

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Pavla Matysova
also acting on behalf of Jan Klaus and Robert Klaus

in re Account of Max Klaus

Claim Number: 216845/MD

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Pavla Matysova, née Klausova, (the “Claimant”) to the account of Max Klaus (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 great-uncle, Maxmilian (or Max) Klaus, who was born on 30 July 1871 in Roudnice, then Austria-Hungary, the son of Salomon and Rose Klaus. The Claimant stated that her great-uncle was a senior bank employee (*Bankprokurist*), and the manager of the Wilson Railway Station in Prague, Czechoslovakia. The Claimant explained that although Max Klaus lived in Prague, he was a German national. The Claimant explained that Max Klaus was the brother of the Claimant’s paternal grandfather, Robert Klaus. According to the family tree provided by the Claimant, Robert Klaus had one child, Jindrich, also known as Heinz, and Jindrich (Heinz) Klaus had three children: the Claimant, Jan, and Robert.

The Claimant stated that Max Klaus was not married and did not have any children. The Claimant further stated that Max Klaus, who was Jewish, was deported in 1942 to the Theresienstadt concentration camp, where he perished.

In support of her claim, the Claimant submitted birth certificates of Max Klaus, Robert Klaus, Jindrich (Heinz) Klaus, her own birth certificate, a document issued by the Jewish community in Prague certifying that the Claimant’s grandparents were Jewish and perished in the Holocaust, and a document issued by the Ministry of Interior dated 26 November 1945, certifying that Heinz Klaus was a German national.

The Claimant stated that she was born on 3 November 1946 in Prague. The Claimant is representing her brother, Jan Klaus, who was born on 4 December 1944 in Prague, and her half-brother, Robert Klaus, who was born on 5 October 1958 in Vejprty, Czechoslovakia.

Information Available in the Bank Record

The bank record consists of a list of accounts reported in the 1945 freeze of German assets in Switzerland. According to this record, the Account Owner was Max Klaus, who was a German national. The bank records indicate that the Account Owner held an account of unknown type. The balance of the account was 9.00 Swiss Francs on 17 February 1945. The account was closed by bank fees and charges (*Durch Spesen der Bank saldiert*) on 31 January 1950.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her great-uncle's name matches the published name of the Account Owner. Furthermore, the Claimant identified the Account Owner as a German national, and this information is consistent with the published information about the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and nationality. The CRT also notes that a database containing the names of victims of Nazi persecution includes a person named Max Klaus, and indicates that his date of birth was 30 July 1871, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, 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, who was Jewish, was deported to the Theresienstadt concentration camp, where he perished. As noted above, a person named Max Klaus was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her birth certificate and birth certificates of her relatives, demonstrating that the Account Owner was her great-uncle. There is no information to indicate that the Account Owner has surviving heirs, other than the Claimant's brother and her half-brother, whom the Claimant represents.

The Issue of Who Received the Proceeds

The bank records indicate the account was closed by bank fees and charges (*Durch Spesen der Bank saldiert*) on 31 January 1950.

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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her great-uncle, and that relationship justifies an Award. Finally, the CRT has determined 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 had one account of an unknown type. The bank records indicate that the value of the account as of 17 February 1945 was 9.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

The Claimant is representing her brother, Jan Klaus, and her half-brother, Robert Klaus, in these proceedings. According to Article 23 of the Rules, Jan and Robert Klaus are each entitled to receive one-third of any payment made to the Claimant.

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

March 28, 2003

