1936 until 1939. The Claimant explained that in 1940 his parents illegally crossed the border to Hungary, where they lived in hiding until the German invasion, when they fled to Greece, then to Portugal, and finally to New York, New York, in 1942 or 1943, where they settled. The Claimant stated that his father died in New York on 27 May 1946, and that his mother, who was born on 9 June 1894, died on 13 August 1965 also in New York. In support of his claim, the Claimant submitted documents, including his father’s birth certificate; his father’s residence certificate from Vienna dated 19 September 1933; his parents’ marriage certificate; his own birth certificate dated 28 July 1922, indicating his parents were Attorney Dr. Hugo Wolf and Margarete Wolf, née Schönberger; his sister’s birth certificate dated 23 October 1925; a handwritten letter from his father to the Claimant and his sister, dated 21 August 1943; and his parents’ last will and testament, dated 29 December 1945, which provides for an equal distribution between their two children, the Claimant and Maria Wolf.

The Claimant indicated that he was born on 16 June 1922 in Vienna. The Claimant is representing Maria Martina Brody, née Wolf, his sister, who was born on 3 October 1925 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of a customer card, a pawn contract, an internal note, a handwritten letter from the Account Owner to the Bank, a letter from the Bank to the Account Owner, a deposit contract and printouts from the Bank's database. According to these records, the Account Owner was Dr. Hugo Wolf, who initially resided at Neue Weltgasse 5 in Vienna XIII, Austria, and who resided at Wenzgasse 24 in Vienna from 30 December 1937. The Bank's records indicate that the Account Owner held custody account number 36343, which was opened in 1933, and a demand deposit account.

According to the deposit contract, dated 5 May 1933, the Account Owner deposited a 3¼% *Anleihe der Schweizerischen Bundesbahnen A/K* bond, the face value of which was 8,000.00 Swiss Francs. The Bank's records further indicate that the Account Owner pawned his assets for a loan he received from the Bank. No other information regarding the loan is available in the Bank's records.

An internal note dated 8 June 1937, indicates that the demand deposit account was to have the subtitle *Rubrik Josef Roth*, and that the Bank asked the Account Owner if he wanted to give the same subtitle to his custody account. The Bank's records indicate, however, that only the demand deposit account was to be subtitled *Rubrik Josef Roth*. According to a handwritten letter by the Account Owner, he intended to grant Power of Attorney to Dr. Eugen Kerpel (Dr. Jenö Kerpel) of Budapest, Hungary, with regard to the custody account subtitled *Rubrik Josef Roth*. However, according to a subsequent letter from the Bank dated 22 March 1938, this Power of Attorney form was considered invalid because it was undated and referenced the custody account, which was not subtitled. The customer card indicates that the Account Owner instructed the Bank not to send him any correspondence as of 22 February 1938.

According to the Bank's records, the accounts were closed on 9 May 1938. The amount in the accounts on the date of their closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

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 a Dr. Hugo Wolf, numbered 24419. These documents indicate that Dr. Hugo Wolf was born on 19 April 1888; that he was married to Dr. Grete Wolf, née Schönberger; that he was an attorney; and that he was domiciled at Wenzgasse 24, in Vienna XIII, Austria. According to these documents, Dr. Hugo Wolf registered with the Nazi authorities that he owned half of the

house in Wenzgasse 24, Vienna XIII, where he lived, which was worth 30,000.00 Reichsmarks; his office equipment at Teinfaltstrasse 7, Vienna I, worth 500.00 Reichsmarks; debts owed to him worth 2,000.00 Reichsmarks; insurance contracts worth 3,585.55 Reichsmarks; two bank accounts with the *Creditsanstalt* and the *Postsparkasse*, worth 3,951.85 Reichsmarks and 242.51 Reichsmarks, respectively; and that he had debts totaling 11,560.27 Reichsmarks.

Additionally, the Nazi authorities decided on 16 March 1939 that Dr. Hugo Wolf was obliged to pay a “flight tax” (*Reichsfluchtsteuer*) of 26,870.00 Reichsmarks. Furthermore, there is an administrative decision dated 31 January 1941 concerning the confiscation of the entire property owned by Hugo, Israel Wolf, Dr. jur., born on 19 April 1888 in Wr. Neustadt; his wife Margarete, Sara Wolf, Dr. med., née Schönberger, born on 9 June 1894 in Neudörfl, Burgenland; and their children Georg, Israel Wolf, born on 16 June 1922 in Vienna, and Maria, Martina Sara Wolf, born on 3 October 1925 in Vienna; all of whom subsequently lived at Schwindgasse 17 in Vienna IV. 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. His father’s name and place of residence match the published name and place of residence of the Account Owner. The Claimant identified his father’s exact addresses and academic title, which match unpublished information about the Account Owner contained in the Bank’s records and in the Austrian State Archives records. In addition, the Claimant submitted documents, including his own birth certificate, indicating his parents were Attorney Dr. Hugo Wolf and Margarete Wolf, née Schönberger. Finally, the Claimant submitted samples of his father’s handwriting and signature, which match the signature samples contained in the Bank’s records. The CRT notes that the other claim to these accounts was disconfirmed because the other claimant provided a different profession and country of residence than the profession and country of residence of 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, and fled Austria for Hungary, Greece, Portugal, and finally the United States in order to escape Nazi persecution.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his own birth certificate, identifying Dr. Hugo Wolf as his father, demonstrating that the Account Owner was the Claimant’s father.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that the Account Owner's accounts were closed in May 1938, after the *Anschluss*, while the Account Owner lived in Nazi-occupied Austria, and therefore he would not have been able to repatriate his accounts without their confiscation; that there is no indication in the records regarding who authorized the closure of the accounts; that the Account Owner and his heirs would not have been able to obtain information about the 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 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 his 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 the Account Owner was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. The Bank's records indicate that the value of the custody account as of 5 May 1933 was 8,000.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a custody account was less than 13,000.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account as of 1945 shall be determined to be 13,000.00 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 an amount of 162,500.00 Swiss Francs.

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with the demand deposit account, 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. 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 amount of 26,750.00 Swiss Francs.

Therefore, the total award amount is 189,250.00 Swiss Francs.

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. In this case, the Claimant is representing his sister, Maria Brody. According to the Account Owner's will, his sister is 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 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

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
6 February 2004