

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

and to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

in re Accounts of Helene Katschke and Benno Katschke

Claim Numbers: 210716/RS, 000374/RS, 771015/RS, 600229/RS, 788700/RS^{1,2}

Award Amount: 1,128,182.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the accounts of Helene Katschke and Benno Katschke; the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the accounts of Helene Katschke, Margarete Pinthus, or Heinrich Pinthus;³ the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the accounts of Else Lilienfeld, née Pinthus;⁴ and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together, the “Claimants”) to the accounts of Else Lilienfeld, née Pinthus. This Award is to the unpublished account of Helene Katschke (“Account Owner H. Katschke”) and the unpublished account of Benno Katschke (“Account Owner B. Katschke”) (together, the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

¹ Claimant [REDACTED 2] and Claimant [REDACTED 3] did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered ENG 0038 066 and ENG 0751 199, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 771015 and 788700, respectively.

² Claimant [REDACTED 4] submitted a claim, numbered B-02083, on 9 September 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600229.

³ The CRT did not locate an account belonging to Margarete Pinthus or Heinrich Pinthus in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

⁴ The CRT did not locate an account belonging to Else Lilienfeld, née Pinthus, in the Account History Database prepared pursuant to the ICEP Investigation.

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1] submitted two Claim Forms, one Initial Questionnaire (“IQ”), and one ATAG Ernst & Young claim form identifying the Account Owners as the parents of her cousin’s husband. Claimant [REDACTED 2] submitted one IQ identifying Account Owner Helene Katschke as her maternal grandmother. Claimant [REDACTED 3] submitted one IQ, and Claimant [REDACTED 4] submitted a claim to the Holocaust Claims Processing Office (“HCPO”), identifying the Account Owners’ daughter, [REDACTED], as the wife of their distant cousin, [REDACTED]; Claimant [REDACTED 3] and Claimant [REDACTED 4] are siblings.

Claimant [REDACTED 1] and Claimant [REDACTED 2] identified Account Owner H. Katschke as Helene Katschke, née Badt, who was Jewish, and who resided in Berlin, Germany, prior to the Second World War. According to Claimant [REDACTED 1], Helene Katschke was born on 21 June 1871 in Sorau, Brandenburg, Germany (today Zary, Poland). She stated that Helene Katschke was married to Benno Katschke, who held the title *Justizrat*, an honorary title bestowed upon attorneys and notaries in Germany.

Claimant [REDACTED 1] and Claimant [REDACTED 2] explained that Helene and Benno Katschke had three children: [REDACTED], [REDACTED] (Claimant [REDACTED 2]’ mother), and [REDACTED]. The Claimants stated that [REDACTED] had no children; that [REDACTED] married [REDACTED], and had two children, Claimant [REDACTED 2], and [REDACTED], who died in 1935; and that [REDACTED] married [REDACTED], and had no children. Claimant [REDACTED 1] stated that Helene and Benno Katschke’s three children have all passed away. She explained that [REDACTED] was the sole heir of her husband [REDACTED]; that [REDACTED] is now deceased; and that she (Claimant [REDACTED 1]) is [REDACTED]’s sole heir.

According to Claimant [REDACTED 1], prior to the Second World War, Helene Katschke resided at Giesebrechtstrasse 18 in Berlin-Charlottenburg. According to Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4], [REDACTED] resided at that same address. Claimant [REDACTED 1] and Claimant [REDACTED 2] asserted that Helene Katschke held assets at a Swiss bank, and Claimant [REDACTED 1] asserted that Benno Katschke also held assets at a Swiss bank.

Claimant [REDACTED 1] stated that Helene Katschke was deported from Berlin to Theresienstadt concentration camp, where she perished on 17 January 1943. Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4] stated that Helene and Benno Katschke’s daughter [REDACTED], née [REDACTED], perished in a concentration camp, and Claimant [REDACTED 2] stated that the last message that she received from her mother [REDACTED] was in February or March 1943.

In support of her claim, Claimant [REDACTED 1] submitted copies of:

- [REDACTED]'s death certificate, issued in Israel, indicating that his father's name was Benno, and that he died on 29 March 1972;
- a 1997 letter from [REDACTED] to the Contact Office for the Search of *[sic]* Dormant Accounts Administered by Swiss Banks ("Dormant Swiss Accounts Office") indicating that she was the sole heir of her deceased husband [REDACTED];
- [REDACTED]'s death certificate, indicating that she died on 9 February 1998;
- the last will of [REDACTED], indicating that her sole heir was [REDACTED 1], née [REDACTED];
- a 1995 letter from a Swiss lawyer to the Swiss Banks Ombudsman, indicating that the lawyer was representing [REDACTED]; that she had been attempting since February 1990 to claim accounts from the Bank on the basis of bank records in her custody; that her efforts thus far proving unsuccessful, she had turned to the lawyer for assistance; and that the Bank had thus far claimed that it could not locate any records relating to the accounts belonging to the account owners listed in the bank records held by [REDACTED];
- a 1995 letter from the Swiss Banks Ombudsman to the above-referenced Swiss lawyer representing [REDACTED], indicating that he was surprised by allegations of uncooperative conduct by the Bank; that the Bank had not uncovered any records relating to accounts belonging to the account owners claimed by [REDACTED]; and that under Swiss law, banks were only obliged to maintain bank records for ten years;
- a 1996 letter from [REDACTED] to the Dormant Swiss Accounts Office, indicating that she had recently met with a representative of that office in Switzerland, and that she was attaching all the documentation that that representative had requested; and
- a 1996 letter from the Dormant Swiss Accounts Office to [REDACTED], indicating that the documentation submitted by her was sufficient to allow the banks to search for accounts claimed by her.

Claimant [REDACTED 1] also submitted copies of two bank statements, which are further described below, relating to the ownership of assets held at the Bank by Helene Katschke and Benno Katschke.

In support of their claims, Claimant [REDACTED 3] and Claimant [REDACTED 4] submitted copies of an excerpt from a memorial book about Jewish Victims of the Holocaust from Berlin (*Gedenkbuch Berlins der jüdischen Opfer des Nationalsozialismus*), which lists the names of some of their relatives, and includes the name [REDACTED], née Katschke. The excerpt indicates that [REDACTED] was born on 19 April 1895 in Berlin; that she resided at Giesebrechtstrasse 18 in Berlin-Charlottenburg; that she was deported to Auschwitz on 26 February 1943; and that she perished in Auschwitz.

Claimant [REDACTED 4] also submitted copies of a detailed family history indicating the various branches of the Pinthus family of Berlin, which was prepared by a family member in 1937. The family history includes the name [REDACTED], and indicates that he married [REDACTED] on 15 June 1919, and that they had two children: [REDACTED], and [REDACTED 2].

Claimant [REDACTED 1] indicated that she was born on 15 March 1935 in Germany. Claimant [REDACTED 2] indicated that she was born on 17 February 1925. Claimant [REDACTED 3] indicated that she was born on 13 November 1929, and Claimant [REDACTED 4] indicated that he was born on 13 February 1926.

Information Available in the Bank's Records

The CRT notes that 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 report accounts belonging to Helene Katschke or Benno Katschke during their investigation of the Bank. The Bank's documents were obtained by Claimant [REDACTED 1] and were forwarded to the CRT.

These records consist of copies of two bank statements.

Account Owner H. Katschke

The first bank statement, which is dated 8 July 1937, indicates that the Account Owner was *Frau* Helene Katschke, who resided at Giesebrechtstrasse 18, Berlin-Charlottenburg 4, Germany. According to this record, Account Owner H. Katschke held a custody account numbered 35088 at the Bank.

The bank statement indicates that as of 5 July 1937, the custody account held the following securities:

- *4½% Eidgenössische Anleihe 1930* bonds, with a nominal value of 7,500.00 Swiss Francs ("SF"); and
- *4½% Stadt Zürich 1930* bonds, with a nominal value of SF 2,000.00.

The Bank's record does not show when the account at issue was closed. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

Account Owner B. Katschke

The second bank statement, which is dated 8 September 1937, indicates that the Account Owner was *Herr Justizrat* Benno Katschke *sel.* The CRT notes that the term "*sel.*" indicates that the Account Owner was deceased (*selig*). The bank statement was addressed to *Frau Wwe.* (widow)

Helene Katschke-Badt, who resided at Giesebrechtstrasse 18 in Berlin-Charlottenburg 4, Germany.

According to this record, Account Owner B. Katschke held a custody account numbered 33543 at the Bank. The bank statement indicates that as of 7 September 1937, the custody account held the following securities:

- *4½% Kanton Aargau 1930* bonds, with a nominal value of SF 10,000.00;
- *4½% Kanton Zürich 1930* bonds, with a nominal value of SF 10,000.00;
- *4½% Stadt Zürich 1930* bonds, with a nominal value of SF 10,000.00;
- *4¾% [REDACTED] 1929* bonds, with a nominal value of SF 8,000.00;
- *7% Gold-Pfandbr. der Landschaft der Provinz Sachsen 1927* bonds, with a nominal value of 2,000.00 Goldmark (“GMk”);
- *8% Schuldversch. der Stadt Elberfeld 1928* bonds, with a nominal value of 5,000.00 Reichsmark (“RMk”);
- *8% Gold-Pfandbr. der Preussischen Boden-Credit-Aktien Bank in Berlin 1924* bonds, with a nominal value of GMk 3,000.00;
- *7% Goldhyp.-Pfandbr. der Hypothekenbank in Hamburg 1925, Em. B*, with a nominal value of GMk 3,000.00;
- *7% Ostpreussischer Landschaftlicher Goldpfandbrief 1927*, with a nominal value of GMk 8,000.00; and
- *4% Emprunt Ottoman, Douanes, "Récépissés Provisoires" du Conseil de la Dette publique Répartie de l'ancien empire Ottoman 1911*, with a nominal value of 8,500.00 French Francs (“FF”).

The Bank’s record does not show when the account at issue was closed. There is no evidence in the Bank’s record that the Account Owner or his 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 Claimants in one proceeding.

Identification of the Account Owners

Claimant [REDACTED 1] has plausibly identified the Account Owners, and Claimant [REDACTED 2] has plausibly identified Account Owner H. Katschke. Claimant [REDACTED 1]' cousin's husband's parents' names, street address, and city and country of residence match the unpublished names, street address, and city and country of residence of the Account Owners. Claimant [REDACTED 2]' maternal grandmother's name and city and country of residence match the unpublished name and city and country of residence of Account Owner H. Katschke. Claimant [REDACTED 2] also identified the Account Owners' street address as the address at which her mother, [REDACTED], resided prior to the Second World War, which matches unpublished information about the Account Owners contained in the Bank's records. The CRT notes that the bank records were submitted by Claimant [REDACTED 1].

In support of her claim, Claimant [REDACTED 1] submitted documents, including [REDACTED]'s death certificate, providing independent verification that the person who is claimed to be Account Owner B. Katschke had the same name recorded in the Bank's record as the name of Account Owner B. Katschke.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Helene Katschke, née Badt, and indicates that her date of birth was 21 August 1871 and place of birth was Sorau, Germany, and that her date of death was 17 January 1943, which matches the information about Account Owner H. Katschke provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 2] did not identify Account Owner B. Katschke, and that Claimant [REDACTED 3] and Claimant [REDACTED 4] did not identify either of the Account Owners. However, the CRT notes that Claimant [REDACTED 2] did identify the name and exact street address of Account Owner H. Katschke, and that Claimant [REDACTED 1] indicated that Account Owner H. Katschke and Account Owner B. Katschke were married, and that Claimant [REDACTED 2]' failure to identify Account Owner B. Katschke therefore does not adversely affect the plausibility of her identification of Account Owner H. Katschke. The CRT also notes that Claimant [REDACTED 3] and Claimant [REDACTED 4] identified the exact street address of Account Owner H. Katschke, and indicated that they were related by marriage to the Account Owners' daughter, [REDACTED], and therefore that the failure of Claimant [REDACTED 3] and Claimant [REDACTED 4] to identify the Account Owners does not adversely affect the plausibility of their claims.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner H. Katschke was a Victim of Nazi Persecution. Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that Account Owner H. Katschke was Jewish, and Claimant [REDACTED 1] indicated that Account Owner H. Katschke perished in concentration camp Theresienstadt. As noted above, a person named Helene Katschke was included in the CRT's database of victims.

The Claimants did not indicate whether Account Owner B. Katschke was Jewish, nor did they indicate when or how he died. Moreover, the Bank's record indicates that Account Owner B. Katschke had passed away by 1937. However, the CRT notes that Account Owner B. Katschke was married to a Jewish woman, and that both his wife and daughter, who were his direct heirs, perished in concentration camps. Thus, even if Account Owner B. Katschke died prior to the date when the Nazis assumed power in 1933, his direct heirs were Victims of Nazi Persecution.

The Claimants' Relationships to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the parents of Claimant [REDACTED 1]' cousin's husband. These documents include letters written by [REDACTED] and her Swiss lawyer, and [REDACTED]'s death certificate. Claimant [REDACTED 2] has plausibly demonstrated that she is related to Account Owner H. Katschke by submitting specific information, demonstrating that Account Owner H. Katschke was her maternal grandmother.

The CRT notes that the Claimants indicated that they may have other surviving relatives, but that because they are not represented in the Claimants' claims, the CRT will not treat their potential entitlement to the Account Owners' accounts in this decision.

The CRT further notes that the Claimants identified unpublished information about the Account Owners as contained in the Bank's records; and that Claimant [REDACTED 1] also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 1] submitted a copy of the Bank's records related to the Account Owners' accounts. The CRT notes that it is plausible that those documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimants as family members, and all of this information supports the plausibility that the Claimants are related to the Account Owners, as they have asserted in their Claim Forms.

The CRT notes that Claimant [REDACTED 2] did not indicate that she is related to Account Owner B. Katschke. However, given that the Bank's record indicates that Account Owner H. Katschke was a widow, and that she was the recipient of a bank statement regarding an account held by the late Account Owner B. Katschke, and that Claimant [REDACTED 1] indicated that Account Owner B. Katschke was married to Account Owner H. Katschke, the CRT concludes that by plausibly demonstrating that she is related to Account Owner H. Katschke, Claimant [REDACTED 2] has also plausibly demonstrated that she is related to Account Owner B. Katschke.

The CRT also notes that Claimant [REDACTED 3] and Claimant [REDACTED 4] did not indicate that they are related to the Account Owners. However, given that Claimant [REDACTED 3] and Claimant [REDACTED 4] both identified the exact street address of Account Owner H. Katschke, and given that they indicated that they are related by marriage to the Account Owners' daughter [REDACTED], the CRT concludes that by plausibly

demonstrating that they are related to the Account Owners' daughter, Claimant [REDACTED 3] and Claimant [REDACTED 4] have also plausibly demonstrated that they are related to the Account Owners.

The Issue of Who Received the Proceeds

Given that Account Owner B. Katschke had passed away by September 1937; that Account Owner H. Katschke, according to the Bank's record, continued to receive account statements relating to the account of Account Owner B. Katschke following his death; that Account Owner H. Katschke was deported to a concentration camp, where she perished in January 1943; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners' 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 (e), (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 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 Claimant [REDACTED 1] and Claimant [REDACTED 2]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owners were the parents of her cousin's husband, that Claimant [REDACTED 1]' cousin was the sole heir of her husband, and that Claimant [REDACTED 1] is the sole heir of her cousin, and those relationships justify an Award. Claimant [REDACTED 2] has plausibly demonstrated that the Account Owners were her maternal grandparents, and that relationship justifies an award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that Claimant [REDACTED 1], who has demonstrated through a broken chain of wills, as explained below, that she is the heir of the Account Owners' son [REDACTED], and Claimant [REDACTED 2], who is the Account Owners' granddaughter, have a better entitlement to the accounts than Claimant [REDACTED 3] and Claimant [REDACTED 4], who are distant cousins of the Account Owners' daughter's husband [REDACTED].

Amount of the Award

In this case, Account Owner H. Katschke held one custody account, and Account Owner B. Katschke held one custody account. According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the nominal value of bonds not in default shall be awarded if the market value was below the nominal value on the

date the account owner is deemed to have lost control over the account. The CRT presumes that the account owner, if able to decide freely, could have opted to hold the respective bond to maturity to avoid a capital loss. The market value of bonds shall be awarded if that value was above the nominal value on the date the account owner is deemed to have lost control over the account.

Account Owner H. Katschke

According to the statement from the Bank, the custody account contained the following securities:

- *4½% Eidgenössische Anleihe 1930* bonds, with a nominal value of SF 7,500.00. These bonds were of good quality and traded at the end of 1937 at 107.9 percent for a market value of SF 8,092.50.
- *4½% Stadt Zürich 1930* bonds, with a nominal value of SF 2,000.00. These bonds were of good quality and traded at the end of 1937 at 107.50 percent for a market value of SF 2,150.00.

Since both bonds were of good quality and had market values above the nominal value, the market values will be used to determine the value of these assets. The total market value of the bonds was SF 10,242.50.⁵

According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. 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. Consequently, the award amount is SF 162,500.00 for this account.

Account Owner B. Katschke

According to the statement from the Bank, the custody account contained the following securities:⁶

- *4½% Kanton Aargau 1930* bonds, with a nominal value of SF 10,000.00. These bonds were of good quality and traded at the end of 1937 at 107.25 percent for a market value of SF 10,725.00.
- *4½% Kanton Zürich 1930* bonds, with a nominal value of SF 10,000.00. These bonds were of good quality and traded at the end of 1937 at 108.50 percent for a market value of SF 10,850.00.

⁵ These market values were obtained from the *Kursblatt der Zürcher Effektenbörse*, 30 December 1937.

⁶ Market values for the Swiss securities were obtained from the *Kursblatt der Zürcher Effektenbörse*, 30 December 1937. Market values for the German securities were obtained from the *Frankfurter Zeitung* of 1 January 1938. The market value of the Turkish promissory receipts is taken from like receipts in the same series in the ASA records, Hugo Fischer # 23897. The comparability of valuation of these receipts is documented in *Moody's Manual of Investments, American and Foreign: Government Securities*, Moody's Investors Service, New York 1940, p. 1,981.

- *4½% Stadt Zürich 1930* bonds, with a nominal value of SF 10,000.00. These bonds were of good quality and traded at the end of 1937 at 107.50 percent for a market value of SF 10,750.00.
- *4¾% [REDACTED] 1929* bonds, with a nominal value of SF 8,000.00. These bonds were of good quality. As no price information is available, these bonds shall be valued at their nominal value of SF 8,000.00.
- *7% Gold-Pfandbr. der Landschaft der Provinz Sachsen 1927*, with a nominal value of GMk 2,000.00. These bonds were of good quality and traded at the end of 1937 at 100.975 percent for a market value of RM 2,019.50.
- *8% Schuldversch. der Stadt Elberfeld 1928* bonds, with a nominal value of RMk 5,000.00. These bonds were of good quality and traded at the end of 1937 at 98.625 percent. Therefore, these bonds shall be valued at their nominal value of RM 5,000.00.
- *8% Gold-Pfandbr. der Preussischen Boden-Credit-Aktien Bank in Berlin 1924* bonds, with a nominal value of GMk 3,000.00. These bonds were of good quality and traded at the end of 1937 at 100.5 percent for a market value of RM 3,015.00.
- *7% Goldhyp.-Pfandbr. der Hypothekenbank in Hamburg 1925, Em. B*, with a nominal value of GMk 3,000.00. These bonds were of good quality and traded at the end of 1937 at 101.25 percent for a market value of RM 3,037.50.
- *7% Ostpreussischer Landschaftlicher Goldpfandbrief 1927*, with a nominal value of GMk 8,000.00. These bonds were of good quality and traded at the end of 1937 at 98.75 percent. Therefore, these bonds shall be valued at their nominal value of RM 8,000.00.
- *4% Emprunt Ottoman, "Récépissés Provisoires" du Conseil de la Dette publique Répartie de l'ancien empire Ottoman 1911*, with a nominal value of FF 8,500.00. These promissory receipts traded in April 1938 at SF 0.675 for a market value of SF 11.48.

The total value of the securities in this account is RM 21,072.00, which was equivalent to SF 36,918.14, plus SF 40,336.48. Thus, the total value of the assets in this account is SF 77,254.62. 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. Consequently, the award amount is SF 965,682.75 for this account.

Thus, the total award amount for both accounts is SF 1,128,182.75.

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, Claimant [REDACTED 2], as the granddaughter of the Account Owners, is therefore entitled to a share of the award.

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. Claimant [REDACTED 1] has submitted the will of her cousin [REDACTED], who was married to the Account Owners' son [REDACTED]. [REDACTED]'s will indicates that her sole heir is Claimant [REDACTED 1]. Claimant [REDACTED 1] also indicated that [REDACTED] was the sole heir of her husband, [REDACTED]; she did not, however, submit a copy of [REDACTED]'s will. Accordingly, while Claimant [REDACTED 1] has not submitted an unbroken chain of wills indicating that she is entitled to the Account Owners' accounts, the CRT, based upon the principles of fairness and equity, and based also upon the fact that Claimant [REDACTED 1] submitted the bank records without which these accounts could not have been awarded, will proceed as if Claimant [REDACTED 1] had submitted an unbroken chain of wills indicating that she is entitled to a share of the Account Owners' accounts.⁷

Accordingly, Claimant [REDACTED 2] is entitled to one-half of the total award amount, or SF 564,091.38, and Claimant [REDACTED 1] is entitled to one-half of the total award amount, or SF 564,091.37. As noted above, Claimant [REDACTED 3] and Claimant [REDACTED 4] are not entitled to share in the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
17 March 2008

⁷ The CRT notes that [REDACTED], the wife of the Account Owners' son [REDACTED], would be entitled to a portion of the award amount under the Rules even absent the will of [REDACTED]. According to Article 23(1)(f) of the Rules, if a child of the account owner is deceased, that child's spouse but none of the child's descendants have submitted a claim, the child's spouse shall be considered a child of the account owner for the purposes of the award distribution. Claimant [REDACTED 1] provided [REDACTED]'s will, which clearly shows that Claimant [REDACTED 1] is her sole heir.