

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Walter Eric Friedrich

in re Account of Ada Perten

Claim Number: 501866/RS¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Prof. [REDACTED], formerly [REDACTED], (the “Claimant”) to the accounts of Ada Perten and Georg (George) Lenard.² This Award is to the unpublished account of Ada Perten (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his maternal grandmother, Ada (Adelheid) Perten, née Reimann, who was born on 9 November 1891 in Prague, Czechoslovakia (today the Czech Republic), and was married on 8 October 1912 in Vienna, Austria to Dr. [REDACTED]. The Claimant stated that Ada Perten had one daughter, [REDACTED], later [REDACTED] (the Claimant’s mother), who was born in 1913 in Vienna.

¹ In two separate decisions, the CRT awarded the accounts of Erich Frank and the accounts of Ernst Bachrach, Hedwig Bernstein and Cläre Falkenau to Claimant [REDACTED] (the “Claimant”). See *In re Accounts of Erich Frank* (approved on 29 May 2007); and *In re Accounts of Ernst Bachrach, Hedwig Bernstein and Cläre Falkenau* (approved on 30 May 2007).

In a letter dated 19 February 2009, the CRT indicated to the Claimant that it had reviewed his claim to the account of Ada Perten, which had been submitted after the deadline to file claims, but that it had not located an account belonging to Ada Perten 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”). That decision was not in error, as it referred solely to accounts located in the Account History Database. As indicated above, this decision is based upon information contained in outside sources, namely records received from the Austrian State Archives.

² The CRT did not locate an account belonging to [REDACTED] in the Account History Database.

According to the Claimant, Ada Perten, who was Jewish, resided in Vienna at Neulinggasse 36 until January 1939, when she fled to London, England, to join her daughter [REDACTED], her daughter's husband [REDACTED], and their child (the Claimant).

The Claimant indicated that Ada Perten committed suicide in 1953 in London.

In support of his claim, the Claimant submitted copies of documents, including: (1) his birth certificate, issued on 26 June 1937, indicating that [REDACTED] was born on 17 May 1937 in Vienna and that [REDACTED] and [REDACTED], née [REDACTED], were his parents; (2) an excerpt from an unpublished family history written primarily by [REDACTED], indicating that his family was Jewish, that the family resided in Vienna, that Ada Perten was his mother-in-law, that [REDACTED] fled Vienna in June 1938, and that his mother-in-law committed suicide in 1953 in London; and (3) copies of documents concerning Ada Perten's asset registration with the Nazi authorities in Vienna, which are further described below.

The Claimant indicated that he was born on 17 May 1937 in Vienna.

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 an account belonging to Ada Perten during their investigation of the Bank. The information regarding Ada Perten's account at the Bank was obtained from the Austrian State Archive by the Claimant and was forwarded to the CRT.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive, there are documents concerning the assets of Ada Perten, numbered 41371. These records indicate that she was born on 9 November 1891, that she resided at Neulinggasse 36 in Vienna, and that she was married to Dr. [REDACTED].

In her asset declaration, which she signed on 15 July 1938, Ada Perten declared securities worth 6,081.00 Reichsmark ("RM"), and jewelry, precious metal, art and other such objects with a total value of RM 415.00.

The asset declaration also indicates that Ada Perten held a custody account at the Bank, which contained 4% *British Funding Loan* bonds with a face value of 200.00 British Pound Sterling ("£"), and a market value of RM 2,810.86 as of 15 July 1938. According to her declaration, Ada Perten received permission from the *Devisenstelle Wien* (Foreign Exchange Office, Vienna) on 27 June 1938 to transfer these securities to her son-in-law, Dr. [REDACTED], as part of the

dowry for her daughter [REDACTED] (“[mit] Bewilligung der Devisenstelle Wien v. 27.VI.1938 (...) an meinen Schwiegersohn Dr. [REDACTED] als Heiratsgut meiner Tochter Franzl übertragen”). The records also contain a January 1939 update to her asset registration forms, indicating that the *British Funding Loan* bonds had been transferred to her son-in-law, and that they could no longer be considered to be her property. The records do not indicate whether Ada Perten’s custody account contained any other assets other than the *British Funding Loan* bonds.

The CRT notes that the Austrian State Archive records do not contain a 1938 Census record for [REDACTED], nor do they indicate whether [REDACTED] deposited the *British Funding Loan* securities at another financial institution.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s grandmother’s name, street address, and city and country of residence match unpublished information contained in the documents evidencing the account.

In support of his claim, the Claimant submitted documents, including an excerpt from a family history, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the 1938 Census records as the name and city of residence of the Account Owner.

The CRT notes that there are no other claims to this account.

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 she resided in Austria after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), and that she fled Vienna in January 1939 for England.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s grandmother. These documents include his own birth certificate, indicating that [REDACTED]’s parents were [REDACTED] and [REDACTED], née [REDACTED], and a family history, indicating that [REDACTED]’s mother was Ada Perten. The CRT notes that the Claimant indicated that he has another surviving relative, but that because he is not represented in the Claimant’s claim, the CRT will not treat his potential entitlement to the Account Owner’s account in this decision.

The Issue of Who Received the Proceeds

The Austrian Archive records indicate that the Account Owner held one custody account at the Bank. The records indicate that that account held *British Funding Loan* bonds, which were transferred some time between June 1938 and January 1939 to the Account Owner's son-in-law. The records do not, however, indicate whether other assets were held in the Account Owner's custody account, or the ultimate disposition of the Account Owner's account.

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that the Account Owner's account was reported in the 1938 Census; that the Account Owner lived in Austria until she fled to the United Kingdom after the *Anschluss*, and therefore could not have repatriated the account without losing ultimate control over its proceeds; and given the application of Presumptions (d) and (h), 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 the Account Owner was his grandmother, and that relationship justifies an Award. Third, 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 custody account which, as of 15 July 1938, contained 4% *British Funding Loan* bonds with a face value of £200.00. According to her asset declaration, Ada Perten received permission from the *Devisenstelle Wien* (Foreign Exchange Office, Vienna) on 27 June 1938 to transfer these securities to her son-in-law, Dr. [REDACTED], as part of the dowry for her daughter Franzl.

Although Ada Perten's asset declaration does not list any other assets held in this account, the CRT determines that it is unable to rely on the balance amounts declared in the 1938 Census as it has no evidence regarding the circumstances of the Account Owner's declaration; indeed, the Account Owner's 1938 Census declaration is the only source of information about the custody account. The CRT notes that, as evidenced in a number of cases, the Account Owner may not have declared all of her assets, or understated their value, in the belief that this might help her safeguard some of them. The CRT considers it plausible that the Account Owner may have had

assets of an unknown value remaining in her custody account following the transfer of the *British Funding Loan* bonds.

Accordingly, the CRT treats this account as an account of unknown value. 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 13,000.00 Swiss Francs (“SF”). 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 a total award amount of SF 162,500.00.

Certification of the Award

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

Claims Resolution Tribunal
29 September 2009