

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2],  
[REDACTED 3] and [REDACTED 4]

## **in re Accounts of Meta Schulz, Gustav Schulz and Hans Werner Schulz**

Claim Numbers: 400711/TC; 400713/TC; 400717/TC

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Meta Schulz (“Account Owner Meta Schulz”), Gustav Schulz (“Account Owner Gustav Schulz”), and Hans Werner Schulz (“Account Owner Hans Werner Schulz”) (together the “Account Owners”) at the Basel 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 Claim Forms identifying the Account Owners as his father, Hans (later John) Werner Schulz, his paternal grandfather, Gustav (Gustave) Schulz, and his paternal grandmother, Meta Schulz, née Fürst. The Claimant indicated that his father, who was Jewish, was born on 6 July 1918 in Mannheim, Germany, and was married to [REDACTED 4], née [REDACTED], on 17 March 1946 in New York, New York, the United States. The Claimant further indicated that his father left Mannheim as a child for Deal, New Jersey, the United States, in 1930. The Claimant further indicated that his father studied in Geneva, Switzerland, in 1935, and Spain and returned to the United States in 1936, when he changed his name from Hans Werner Schulz to John Werner Schulz.

According to the information provided by the Claimant, his grandfather was born on 21 October 1881 in Frankenthal, Germany, and was married on 29 August 1912 in Mannheim to Meta Schulz, who was born on 1 August 1892 in Zweibrücken, Germany. The Claimant indicated that his grandparents, who were Jewish, resided until approximately 1933 or 1934 in Mannheim, where his grandfather was an attorney. The Claimant further indicated that his grandparents fled to Strasbourg, France, from where they moved to New York in approximately 1936 or 1937. Finally, the Claimant indicated that his grandfather died in New York in approximately 1958,

that his grandmother died in New York in approximately 1966 and that his father died in New York on 13 April 1995.

In support of his claim, the Claimant submitted copies of various documents, including: (1) his grandparents' marriage certificate, indicating that Dr. Gustav Schulz and Meta Fürst, who were Jewish, were married on 29 August 1912 in Mannheim, and that Gustav Schulz, who was an attorney, was born on 21 October 1881 in Frankenthal, and that Meta Fürst lived in Mannheim, and was born on 1 August 1892 in Zweibrücken; (2) his grandfather's certificate of Bavarian citizenship, dated 11 October 1933, indicating that Dr. Gustav Schulz was an attorney and resided in Mannheim; (3) his grandmother's certificate of Bavarian citizenship, dated 11 October 1933, indicating that Meta Schulz, née Fürst, resided in Mannheim; (4) his grandparents' and his father's United States Certificates of Naturalization, containing their signatures; (5) his father's passport, indicating that John Werner Schulz was born on 6 July 1918 in Germany; (6) his own birth certificate, indicating that [REDACTED 1] was born on 12 December 1954 and that his father was John W. Schulz, who was born in Mannheim; (7) his grandmother's last will and testament, indicating that Meta Schulz had one child, John W. Schulz, and a daughter-in-law, [REDACTED 4], and that her son was her sole heir; and (8) his father's last will, indicating that John W. Schulz was married to [REDACTED 4] and had three children, [REDACTED 1], [REDACTED 3] and [REDACTED 2], and that his wife and children each were to inherit the maximum non-taxable amount under United States federal and state law as outright bequests, and that the remainder was to be put into a trust for the benefit of his children, in which [REDACTED 4] has a life interest.

The Claimant indicated that he was born on 12 December 1954 in New York. The Claimant is representing his mother, [REDACTED 4], née [REDACTED], who was born on 17 May 1922 in Vienna, Austria, his sisters [REDACTED 3], who was born on 23 April 1952 in New York, and [REDACTED 2], née [REDACTED], who was born on 5 July 1947, also in New York.

### **Information Available in the Bank's Records**

The Bank's records consist of two opening contracts, a letter dated 21 September 1934, a letter dated 2 September 1935, two correspondence cards, and an acknowledgement card. According to these records, the Account Owners were Dr. Gustav Schulz, Meta Schulz, née Fürst, and Hans Walter Schulz. The Bank's records indicate that Account Owner Gustav and Account Owner Meta Schulz resided at Viktoriastrasse 8, Mannheim, Germany, and that Account Owner Gustav Schulz was an attorney (*Rechtsanwalt*). The records indicate that Account Owner Hans Walter Schulz, who was born on 6 July 1918, resided at 68 Roosevelt Avenue in Deal, New Jersey, the United States, as of 21 September 1934, and at 16, Rue de Candolle in Geneva, Switzerland, as of 2 September 1935.

The Bank's records indicate that the Account Owners held two custody accounts, numbered 31664 and 38798. These records indicate that Account Owner Gustav Schulz and Account Owner Meta Schulz were joint Account Owners of account 31664, which was opened on 23 April 1923. These records further indicate that the Account Owners opened account 38798 on 21 September 1934, under the name of Hans Werner Schulz.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents consist of a letter from the Bank dated 4 May 1925 and an acknowledgement card, indicating that Account Owner Meta and Account Owner Gustav Schulz held a custody account at the Basel branch of the Bank.

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 these accounts in the Bank’s system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these account after 1945. There is no evidence in the Bank’s records that the Account Owners or their heirs closed the accounts 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 three claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s father’s and maternal grandparents’ names match the published names of the Account Owners. The Claimant identified Account Owner Gustav Schulz’s profession, Account Owner Meta Schulz’s maiden name, and their city and country of residence, as well as Account Owner Hans Werner Schulz’s date of birth and his cities and countries of residence, all of which match unpublished information about the Account Owners contained in the Bank’s records.

In support of his claim, the Claimant submitted documents, including copies of his grandparents’ marriage certificate and certificates of Bavarian citizenship, providing independent verification that the person who is claimed to be the Account Owner Gustav Schulz had the same name, a doctor’s title, the same profession and resided in the same city recorded in the Bank’s records as the name, title, profession and city of residence of the Account Owner Gustav Schulz, and that the person who is claimed to be the Account Owner Meta Schulz had the same name, the same maiden name and resided in the same city recorded in the Bank’s records as the name, maiden name and city of residence of the Account Owner Meta Schulz. Furthermore, the Claimant submitted a copy of his father’s passport, providing independent verification that the person who is claimed to be the Account Owner Hans Werner Schulz had the same date of birth recorded in the Bank’s records as the date of birth of the Account Owner Hans Werner Schulz.

The CRT notes that the signatures contained in John Schulz's passport, Meta Schulz's will, and Gustav Schulz's, Meta Schulz's, and John Werner Schulz's United States Certificates of Naturalization match the signatures of the Account Owners contained in the Bank's records. The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different spouse's name than the spouse's name of the Account Owner Gustav Schulz, and did not identify Account Owner Meta Schulz and Account Owner Hans Werner Schulz.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that Account Owner Gustav Schulz and Account Owner Meta Schulz fled Nazi Germany for France in 1933 or 1934. The Claimant further stated that Account Owner Hans Werner Schulz left Germany in 1930 for the United States and returned to Europe to study, but did not return to Germany in order to avoid Nazi persecution.

#### The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's father and grandparents. These documents include his grandparents' marriage certificate, indicating that Gustav Schulz and Meta Schulz, née Fürst, were married, his grandmother's last will and testament, indicating that Meta Schulz had one child, John W. Schulz, and a daughter-in-law, [REDACTED 4], his own birth certificate, indicating that John W. Schulz was the father of [REDACTED 1], and his father's last will, indicating that John W. Schulz was married to [REDACTED 4] and had three children, [REDACTED 1], [REDACTED 3] and [REDACTED 2]. There is no information to indicate that the Account Owners have surviving heirs other than the parties whom the Claimant is representing.

#### The Issue of Who Received the Proceeds

Given that Account Owners Meta and Gustav Schulz were Jewish and resided in Nazi Germany, that they fled to France and the United States; that there is no record of the payment of Account Owners Meta and Gustav Schulz's accounts to them nor any record of a date of closure of the accounts; that Account Owners Meta and Gustav Schulz and their 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 (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 Account Owners Meta and Gustav Schulz or their heirs.

The CRT notes that the Bank's records and the information provided by the Claimant indicate that Account Owner Hans Werner Schulz resided outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed, that Account

Owner Hans Werner Schulz originally resided in Germany, that Account Owner Hans Werner Schulz may have had relatives remaining in Nazi Germany and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that Account Owner Hans Werner Schulz and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 (h) and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Hans Werner Schulz, 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 and the represented parties. 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 Owners were the father and maternal grandparents of himself and represented parties [REDACTED 3] and [REDACTED 2], and spouse and parents-in-law of represented party [REDACTED 4], and those relationships justify 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.

#### Amount of the Award

In this case, the Account Owners held two custody accounts. 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"), in sum SF 26,000.00 for the two accounts. 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 for SF 325,000.00.

#### Division 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. In this case, the Claimant did not submit Account Owner Gustav Schulz's will; however, the Claimant submitted Account Owner Meta Schulz's will, indicating that Meta Schulz's son Hans (John) Werner Schulz was the sole heir of Meta Schulz's estate. Given that Hans (John) Werner

Schulz was Meta Schulz's and Gustav Schulz's only child, Hans (John) Werner Schulz is assumed to have been the heir of their accounts after Meta Schulz's and Gustav Schulz's deaths.

The Claimant also submitted Account Owner Hans Werner Schulz's will, indicating that John W. Schulz's wife [REDACTED 4] and their children, [REDACTED 1], [REDACTED 3] and [REDACTED 2] are the heirs to his estate. In this case, the Claimant is representing his mother, [REDACTED 4], née [REDACTED], his sister [REDACTED 3] and his sister [REDACTED 2], née [REDACTED]. Accordingly, the Claimant, represented party [REDACTED 4], represented party [REDACTED 3], and represented party [REDACTED 2] are each entitled to one-fourth of the total award amount.<sup>1</sup>

### **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 his claims 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  
24 September 2008

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<sup>1</sup> The CRT notes that under John Schulz's will, [REDACTED 4], [REDACTED 1], [REDACTED 3], and [REDACTED 2] were each to inherit the maximum untaxable amount under United States federal and state law as outright bequests, and that the remainder was to be put into a trust in the benefit of [REDACTED 1], [REDACTED 3], and [REDACTED 2], in which [REDACTED 4] has a life interest. The CRT notes that it is not possible to award the accounts as such, but that applying the CRT's guidelines for distribution in the absence of a will or other inheritance documents would not allow represented party [REDACTED 4] to receive a share of the award, despite the clear intention of John Werner Schulz to include both his wife and his children in his estate. The CRT therefore determines that awarding represented party [REDACTED 4], the Claimant, represented party [REDACTED 3], and represented party [REDACTED 2] each a one-fourth share, follows the intent of John Werner Schulz and is consistent with the principles of fairness and equity, as stipulated in Article 23(2)(c) of the Rules Governing the Claims Resolution Process, as amended (the "Rules").