

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Magdalena Udjbinac
also acting on behalf of Brankica Kontic-Drašćic and Mirjana Preis

in re Account of Gyula Singer

Claim Number: 219390/OW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Magdalena Udjbinac, née Preis, (the “Claimant”) to the published account of Gyula Singer (the “Account Owner”), over which Livia Singer and Pal Lukacs (the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).¹

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 grandfather’s cousin, Gyula Singer, who was born in 1904 in Sredisce, Yugoslavia (today Croatia), to Hermina and Sigmund Singer, the Claimant’s great-grandfather’s brother. According to the Claimant, Gyula Singer was the cousin of her grandfather, Edmund Preis. The Claimant indicated that her relative, who was Jewish, resided in Budapest, Hungary, and often traveled to Switzerland on business trips. In a telephone conversation with the CRT on 24 June 2004, the Claimant indicated that Gyula Singer had three sisters and a brother, and that they all perished in May 1944 in Auschwitz. According to the Claimant, her father, Ladislav Preis, who died in 1994 in Zagreb, Croatia, was, after the death Olga Singer (the cousin of Gyula Singer and Edmund Preis), the only survivor of the entire extended family. The Claimant submitted a detailed family tree, a copy of her father’s inheritance certificate, indicating that his name was Ladislav Preis, and a copy of the death certificate of Olga Singer, indicating that Olga Singer, who was born on 13 March 1893 in Budapest, died on 10 May 1982, also in Budapest.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Gyula Singer is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account.

The Claimant indicated that she was born on 9 February 1948 in Murska Sobota, Slovenia. The Claimant is representing her sisters, Brankica Kontic-Draščic, née Preis, who was born on 30 October 1949, and Mirjana Preis, who was born on 1 March 1952, both in Murska Sobota.

Information Available in the Bank's Records

The Bank's records submitted by 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") consist of a power of attorney form, signed on 19 October 1934 in Budapest, Hungary, and printouts from the Bank's database. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about the Account Owner's assets ("Voluntary Assistance"). On 16 November 2005, the Bank provided the CRT with an additional document. This document consists of an additional power of attorney form, signed on 30 May 1939 in Zurich, Switzerland.

According to the Bank's records, the Account Owner was Gyula Singer, who resided in Budapest. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records further indicate that the Account Owner granted power of attorney over his account on 19 October 1934 to Livia Singer, who was married to Pal Lukacs. These records also indicate that the Account Owner granted another power of attorney to Pal Lukacs on 30 May 1939. The power of attorney in favor of Pal Lukacs was cancelled on 5 April 1943.

The Bank's records do not show when the account was closed, nor do these records indicate the value of the account. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's relative's name, city, and country of residence match the published name, city, and country of residence of the Account Owner. Although the Claimant did not identify the Power of Attorney Holders, who appear to have been related to the Account Owner, the CRT notes that the Claimant and her sisters were born after the Second World War, and the CRT determines that it is plausible that the Claimant and her sisters would not know the Power of Attorney Holders' names. The CRT notes that the name Gyula Singer 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 (the "ICEP List"). The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city and country of

residence than the city and country of residence of the Account Owner. 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 the Account Owner was Jewish, and that he and his family perished in May 1944 in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather's cousin. These documents include a detailed family tree. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The CRT further notes that the Claimant submitted a copy of Olga Singer's death certificate. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess, and which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Budapest. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-allied Hungary; that the Account Owner and his family perished in Auschwitz; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account 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), (i) 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, the Power of Attorney Holders, 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 the Claimant and her sisters, whom she represents. 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 her grandfather's cousin, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of the 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). The present 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 49,375.00.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her sisters, Brankica Kotic-Drašćic, and Mirjana Preis. Accordingly, the Claimant and represented parties Brankica Kotic-Drašćic and Mirjana Preis are each entitled to receive one-third 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 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
3 March 2006