

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Samuel Goldschmidt

Claim Numbers: 208847/AG

Award Amount: 14,880.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the Claimant) to the account of Samuel Goldschmidt (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the name 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 father, Samuel Goldschmidt, who was born on 30 May 1869 in Herleshausen-Eschwege, Germany, and was married to [REDACTED], née [REDACTED], on 27 March 1900 in Berlin-Charlottenburg, Germany. The Claimant stated that his father, who was a businessman, lived in Berlin with his family until 1933. The Claimant also stated that in 1933 the Nazis took over all of their possessions, including their house at Schwanweirder in Berlin, and the Claimant’s father and family, who were Jewish, fled to Paris, France. The Claimant indicated that Samuel and [REDACTED] Goldschmidt had three children: [REDACTED], born in Berlin, who perished in 1945 in Auschwitz; [REDACTED], née [REDACTED], also born in Berlin, who died in 1966 in Cannes, France; and the Claimant, who stated that he is his parents’ sole surviving heir. The Claimant stated that his mother died on 17 May 1929 in Berlin, and that his father died on 18 November 1940 in Nice, France.

In support of his claim, the Claimant submitted a notarized document dated 28 February 1992, which states that Samuel Goldschmidt owned real estate on Friedrichstrasse 203 and Schützenstrasse 78 in Berlin that was confiscated by the Nazis. The document also states that Samuel Goldschmidt had three children, and that two of them had already passed away, leaving [REDACTED] as the only surviving heir. The Claimant also submitted a family book of Samuel Goldschmidt dated 27 March 1900, indicating that he was a businessman who resided in Berlin,

the Claimant's marriage certificate and a family tree in support of his claim. The Claimant stated that he was born on 27 August 1913 in Berlin.

Information Available in the Bank Record

The bank record consists of an opening card. According to this record, the Account Owner was Samuel Goldschmidt who resided in Berlin-Wannsee, Germany. The bank record indicates that the Account Owner held a safe deposit box account, numbered 2123, which was opened on 27 December 1930, and was closed on 18 November 1933 unknown by whom. The contents of the safe deposit box are unknown. There is no evidence in the bank record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The Claimant also identified his father's city of residence as Berlin, which matches unpublished information about the Account Owner contained in the bank record. The CRT notes that the only other claim to this account was disconfirmed because the country of residence provided by that claimant did not match the country of residence of the Account Owner as listed in the bank records.

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 all of his possessions were confiscated by the Nazis in 1933, and that he was forced to flee Germany to escape Nazi persecution. In addition, the Claimant stated that one of the Account Owner's children was killed in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner is his late father. There is no information to indicate that the Account Owner has other surviving heirs, and the Claimant submitted a notarized document stating that he is the sole surviving heir.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks, the Account Owner's property was confiscated by the Nazis in 1933, the account was closed by an unknown entity in 1933, and the

application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner 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 has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one safe deposit box. 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 present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a safe deposit box account was 1,240.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 14,880.00 Swiss Francs.

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 his claim 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
May 15, 2003

¹ Appendix C appears on the CRT II website -- www.crt.ii.org.