

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Accounts of Wilhelm Fromm and Heinrich Fromm

Claim Number: 782797/AK²

Award Amount: 405,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Wilhelm Fromm. This award is to the published accounts of Wilhelm Fromm (“Account Owner Wilhelm Fromm”) and Heinrich Fromm (“Account Owner Heinrich Fromm”) (together the “Account Owners”) 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 an Initial Questionnaire, identifying Account Owner Wilhelm Fromm as her father, Wilhelm Fromm, who resided at Wallgasse 14 in Würzburg, Germany. The Claimant stated that her father was Jewish, that he owned a wine and liquor business, and that his assets were looted by the German authorities in 1938.

In a telephone conversation with the CRT on 5 July 2005, the Claimant’s daughter, [REDACTED], stated that the Claimant, who passed away in 2000, was the daughter of Wilhelm Fromm and [REDACTED]. [REDACTED] further stated that Wilhelm Fromm and his brother, Heinrich Fromm, who also was Jewish, were both wine merchants residing in Würzburg. The Claimant’s daughter, [REDACTED], referred the CRT to the Claimant’s obituary, published in

¹ In a telephone conversation with the CRT on 5 July 2005, the Claimant’s daughter, [REDACTED], informed the CRT that the Claimant died in 2000, and [REDACTED], also the Claimant’s daughter, forwarded a copy of her mother’s last will and testament.

² [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0502-147, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of IQ Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 782797.

the *Rochester Chronicle* on 6 January 2000, which indicates that the Claimant married Rabbi [REDACTED] on 9 December 1937, that they fled Germany shortly after the Night of the Broken Glass (*Kristallnacht*) in November 1938, and that they fled first to the Netherlands, then to England, and eventually to the United States, where they arrived in 1942.

[REDACTED] further indicated that she has two sisters, [REDACTED] and [REDACTED]. [REDACTED] submitted additional documents in support of her mother's claim, including: (1) the last will and testament of Wilhelm (Wolf) Fromm, dated 12 March 1925, indicating that he was married to [REDACTED], née [REDACTED]; (2) two certificates of inheritance, indicating that Wolf Fromm was a merchant from Würzburg, that he died on 18 April 1939, that his wife, [REDACTED], had been declared dead as of 31 December 1945, and that their sole heir was their daughter, [REDACTED], née [REDACTED]; (3) the Claimant's German passport, indicating that the [REDACTED], née [REDACTED], was born in Würzburg on 27 June 1911; (4) her own birth certificate, indicating that she was born on 25 May 1942 in Atlanta, Georgia, the United States to [REDACTED] and [REDACTED], and that [REDACTED] was born in Wuerzburg, Germany; and (5) the Claimant's last will and testament, indicating that the Claimant's three daughters, [REDACTED], [REDACTED], and [REDACTED] are entitled to equal shares of her residual estate.

The Claimant indicated that she was born on 27 June 1911 in Würzburg.

Information Available in the Bank's Records

Account Owner Wilhelm Fromm

The Bank's record consists of a customer card. According to this record, Account Owner Wilhelm Fromm was Wilhelm Fromm, who resided in Würzburg, Germany. The Bank's record indicates that Account Owner Wilhelm Fromm held one custody account, numbered L41191, and one demand deposit account.

The Bank's record indicates that the custody account was closed on 22 September 1938. The amount in the custody account on the date of its closure is unknown. The Bank's record further indicates that the demand deposit account was closed, but the closure date is not recorded. The balance of the demand deposit account is not known. 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") indicated that there was no evidence of activity on the demand deposit account after 1945.

There is no evidence in the Bank's record that Account Owner Wilhelm Fromm or his heirs closed the accounts and received the proceeds themselves.

Account Owner Heinrich Fromm

The Bank's record consists of a customer card. According to this record, Account Owner Heinrich Fromm was Heinrich Fromm, who was a wholesale wine merchant residing in Würzburg. The Bank's record indicates that Account Owner Heinrich Fromm owned one custody account, numbered L41189, and two demand deposit accounts.

The Bank's record indicates that the custody account was closed on 25 January 1935, and that the demand deposit accounts were closed on 20 June 1933 and 30 November 1933. The amounts in these accounts on the date of their respective closure are unknown. There is no evidence in the Bank's record that Account Owner Heinrich Fromm or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's father's name and country of residence match the published name and country of residence of Account Owner Wilhelm Fromm. The Claimant's uncle's name and country of residence match the published name and country of residence of Account Owner Heinrich Fromm. The Claimant identified the Account Owners' city of residence, which matches unpublished information about the Account Owners contained in the Bank's records. Moreover, the Claimant identified Heinrich Fromm's profession, which matches unpublished information about Account Owner Heinrich Fromm contained in the Bank's records.

In support of her mother's claim, [REDACTED] submitted documents, including her grandparents' last will and testament, indicating that her grandfather, Wilhelm Fromm, resided in Würzburg, providing independent verification that the person who is claimed to be Account Owner Wilhelm Fromm had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner Wilhelm Fromm.

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

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Wilhelm Fromm was a Victim of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that they resided in Nazi Germany, and that Account Owner Wilhelm Fromm's assets were looted by the German authorities after 1938. The CRT notes that Account Owner Wilhelm Fromm died in April 1939, and that his wife was declared dead as of 31 December 1945, indicating that she perished during the Holocaust.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Wilhelm Fromm by submitting specific information and documents, demonstrating that Account Owner Wilhelm Fromm was her father. These documents include a certificate of inheritance, indicating that the Claimant was Wilhelm Fromm's daughter.

With respect to Account Owner Heinrich Fromm, the CRT notes that the Claimant's daughter, [REDACTED], stated that Account Owner Heinrich Fromm was Account Owner Wilhelm Fromm's brother, and that she identified unpublished information about Account Owner Heinrich Fromm as contained in the Bank's records. The CRT further notes that the Claimant's daughter, [REDACTED], submitted certificates of inheritance, which provide independent verification that the Claimant's relatives bore the same family name as Account Owner Heinrich Fromm and that they resided in Würzburg. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Heinrich Fromm was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant was related to Account Owner Heinrich Fromm.

There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that Account Owner Wilhelm Fromm held one demand deposit account, which was closed on an unknown date, and one custody account, which was closed on 22 September 1938. These records also indicate that Account Owner Heinrich Fromm held one custody account, which was closed on 25 January 1935, and two demand deposit accounts, which were closed on 20 June 1933 and 30 November 1933, respectively.

With respect to the accounts of Account Owner Wilhelm Fromm, given that his assets were looted by the German authorities in 1938; that he died in 1939, and that the Claimant, his daughter and sole heir, fled Germany in 1938; that there is no record of the payment of Account Owner Wilhelm Fromm's accounts to him; that Account Owner Wilhelm Fromm and his heirs would not have been able to obtain information about his 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 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 Account Owner Wilhelm Fromm or his heirs.

With respect to the accounts of Account Owner Heinrich Fromm, given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no evidence that Account Owner Heinrich Fromm fled Germany and that his fate is unknown; that the assets of Account Owner Heinrich Fromm's brother, Account Owner Wilhelm Fromm, who was in the

same business and resided in the same town, were looted by the German authorities; that there is no record of the payment of Account Owner Heinrich Fromm's accounts to him; that Account Owner Heinrich Fromm 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; given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules and Appendix C,³ the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Heinrich Fromm 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 and her daughters have plausibly demonstrated that Account Owner Wilhelm Fromm was the Claimant's father, and that Account Owner Heinrich Fromm was her uncle, 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, Account Owner Wilhelm Fromm held one custody account and one demand deposit account, and Account Owner Heinrich Fromm held one custody account and two demand deposit 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"), and the average value of a demand deposit account was SF 2,140.00. Therefore, the total 1945 average value of the five accounts at issue was SF 32,420.00. 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 405,250.00.

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).

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

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

Claims Resolution Tribunal
14 December 2005